



**ORDERED in the Southern District of Florida on May 11, 2011.**

**A. Jay Cristol, Judge  
United States Bankruptcy Court**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)**

<p>In re:  INFOLINK GROUP, INC.,  Debtor.</p>	<p>Case No.: 10-26423-AJC  Chapter 11  (Jointly Administered)</p>
<p>In re:  INFOLINK INFORMATION SERVICES, INC.,  Debtor.</p>	<p>Case No.: 10-26436-AJC  Chapter 11</p>
<p>DREW DILLWORTH, Chapter 11 Trustee for INFOLINK GROUP INC., and INFOLINK INFORMATION SERVICES, INC.,  Plaintiffs,  vs.  PRIEUR J. LEARY, III, INFOLINK PANAMA CORP., S.A., INFOLINK COMMUNICATION SERVICES, INC., PRONTO GROUP, L.L.C., PRONTO</p>	<p>Adv. Case No.: 11-01885-AJC</p>

<p>GROUP, INC., JUAN KOSMAS, MARISOL VIQUEZ, SEVERINO HERNANDEZ, BENILDA PEREZ, OCTAVIO DIAZ, and JONATHAN HAM, jointly and severally, along with MODERNBILL n/k/a PARALLELS. INC., AUTHORIZE.NET, LLC, CYBERSOURCE CORPORATION, INNOVATIVE MERCHANT SOLUTIONS, AMERICAN EXPRESS COMPANY, PAYPAL, INC., DISCOVER FINANCIAL SERVICES, AMERICAN REGISTRY FOR INTERNET NUMBERS, INC., MELBOURNE IT LTD., GO DADDY.COM, INC., and HSBC BANK USA, N.A.</p> <p>Defendants.</p>	
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**ORDER HOLDING PRIEUR J. LEARY, III IN CIVIL CONTEMPT  
AND DIRECTING HIS ARREST BY THE UNITED STATES MARSHALL**

THIS CAUSE came before the Court for hearing on May 2, 2011 upon Trustee's Emergency Motion for Entry of Order Alternatively (a) Directing the Issuance of a Warrant for the Arrest of Prieur J. Leary, III; or (b) Imposing Sanctions Including the Entry of Final Default Judgment Against Leary and Certain Other Defendants ("Emergency Motion"), the Response to Motion of Prieur J. Leary for Protective Order [DE 58] and Motion by Prieur J. Leary, III ("Leary") for Protective Order [DE 62]. Notice was duly provided to Leary and Leary having been represented at the hearing by Jason Weber, Esq., and the Court having considered the Emergency Motion, determined that:

1. On April 4, 2011, this Court entered a Temporary Restraining Order (the "TRO") restraining Leary, Infolink Panama Corp., S.A., Infolink Communication Services, Inc., Pronto Group, L.L.C., Pronto Group, Inc., Juan Kosmas, Marisol Viquez, Severino Hernandez, Benilda Perez, Octavio Diaz, and Jonathan Ham (collectively the "Primary Defendants") from taking certain acts in derogation of this estate.

2. Consistent with Fed.R.Civ.P. Rule 65, on April 8, 2011, this Court entered an Order [DE 7] setting down hearing to convert the TRO to a Preliminary Injunction within 14 days, and granted the Trustee's request for accelerated discovery on five days' notice in order to obtain discovery prior to the Preliminary Injunction hearing.

3. On April 8, 2011, the Trustee served Defendant Leary individually, and as officer of the Primary Defendant business entities, Infolink Panama Corp., S.A., Infolink Communication Services, Inc., Pronto Group, L.L.C., Pronto Group, Inc., with a Notice of Taking Deposition Duces Tecum ("Leary Deposition Notice") [DE 10], scheduling the deposition and document production for April 13, 2011, at 9:30 a.m.

4. Leary failed to appear for his deposition on April 13, 2011 and produced no documents.

5. On April 14, 2011, the Trustee filed an Emergency Motion for Sanctions [DE 19] against Leary for his failure to appear at the deposition and to produce documents in accordance with the five-day discovery order, and the Notice of Deposition Duces Tecum.

6. Also on April 14, 2011, the day after the noticed deposition and document production, Leary filed a Motion for Protective Order signed by Defendant Octavio Diaz on his behalf.

7. On April 18, 2011, Leary did not personally appear at the Preliminary Injunction hearing. After approximately 2½ hours of testimony, the Trustee's Motion for Sanctions and Leary's Motion for Protective Order were considered by the Court. On April 19, 2011, the Court entered an Order Continuing the Preliminary Injunction hearing to April 20, 2011, and ordered:

The prior Order of this Court Authorizing Accelerated Discovery in this case [DE 7] remains in full force and effect. Defendant Leary may be re-noticed for deposition, and upon his failure to appear again, a warrant for his arrest by the United States Marshall shall issue.

[DE 40]

8. On April 18, 2011, the Trustee issued to Leary a Second Notice of Taking Deposition Duces Tecum, rescheduling the deposition and document production for April 26, 2011, at 9:30 a.m.

9. On April 25, 2011, at 4:59 p.m., the day before Leary's rescheduled deposition, the Trustee's counsel received an unfiled Motion for Protective Order from Leary's counsel, later filed on April 26, 2011, after the deposition and document production were scheduled to commence, wherein it was asserted that:

As of March 2011, Leary is no longer a resident of the State of Florida, or the United States and is presently residing in the City of Panama.

[DE 62]

10. On April 26, 2011, Leary did not appear for his deposition and he did not produce documents.

11. These are voluntary cases filed by Leary as President of the Debtors.

12. On May 2, 2011, this Court entered a Supplemental Decision and Order Granting Preliminary Injunction wherein it found that Leary orchestrated multiple fraudulent transfers of cash, income, ownership and control of these Debtors, and has attempted to migrate all of these assets pre-petition, post-petition, after the appointment of the Chapter 11 Trustee, and even after the entry of this Court's TRO, in direct violation of this Court's TRO.

13. The Court finds that Leary has flagrantly violated the jurisdiction of this Court and this Court's Orders, including DE 40 which specifically set forth that, upon Leary's second failure to appear for deposition and document production, a warrant for his arrest would issue.

14. The Court further finds that that Leary has willfully disobeyed this Court's orders to attend for examination which were duly served. The Court finds that Leary's failure and

refusal to abide by this Court's Orders amounts to civil contempt. Accordingly, for good and sufficient cause, and pursuant to two Orders of this Court providing for discovery, with the second order providing for the arrest of Leary upon his failure to appear and produce documents, and pursuant to Fed.R.Bank.P. 2005 and the inherent jurisdiction of this Court to enforce its Orders, and based upon the facts and circumstances of this case, it is

ORDERED and ADJUDGED as follows:

1. Leary is in civil contempt of this Court based upon his failure to abide by the discovery Orders set forth above.

2. That Leary may purge himself of contempt by producing documents and by appearing at the office of Geoffrey S Aaronson, Esq., Aaronson Schantz P.A., at Miami Tower, 100 SE 2<sup>nd</sup> Street, 27<sup>th</sup> Floor, Miami, Florida 33131 within ten (10) days from the date of this Order. In such event, Leary shall make arrangements with Attorney Aaronson at least two days in advance of his appearance for a time convenient to Attorney Aaronson and shall not simply appear at Attorney Aaronson's office without making prior arrangements. At his appearance, Leary shall not carry any weapons, firearms or other arms in or on his possession or control.

3. That, should Leary appear and produce documents at Attorney Aaronson's office, Attorney Aaronson shall notice the Court of Mr. Leary's actions and request a hearing so the Court may consider the entry of an Order purging Leary of civil contempt.

4. That, should Leary continue to fail or refuse to appear for deposition within the ten (10) day period following entry of this Order, then Attorney Aaronson shall file a notice of non-compliance with the Court and file certified copies of both the notice and this Order with the United States Marshal. Upon service and filing of the notice of non-compliance, together with this Order, the United States Marshal is directed to pick up Leary and bring him before this Court without unnecessary delay. If necessary, the United States Marshal may pick up and detain

Leary until such time as he can be brought before this Court. His Miami Beach, Florida, address is:

Prieur J Leary, III  
5970 INDIAN CREEK DR., APT 304  
MIAMI BEACH FL 33140-2288

5. Upon the filing of the notice of non-compliance, this Order Holding Prieur J. Leary III in Contempt and Directing His Arrest by the United States Marshal shall be served by Attorney Aaronson upon the United States Immigration and Naturalization Service for the pickup and detention of Leary should he attempt to enter the country from Panama or outside the United States, and to transfer custody of Leary to the United States Marshal, for the United States Marshal to abide by this Order.

6. Upon the filing of the notice of non-compliance, the Court may, without further notice and hearing, enter a default judgment against Leary, Infolink Panama Corp., S.A., Infolink Communication Services, Inc., Pronto Group, L.L.C., Pronto Group, Inc., upon *ex parte* application, for the relief requested in the Complaint, and the Trustee may then request a hearing for this Court to consider and assess damages.

7. This Order shall be served upon Leary by e-mail and United States Mail at all of his known addresses, and upon the United States Attorney General and the Commissioner of the United States Immigration and Naturalization Service.

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Submitted by:  
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