

**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.**

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**DEFENDANTS' MOTION TO POSTPONE STATUS CONFERENCE**

Defendants Lisa McElhone, Joseph Cole Barleta, Joseph W. LaForte, Dean Vagnozzi, Perry Abbonizio, and Michael Furman, and Relief Defendant The LME 2017 Family Trust (collectively, "Defendants"), request postponement of the December 1, 2020 Status Conference in light of the pending mediation, and in support, state as follows:

1. On November 13, 2020, this Court scheduled a Status Conference for Tuesday, December 1, 2020 to provide the Court with an update as to the Receiver's ongoing operations and collections efforts. [DE 389.]
2. Since the date of the Court's Order, the parties have scheduled early mediation for December 7, 2020, just six days after the scheduled Status Conference.
3. The parties have already commenced the mediation process. Defendants met with the mediator on Saturday, November 14, 2020, and began communicating with the SEC the week of November 16, 2020 regarding the expected proposal.

4. Defendants have since submitted a proposal to the SEC setting forth the parameters for a full and final settlement of the case, which could impact the scope of the Receivership going forward. Negotiations have begun and are expected to continue over the next several days.

5. In light of these efforts and the Court's understandable insistence that the Receiver minimize expenditures as much as possible for the benefit of investors, Defendants request that the Status Conference be postponed at least one week after the scheduled mediation date. Postponement will afford Defendants an opportunity to focus their time and efforts on settlement efforts rather than reviewing and responding to the Receiver's written and/or oral Report. Postponement of the conference for a few days will not prejudice anyone and will offer the Court an opportunity to assess the need for continued conferences and expenditures by the Receiver once the parties have had an opportunity to mediate.

WHEREFORE, Defendants Lisa McElhone, Joseph Cole Barleta, Joseph W. LaForte, Dean Vagnozzi, Perry Abbonizio, and Michael Furman, and Relief Defendant The LME 2017 Family Trust respectfully request that the Court postpone the December 1, 2020 Status Conference until at least the week of December 14, 2020, or another date which is convenient for the Court.<sup>1</sup>

#### **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. Counsel for the SEC takes no position regarding this request for a brief postponement of the status conference. The Receiver opposes the request.

Respectfully submitted,

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<sup>1</sup> The undersigned asks the Court to allow the parties a week after the mediation to iron out details and finalize documents in the event of a settlement and provide a mediation report to the Court.

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**[PROPOSED] ORDER GRANTING DEFENDANTS'  
MOTION TO POSTPONE STATUS CONFERENCE**

THIS CAUSE having come before the Court on Defendants' Motion to Postpone Status Conference [DE \_\_\_\_], the Court having reviewed the Amended Motion and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Motion is hereby GRANTED. The Court will issue a separate order scheduling a new date for the Status Conference.

DONE AND ORDERED in Chambers in the United States District Court, Southern District of Florida, this \_\_\_\_ day of November, 2020.

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RODOLFO A. RUIZ II  
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record via ECF