

IN THE CIRCUIT COURT OF THE
2ND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA

IN RE:

Case Number 2022-CA-538

PING AN FINANCIAL SERVICES PTE. LLC,
a Florida Limited Liability Company.

800386057648

ORDER GRANTING MOTION FOR TEMPORARY INJUNCTION

This matter comes before the Court upon PING AN FINANCIAL SERVICES PTE. LLC, ("PAFL") by its sole Member PING AN FINANCIAL SERVICES, LTD.'s ("PALTD") Motion for a Temporary Injunction Without Notice (referred to herein as the "Motion") and Florida Rule of Civil Procedure 1.610. The Court, having carefully reviewed the Verified Complaint, the Motion, having noted the FLORIDA DEPARTMENT OF STATE, DIVISION OF CORPORATIONS lack of opposition to the Motion, and otherwise being fully advised in the premises, finds that a Temporary Injunction is appropriate under the circumstance and states as follows:

1. This order pertains to the Plaintiff and Defendant JAYSON LOPEZ ("LOPEZ"). The Plaintiff represents that the FLORIDA DEPARTMENT OF STATE, DIVISION OF CORPORATIONS ("DOSDOC") is on notice and does not oppose the entry of an injunction.

2. This Court has jurisdiction over the subject matter and the parties.

3. The Court has reviewed the Plaintiff's verified complaint, its motion for an *ex parte* injunction, and the law argued by its counsel.

4. The criteria for an injunction to issue are well-established:

Before issuing a temporary injunction, a trial court must determine that the petition or pleadings demonstrate a *prima facie*, clear legal right to the relief requested. *Sz*

Johns Inv. Mgmt. Co. v. Albaneze, 22 So. 3d 728, 731 (Fla. 1st DCA 2009). To demonstrate a prima facie case for a temporary injunction, the petitioner must establish four factors: (1) the likelihood of irreparable harm; (2) the unavailability of an adequate remedy at law; (3) a substantial likelihood of success on the merits; and (4) that a temporary injunction would serve the public interest. *Id.* The petitioner has the burden of providing competent, substantial evidence satisfying each of these elements. *Id.*

SunTrust Banks, Inc. v. Cauthon & McGuigan, PLLC, 78 So. 3d 709, 711 (Fla. 1st DCA 2012).

5. To grant an injunction, the Court must make findings in and as to each of the four criteria. *See* Fla. R. Civ.P. 1.610(c) (“Every injunction shall specify the reasons for entry, shall describe in reasonable detail the act or acts restrained without reference to a pleading or another document, and shall be binding on the parties to the action, their officers, agents, servants, employees, and attorneys and on those persons in active concert or participation with them who receive actual notice of the injunction.”).

6. In all cases, a Court has discretion as to issuing an injunction:

Finally, with regard to the substantive challenges to the injunctive portions of the non-final order properly before us, “[a] trial court has wide discretion to grant or deny a temporary injunction, and an appellate court will not interfere with the exercise of such discretion unless the party challenging the grant or denial clearly shows an abuse of that discretion.” *T.J.R. Holding Co., Inc. v. Alachua Cnty.*, 617 So. 2d 798, 801 (Fla. 1st DCA1993); *see also Groff G.M.C. Trucks, Inc. v. Driggers*, 101 So. 2d 58 (Fla. 1st DCA 1958).

AAOEP USA, Inc. v. PEX German OE Parts, LLC, 202 So. 3d 470, 472 (Fla. 1st DCA 2016).

7. PAFL and PAITD seek an injunction to stop LOPEZ from representing to others that he is a manager, member, owner, or can otherwise bind PAFL, and to prevent Lopez from engaging in fraudulent conduct which would cause Plaintiff irreparable harm without an adequate remedy at law.

PAFL Is Entitled to a Temporary Injunction

8. Because PAFL’s evidence establishes the four necessary elements, it is entitled to

a preliminary injunction against LOPEZ and DOSDOC.

9. First, PAFL has suffered and will continue to suffer irreparable harm if LOPEZ continues to represent to the world that he can bind PAFL as an authorized party; let alone owner or manager.

10. Second, there is no adequate remedy at law to compensate PAFL as each entity that does business with LOPEZ under the apparent authority provided by www.sunbiz.org will not only have the ability to seek equitable and legal relief against PAFL, but the reputational damage to PAFL will be enormous. Notably due to the related Criminal Proceeding (See *United States of America v. Christopher Knight Lopez and Jayson Lopez*, in the United States District Court for the Southern District of Texas, Houston Division, under Criminal Case No.: 4:21-cr-301), the mere affiliation of LOPEZ with PAFL creates imminent and irreparable harm.

11. Third, PAFL is likely to succeed on the merits of its claims because the Articles of Organization and the Operating Agreement both reflect PAFLTD is the one hundred percent (100%) owner of PAFL, and even where LOPEZ was listed initially as a manager, the documents provide he was properly removed via resolution and has no remedy thereon.

12. Finally, it is in the public interest to ensure that www.sunbiz.org properly and accurately reports the ownership and authorized parties vis-à-vis an entity registered to do business in Florida. Clearly allowing the use of the Department of State to commit fraud is not in the best interests of the public.

Likelihood of Immediate and Irreparable Harm

13. PAFL is entitled to a temporary injunction as it has suffered and is likely to continue to suffer an immediate and irreparable harm. As indicated in the Verified Complaint, millions of dollars have already been associated with PAFL by LOPEZ; which funds were seized under a

forfeiture action related to the Criminal Proceeding.

No Adequate Remedy at Law

14. When dealing with a business like PAFL:

The remedy at law, an action for damages, would be inadequate because of the difficulty in determining how many sales were lost and what the profit on each such lost sale would have been. Thus, damages are said to be speculative and unascertainable. The harm is therefore irreparable and the remedy at law inadequate.

Zimmerman v. D.C.A. at Welleby, Inc., 505 So. 2d 1371, 1373 (Fla. 4th DCA 1987).

15. Noting there is a damages claim against LOPEZ, said damages would not adequately compensate PAFL as the reputational damage to PAFL would be infinite.

Likelihood of Success on the Merits

16. PAFL was formed with PALTD as the one hundred percent (100%) owner; that is undisputed.

17. The operating agreement for PAFL shows PALTD as the one hundred percent (100%) owner; that is undisputed.

18. The operating agreement for PAFL allowed PALTD to remove LOPEZ as Manager, that is undisputed.

19. PALTD removed LOPEZ as Manager, that is undisputed.

20. Most of LOPEZ's filings on www.sunbiz.org are simply "bare-bones" with no factual explanation.

21. LOPEZ's filings did not provide a legal or factual basis to even consider a *munim pro tunc* amendment of PAFL's the corporate documents and filings.

22. The corporate documents and filings of PAFL support PAFL's claim.

An Injunction is Consistent with the Public Interest

23. The interest of the public must also be considered when entering a mandatory injunction. *Chicago Title Ins. Agency of Lee County, Inc. v. Chicago Title Ins. Co.*, 560 So. 2d 296, 298 (Fla. 2d DCA 1990) (emphasis added). “However, the presence or absence of a public interest is ordinarily not a consideration, let alone outcome determinative, in actions that solely affect the rights of private parties to the action.” *See, e.g., Kellerman v. Chase & Co.*, 135 So. 127 (Fla. 1931) (affirming issuance of mandatory injunction to enforce contract for purchase and delivery of tomato crop pursuant to private agreement between parties).

24. In this case, a preliminary injunction would affirmatively serve the public interest by protecting the public from confusion over any apparent authority of LOPEZ.

BOND

25. PAFL shall post a bond in the amount of ten-thousand dollars (\$10,000.00) and shall deposit same within five (5) days of this Order. Said Bond shall remain in place until such time as this controversy is resolved or further order of this Court.

CONCLUSION

26. The Court finds PAFL and PALTD have met their burden.

27. The motion, the verified complaint, and accompanying exhibits establish that *ex parte* relief is warranted. The motion includes an appropriate certification by movant’s attorney as to why notice to LOPEZ should not be provided, pursuant to Rule 1.610 (a)(1)(B) of the Florida Rules of Civil Procedure. It appears from the motion, the verified complaint, and accompanying exhibits that immediate and irreparable injury, loss, or damage could result before LOPEZ can be heard in opposition.

28. Based upon LOPEZ’s apparent pattern of improper responsive filings on www.sunbiz.org, the need to prevent additional harm to the public necessitates immediate action

in the form of injunctive relief without notice. In addition, the Court finds there is a substantial likelihood that LOPEZ may simply file another wrongful document on www.sunbiz.org if noticed.

29. Based on these findings, the motion for temporary injunction without notice is **GRANTED**.

TEMPORARY INJUNCTION

30. IT IS HEREBY ORDERED that a Temporary Injunction is issued, as follows:
- a. Declaring that until further Order of this Court, PING AN FINANCIAL SERVICES, LTD. is the sole member and manager of PING AN FINANCIAL SERVICES PTE, LLC;
 - b. Declaring that until further Order of this Court, JAYSON LOPEZ has no relationship whatsoever to PING AN FINANCIAL SERVICES PTE, LLC;
 - c. Mandatorily enjoining LOPEZ from filing anything regarding PAFL or PALTD with www.sunbiz.org or the FLORIDA DEPARTMENT OF STATE, DIVISION OF CORPORATIONS
 - d. Authorizing PING AN FINANCIAL SERVICES PTE, LLC from filing records with www.sunbiz.org that reflect PING AN FINANCIAL SERVICES, LTD. as the sole member and manager and to have Frank Smith, Esq. as the registered agent and authorized person; and,
 - e. Prohibitively enjoining until further Order of this Court, JAYSON LOPEZ, directly or indirectly, from filing anything in any forum/media, or making any representations, indicating he is in any way, shape, or form, connected with PING AN FINANCIAL SERVICES PTE, LLC.

NON-INTERFERENCE BY LOPEZ

31. IT IS FURTHER ORDERED that LOPEZ is hereby temporarily restrained and enjoined from taking any action, directly or indirectly, on www.sunbiz.org as to PAFL.

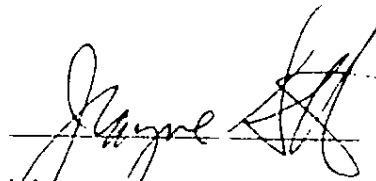
SERVICE AND NOTICE OF ORDER

32. IT IS FURTHER ORDERED that copies of this Order may be served by Counsel for PAFL and PALTD, or any state or federal law enforcement agency, or by private process server, by any means, including, facsimile transmission, electronic mail, personal or overnight delivery, first class mail, electronic messaging service, or text message, on FLORIDA DEPARTMENT OF STATE, DIVISION OF CORPORATIONS and JAYSON LOPEZ.

GENERAL PROVISIONS

33. IT IS FURTHER ORDERED that:
- a. This Court retains jurisdiction of this matter for all purposes, including the construction, modification and/or enforcement of this Order.
 - b. A hearing shall be held within FIVE (5) days after JAYSON LOPEZ applies for a hearing on a motion to dissolve or modify the temporary equitable relief granted by the Court, as computed under Rule 1.090 of the Florida Rules of Judicial Administration.
 - c. This Court may Order such other, further, and different relief as may be deemed just, proper, and equitable under the circumstances.

DONE and ORDERED on April 14, 2022.



J. Layne Smith
Circuit Judge

Copies furnished via the Eportal