

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

20-cv-81205-RAR

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants.

**DEFENDANTS' AMENDED MOTION FOR
ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT¹**

Defendants Lisa McElhone, Joseph Cole Barleta, Joseph W. LaForte, Perry Abbonizio, Michael C. Furman, Dean Vagnozzi, and Relief Defendant The L.M.E. 2017 Family Trust (collectively, "Defendants"), move pursuant to Fed. R. Civ. P. 6(b) for an additional one (1) week enlargement of time to file their Responses to Plaintiff's Amended Complaint for Injunctive and Other Relief (DE 119). In support, Defendants state as follows:

1. On August 10, 2020, Plaintiff filed an Amended Complaint for Injunctive and Other Relief (DE 119).
2. The deadline for Defendants to file their Responses to the Amended Complaint is October 26, 2020.
3. In its nearly 300 paragraphs, the Amended Complaint alleges a scheme involving multiple individual and corporate defendants that, despite its length, fails to state its numerous

¹ This Motion was amended to include Defendant Dean Vagnozzi as an additional moving party.

claims with sufficient particularity or to provide this Court with subject matter jurisdiction over this action, among other deficiencies.

4. In addition to the complexity of this matter and the various deficiencies in the Amended Complaint which the parties request additional time to address, the undersigned counsel have conferred and concluded that there are numerous issues common to the parties that would be more efficiently presented in their respective motions if they had additional time to coordinate before filing. The additional time requested will provide Defendants an opportunity to work together to avoid duplicative arguments. The net effect will conserve Court resources.

5. This is Defendant's first request for an enlargement of time to respond to the Amended Complaint and is made in good faith for the reasons described herein.

WHEREFORE, Defendants respectfully request that this Court grant their motion for a one (1) week enlargement of time to file their Responses to Plaintiff's Amended Complaint for Injunctive and Other Relief, up to and including November 2, 2020.

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the movant has attempted to confer with the parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues. The undersigned has conferred with counsel for the SEC, who opposes this motion.

Respectfully submitted,

Alejandro Soto, Esq.
Daniel Fridman, Esq.
Attorneys for The LME 2017 Family Trust
Fridman Fels & Soto, PLLC
2525 Ponce de Leon Blvd., Suite 750
Coral Gables, FL 33134

Telephone: 305 569 7701
asoto@ffslawfirm.com
dfriedman@ffslawfirm.com

Alejandro Soto
ALEJANDRO SOTO
Florida Bar No. 172847

Bettina Schein, Esq.
Attorney for Joseph Cole Barleta
565 Fifth Avenue, 7th Floor
New York, New York 10017
(212) 880-9417
bschein@bettinascheinlaw.com

Bettina Schein
BETTINA SCHEIN
Admitted Pro Hac Vice

Law Offices of Alan S. Futerfas
Attorneys for Lisa McElhone
565 Fifth Avenue, 7th Floor
New York, New York 10017
(212) 684-8400
asfuterfas@futerfaslaw.com

Alan S. Futerfas
ALAN S. FUTERFAS
Admitted Pro Hac Vice

**KOPELOWITZ OSTROW
FERGUSON WEISELBERG GILBERT**
One W. Las Olas Blvd., Suite 500
Fort Lauderdale, Florida 33301
Telephone No. (954) 525-4100
Facsimile No. (954) 525-4300
Attorneys for Joseph W. LaForte

David L. Ferguson
DAVID L. FERGUSON
Florida Bar Number: 0981737
Ferguson@kolawyers.com
SETH D. HAIMOVITCH
Florida Bar Number: 0085939
Haimovitch@kolawyers.com

James R. Froccaro Jr., Esq.
Attorney for Joseph W. Laforte
20 Vanderventer Ave., Suite 103W
Port Washington, New York 11050
516-944-5062-(office)
516-944-5066-(fax)
516-965-9180-(mobile)
jrfesq61@aol.com-(email)

James R. Froccaro Jr.
JAMES R. FROCCARO JR.
Admitted Pro Hac Vice

GRAYROBINSON, P.A.
Attorneys for Lisa McElhone
333 S.E. 2d Avenue, Suite 3200
Miami, Florida 33131
Telephone #: (305) 416-6880
Facsimile #: (305) 416-6887
joel.hirschhorn@gray-robinson.com

Joel Hirschhorn
JOEL HIRSCHHORN
Florida Bar #104573

Jeffrey E. Marcus
Jeffrey E. Marcus
Fla Bar No. 310890
jmarcus@mnrlawfirm.com
Daniel L. Rashbaum
Fla Bar No. 75084
drashbaum@mnrlawfirm.com
Jason L. Mays
jmays@mnrlawfirm.com
Fla Bar No. 106495

**MARCUS NEIMAN RASHBAUM & PINEIRO
LLP**

2 South Biscayne Boulevard, Suite 1750
Miami, Florida 33131
Telephone: (305) 400-4260
Counsel for Defendant Perry S. Abbonizio

SALLAH, ASTARITA & COX, LLC
Counsel for Defendant Michael C. Furman

3010 N. Military Trail, Ste. 210
Boca Raton, FL 33431
Tel.: 561-989-9080
Fax: 561-989-9020

Jeffrey L. Cox
Fla. Bar No. 0173479

AKERMAN LLP
Three Brickell City Centre, Suite 1100
98 Southeast Seventh Street
Miami, Florida 33131
Telephone: (305) 374-5600
Facsimile: (305) 374-5095

Brian P. Miller
Brian P. Miller, Esq.
Florida Bar No. 980633
E-mail: brian.miller@akerman.com
E-mail: Kelly.connolly@akerman.com
Alejandro J. Paz, Esq.
Florida Bar No. 1011728
E-mail: Alejandro.paz@akerman.com
Secondary: marylin.herrera@akerman.com
Attorneys for Dean Vagnozzi

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

20-cv-81205-RAR

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants.

**[PROPOSED] ORDER GRANTING DEFENDANTS' AMENDED MOTION FOR
ENLARGEMENT OF TIME TO RESPOND TO THE AMENDED COMPLAINT**

THIS CAUSE having come before the Court on Defendants' Amended Motion for Enlargement of Time (DE _____) to File a Response to the Plaintiff's Amended Complaint, the Court having reviewed the Amended Motion and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Amended Motion is hereby GRANTED. The Defendants shall have up to and including November 2, 2020 to file their responses to the Amended Complaint.

DONE AND ORDERED in Chambers in the United States District Court, Southern District of Florida, this _____ day of October, 2020.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record via ECF