

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(West Palm Beach)**

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.

**NON-PARTY’S, LEAD FUNDING II, LLC, NOTICE OF WITHDRAWAL OF
MOTION TO INTERVENE AND LIFT LITIGATION INJUNCTION TO
ALLOW IT TO PROCEED WITH FORECLOSURE ACTION
IN COLORADO STATE COURT [ECF NO. 386]**

The Non-Party, LEAD FUNDING II, LLC, a Colorado limited liability company (“Lead Funding”), by and through its undersigned attorneys, hereby withdraws its Motion to Intervene and Lift Litigation Injunction to Allow It to Proceed with Foreclosure Action in Colorado State Court (the “Motion to Intervene”) [ECF No. 386], without prejudice, and as grounds therefor states:

1. On November 12, 2020, Lead Funding filed its Motion to Intervene. One week prior to filing same, its attorneys contacted and conferred with, and sent an advance copy of the motion to, the attorneys for the Receiver and Plaintiff in a good faith effort to resolve the issues raised therein, but, in response, both of those parties simply advised Lead Funding they opposed the motion, without providing any specific reasons therefor.

2. On November 27, 2020, the Receiver filed his Response to the Motion to Intervene [ECF No. 408] and the Plaintiff filed its Response in Opposition to the Motion to Intervene [ECF No. 409].

3. As such, Lead Funding is operating under a deadline of December 4, 2020, within which to file a reply in further support of its Motion to Intervene.

4. Since the Receiver filed his Response, Lead Funding has engaged in further discussions with him on this matter. In short, the Receiver primarily opposes the Motion to Intervene because he needs additional time to investigate the connection between one of the parties to a Tenants in Common Agreement (“TIC Agreement”) for the subject property Lead Funding seeks to foreclose in Colorado, Pink Lion, LLC (“Pink Lion”), and one of the Receivership Entities, Complete Business Solutions Group, Inc. d/b/a Par Funding (“CBSG” or “Par Funding”), since he believes Pink Lion may possibly be “an alter ego of CBSG and/or an affiliate funded with comingled investor proceeds.” (ECF No. 408, p. 5). As such, the Receiver states he “requires the time afforded by the Litigation Injunction to properly determine whether CBSG’s interests are traceable to misused investor proceeds and/or should be property of the Receivership Estate” and to “allow [him] to explore opportunities to obtain valuable consideration for its interests, rather than simply extinguishing those interests through a foreclosure that might result in no return to the Receivership Estate.” (ECF No. 408, p. 5). In the event the Receiver concludes that CBSG has no interest in the subject property, or that CBSG’s interest in the subject property as a *junior lienholder* is worthless, the Receiver may agree to voluntarily release such interest to allow Lead Funding to proceed with its foreclosure, thereby mooting the necessity of Lead Funding’s intervention in this action.

5. Separately, the SEC also opposes the Motion to Intervene because, according to it, Lead Funding has not complied with Rule 24(c) of the Federal Rules of Civil Procedure by failing to attach a copy of a pleading to its motion, nor Rule 24(a) by failing to establish the required elements for intervention as of right, nor Section 21(g) of the Securities and Exchange Act of 1934, which bars consolidation or coordination of an action brought by the SEC with other actions not brought by the SEC, unless consented to by the SEC. (ECF No. 409, pp. 1-11).

6. At this time, in order to allow the Receiver additional time to investigate this matter as he requests in his Response, to allow Lead Funding sufficient time to research and address the issues the SEC has raised in its Response, and to promote judicial economy, Lead Funding hereby withdraws its Motion to Intervene without prejudice to file a renewed or amended Motion to Intervene at any point in the future, if necessary.

Dated: December 4, 2020

Respectfully submitted,

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By: /s/ Ronald M. Gaché

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Notice of Electronic Filing by CM/ECF transmission to all counsel and parties who are registered to receive such service in this case on December 4, 2020.

By: /s/ Ronald M. Gaché
Ronald M. Gaché, Esq.