

P07000105966

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

SUNLAND DISTRIBUTION OF FLORIDA, INC.,
a Corporation,

Plaintiff,

v.

Case No.: 2022-CA-002495

ROGERIO CHAVES SCOTTON
an Individual,


6:00:39.34 PM 8/19/22

Defendant.

ORDER GRANTING TEMPORARY INJUNCTION

THIS CAUSE came before the Court on July 26, 2022, upon the Verified Emergency Motion for Temporary Injunction filed by Plaintiff, SUNLAND DISTRIBUTION OF FLORIDA, INC. ("Plaintiff"), by and through its undersigned counsel, against Defendant ROGERIO CHAVES SCOTTON ("Defendant"). Upon *ex parte* hearing without notice attended by Kristen M.J. Johnson, counsel for Plaintiff, having heard argument of counsel and in consideration of the Motion, which is further supported by the Verified Complaint, and the documents placed on the Court record, the Court finds that a temporary injunction should be issued in this cause.

1. Pursuant to Florida Rule Civil Procedure 1.610(a), this Court may issue a temporary injunction without written or oral notice to the adverse party. This Court is satisfied that the Plaintiff has met the necessary showing for such *ex parte* relief because it appears from the specific facts shown by verified pleading that Plaintiff will suffer immediate and irreparable injury, loss, or damage before the Defendant can be heard in opposition and the movant's attorney has certified through verified motion and pleading the reasons why notice should not be required.

2. Pursuant to Florida Rule of Civil Procedure 1.610(a)(2), this order is hereby entered as of July 26, 2022 at 9:45 ~~a.m.~~  Eastern Time, continuing until further order is entered by this Court.

3. Pursuant to Florida Rule of Civil Procedure 1.610(b), Plaintiff's attorney has verified in writing that notice to Defendant is not required at this time since doing so would cause more irreparable harm to Plaintiff.

4. The Court makes the following findings of fact in support of its determination that the injury may be irreparable, and that notice should not be required:

- a. On April 25, 2022, Defendant Scotton, without legal authority, submitted a fraudulent filing of Articles of Amendment to Articles of Incorporation of Sunland Distribution of Florida, Inc. (the "Articles"), which:
 - i. changed Plaintiff's name to Sun & Land Distribution of Florida 4U Inc.;
 - ii. changed Plaintiff's registered agent to Visconde Sabugoso;
 - iii. removed Plaintiff's officers and directors and added Defendant Scotton as the new CEO/President;
- b. On April 25, 2022, Defendant Scotton, without legal authority, filed the above documentation fraudulently representing that Guy Wortelman signed the Articles and Visconde Sabugoso, a Brazilian fictional folklore character, was the point of contact;
- c. On July 18, 2022, Plaintiff filed a police report concerning Defendant Scotton's fraudulent filing;
- d. Defendant is presently representing himself as the president of Plaintiff's business;

- e. Defendant has a record of fraudulent behavior and recently was released from prison after serving a nine-year sentence for mail fraud and lying to immigration officials; and
- f. Defendant is attempting to present a company in the likeness of Plaintiff and risks undermining all aspects of Plaintiff's operation and defrauding Plaintiff's vendors, customers, banks, the public, and the State of Florida.

5. The Court makes the following findings of fact and law to support that Plaintiff has a substantial likelihood of success on the merits:

- a. On April 25, 2022, Defendant Scotton, without legal authority, submitted a fraudulent filing of Articles of Amendment to Articles of Incorporation of Sunland Distribution of Florida, Inc. (the "Articles"), which:
 - i. changed Plaintiff's name to Sun & Land Distribution of Florida 4U Inc.;
 - ii. changed Plaintiff's registered agent to Visconde Sabugoso;
 - iii. removed Plaintiff's officers and directors and added Defendant Scotton as the new CEO/President;
- b. On April 25, 2022, Defendant Scotton, without legal authority, filed the above documentation fraudulently representing that Guy Wortelman signed the Articles and Visconde Sabugoso, a Brazilian fictional folklore character, was the point of contact;
- c. On July 18, 2022, Plaintiff filed a police report concerning Defendant Scotton's fraudulent filing;
- d. Defendant is presently representing himself as the president of Plaintiff's business;

- e. Defendant has a record of fraudulent behavior and recently was released from prison after serving a nine-year sentence for mail fraud and lying to immigration officials;
 - f. Defendant is attempting to present a company in the likeness of Plaintiff and risks undermining all aspects of Plaintiff's operation and defrauding Plaintiff's vendors, customers, banks, the public, and the State of Florida;
 - g. Defendant's actions, if proven true, were intended solely to maliciously injure Plaintiff; and
 - h. Defendant's actions, if proven true, including but not limited to, filing fraudulent Articles with the State of Florida, are patently and indisputably unlawful.
6. The Court further finds that this injunction will serve the public interest by protecting against imminent fraud and the harms that emanate therefrom.
7. Plaintiff has a clear legal interest in protecting its business and its customers from being defrauded and losing valuable freight, placing a burden on the insurance industry and ultimately upon the citizens of the State of Florida.
8. In accordance with Florida Rule of Civil Procedure 1.610, as of the date and hour of entry of this Order, **IT IS THEREFORE ORDERED** that Defendant is:
- a. Enjoined from unauthorized access to Plaintiff's business records and filings;
 - b. Enjoined from filing any amendments, articles, and/or annual reports on behalf of Plaintiff with the State of Florida;
 - c. Enjoined from conducting business or acting on behalf of, or speaking for Plaintiff, in any capacity;

- d. Enjoined from entering into any contracts, agreements, notes, commitments, sales, purchases, or other obligations on behalf of Plaintiff or to otherwise bind Plaintiff;
- e. Enjoined from taking possession of, using, removing, transferring, or altering any of the assets, titles, licenses, or accounts of Plaintiff;
- f. Enjoined from contacting in any way or filing any document or request of any form with any federal agencies relating to Plaintiff;
- g. Enjoined from altering or impacting Plaintiff's insurance of all kinds or communicating in any way with Plaintiff's insurers or insurance agents;
- h. Enjoined from making any filings relating to Plaintiff to any state or federal agency; and
- i. Required to cease and desist all operations of business relating to Sun & Land Distribution 4U and/or Sunland Distribution of Florida, Inc. or any other business intended to impersonate Sunland Distribution of Florida, Inc.

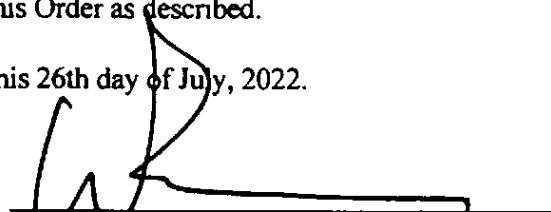
9. Plaintiff shall post a bond in the amount of \$500 within five (5) days of the entry of this order, pursuant to Florida Rule of Civil Procedure 1.610(b). The Court has deemed this amount proper, conditioned for the payment of costs and damages sustained by the adverse party if the adverse party is wrongfully enjoined.

10. Pursuant to Florida Rule of Civil Procedure 1.610(c), this Order shall be binding on the parties to the action, their officers, agents, servants, employees, and attorneys and on persons in active concert or participation with them who receive actual notice of the injunction.

11. Pursuant to Florida Rule of Civil Procedure 1.610(d), the Defendant may move to dissolve or modify this Order at any time. If the Defendant moves to dissolve or modify, the motion shall be heard within five (5) days after the movant applies for a hearing on the motion.

12. Movant shall be responsible for service upon the Defendant. After service, Defendant may move to dissolve or modify this Order as described.

ORDERED at Polk County, Florida this 26th day of July, 2022.



WAYNE M. DURDEN
Circuit Judge

Copies furnished to:

Kristen M.J. Johnson, Esq.
TAYLOR JOHNSON PL
3023 Eastland Blvd., Suite 103
Clearwater, FL 33761
Attorneys for Plaintiff

To be served upon Defendant Rogerio Chaves Scotton
Last Known Address: 7797 GOLF CIRCLE DR APT 204, MARGATE, FL 33063-7312
BROWARD COUNTY
Name: **ROGERIO CHAVES SCOTTON**
Date of Birth: 10/xx/1970
Age: 51