

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 20-CV-81205-RAR**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

COMPLETE BUSINESS SOLUTIONS
GROUP, INC. d/b/a PAR FUNDING, *et al.*

Defendants.

**RECEIVER, RYAN K. STUMPHAUZER’S MOTION FOR EXTENSION OF TIME TO
FILE MOTION TO COMPEL PURSUANT TO ORDER DATED DECEMBER 15, 2020**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities,¹ by and through undersigned counsel, files this Motion for Extension of Time to File Motion to Compel Pursuant to Order Dated December 15, 2020 (the “Order”) (ECF No. 434), and states:

¹ The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“CBSG”); Full Spectrum Processing, Inc.; ABetterFinancialPlan.com LLC d/b/a A Better Financial Plan; ABFP Management Company, LLC f/k/a Pillar Life Settlement Management Company, LLC; ABFP Income Fund, LLC; ABFP Income Fund 2, L.P.; United Fidelis Group Corp.; Fidelis Financial Planning LLC; Retirement Evolution Group, LLC; RE Income Fund LLC; RE Income Fund 2 LLC; ABFP Income Fund 3, LLC; ABFP Income Fund 4, LLC; ABFP Income Fund 6, LLC; ABFP Income Fund Parallel LLC; ABFP Income Fund 2 Parallel; ABFP Income Fund 3 Parallel; ABFP Income Fund 4 Parallel; and ABFP Income Fund 6 Parallel; ABFP Multi-Strategy Investment Fund LP; ABFP Multi-Strategy Fund 2 LP; MK Corporate Debt Investment Company LLC; Capital Source 2000, Inc.; Fast Advance Funding LLC; Beta Abigail, LLC; New Field Ventures, LLC; Heritage Business Consulting, Inc.; Eagle Six Consulting, Inc.; 20 N. 3rd St. Ltd; 118 Olive PA LLC; 135-137 N. 3rd St. LLC; 205 B Arch St Management LLC; 242 S. 21st St. LLC; 300 Market St. LLC; 627-629 E. Girard LLC; 715 Sansom St. LLC; 803 S. 4th St. LLC; 861 N. 3rd St. LLC; 915-917 S. 11th LLC; 1250 N. 25th St. LLC; 1427 Melon St. LLC; 1530 Christian St. LLC; 1635 East Passyunk LLC; 1932 Spruce St. LLC; 4633 Walnut St. LLC; 1223 N. 25th St. LLC; and Liberty Eighth Avenue LLC.

1. On November 15, 2020, the Court conducted a status conference during which the Receiver and his counsel discussed certain issues related to the Receiver's efforts to reach an agreement with Defendant Joseph Cole Barleta ("Cole") regarding the return of certain electronic files belonging to the Receivership Entities.

2. Following that status conference, the Court entered the Order, requiring the Receiver to meet and confer with counsel for Cole "concerning the materials the Receiver requested that Defendants produce before the Receiver will provide Defendants access to CBSG's financial data." *See* Order. The Court further directed the Receiver, in the event "the parties are unable to reach an agreement," to "file a motion to compel production of those materials on or before December 18, 2020." *Id.*

3. Counsel for the Receiver and counsel for Mr. Cole have engaged in several meet-and-confer discussions since the entry of the Order and have made substantial progress in resolving these issues. To that end, the Receiver and Cole have reached a tentative agreement regarding the return of these materials to the Receiver.

4. Pending confirmation from Cole's eDiscovery vendor that this proposed agreement is feasible, this dispute should be resolved and no longer require the attention of the Court. The Receiver's eDiscovery specialist is scheduled to speak with Cole's eDiscovery vendor on Sunday, December 20, 2020, to discuss the feasibility of the parties' tentative agreement.

5. If the parties' respective eDiscovery vendors are able to confirm the feasibility of the agreement, thereby allowing the parties to finalize this agreement, the Receiver will not need to file a motion to compel, as contemplated by the Order. Accordingly, in anticipation of reaching an agreement with Cole on this matter, the Receiver respectfully requests an extension of time,

through and including Tuesday, December 22, 2020, for the Receiver to file a motion to compel the production of these materials, if necessary, as contemplated by the Order.

WHEREFORE, Ryan K. Stumphauzer, as Court-Appointed Receiver, by and through his undersigned counsel, respectfully requests this Honorable Court to grant an extension of time, through and including December 22, 2020, for the Receiver to file a motion to compel, if necessary, as contemplated by the Court's Order dated December 15, 2020.

CERTIFICATION REGARDING PRE-FILING CONFERENCE

The undersigned counsel has conferred with counsel for Defendant Joseph Cole Barleta in a good faith effort to resolve by agreement the issues to be raised in the motion, and certifies that Defendant Joseph Cole Barleta agrees to the requested extension.

Dated: December 18, 2020

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 18, 2020, I electronically filed the foregoing document with the clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA

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Defendants.

_____ /

**[PROPOSED] ORDER GRANTING RECEIVER, RYAN K.
STUMPHAUZER’S MOTION FOR EXTENSION OF TIME TO FILE
MOTION TO COMPEL PURSUANT TO ORDER DATED DECEMBER 15, 2020**

THIS CAUSE comes before the Court upon the Receiver’s Motion for Extension of Time to File Motion to Compel Pursuant to Order Dated December 15, 2020 (“Motion”) [ECF No. ____], filed on December 18, 2020. The Receiver has made a sufficient and proper showing in support of the relief requested. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Motion is **GRANTED**.

1. The Receiver is hereby granted an extension of time, through and including December 22, 2020, within which to file a motion to compel, if necessary, as contemplated by the Court’s Order dated December 15, 2020 [ECF No. 434].

DONE AND ORDERED in Fort Lauderdale, Florida, this ____ day of December, 2020.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record