

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants.

**RECEIVER, RYAN K. STUMPHAUZER AND DEFENDANT LISA
MCELHONE’S JOINT MOTION FOR APPROVAL OF STIPULATION
REGARDING EMAIL PRODUCTION AND FOR CANCELLATION
OF DISCOVERY HEARING SCHEDULED FOR MARCH 15, 2021**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities,¹ and Defendant Lisa McElhone (“McElhone”), by and through their respective

¹ The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“Par Funding”); 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; ABFP Income Fund 6 Parallel; ABFP Multi-Strategy Investment Fund LP; ABFP Multi-Strategy Investment 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 Consultants, 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; Liberty Eighth Avenue LLC; The LME 2017 Family Trust; Blue Valley Holdings, LLC; LWP North LLC; and 500 Fairmount Avenue, LLC and the Receivership Estate also includes the properties located at 568 Ferndale Lane, Haverford PA 19041; 105 Rebecca Court, Paupack, PA 18451; and 107 Quayside Dr., Jupiter FL 33477.

undersigned counsel, hereby file this Joint Motion for Approval of Stipulation Regarding Email Production and for Cancellation of Discovery Hearing Scheduled for March 15, 2021 (the “Joint Motion”), and state:

1. On March 1, 2021, Magistrate Judge Bruce E. Reinhart conducted a discovery hearing (the “Discovery Hearing”) concerning a dispute between the Receiver and McElhone regarding the Receiver’s production of emails in response to McElhone’s various document requests (the “Discovery Dispute”). *See* ECF No. 495, Paperless Order Setting Discovery Hearing.

2. On February 27, 2021, the Receiver and McElhone filed a Joint Discovery Memorandum Regarding Hearing Scheduled for March 1, 2021 (the “Joint Memo”) (ECF No. 497). As detailed in the Joint Memo, the Discovery Dispute was focused on the Receiver’s production of emails from the mailboxes of seven (7) Par Funding custodians, five (5) of which have been “initially processed” (Joseph LaForte, Lisa McElhone, Jamie McElhone, Joseph Cole Barleta, and Ben Mannes) and two (2) of which are unprocessed (Victoria Villarose and Wendy Furman) (collectively, the “Requested Emails”).

3. The Receiver raised concerns about the burden and cost to the receivership estate to process and produce the Requested Emails, and concerns relating to the production of the Requested Emails in native format (and suggested that McElhone and the other Defendants should provide the Receiver with search terms for identifying potentially relevant emails from within the mailboxes of the Requested Emails).

4. McElhone, on the other hand, indicated that the Requested Emails were likely to contain information that was critical to the defense of this case, and requested the entire email accounts from these custodians so that she and the other Defendants could use “Continuous Active Learning AI technologies” and other analytics to review and identify potentially relevant emails.

5. Following the Discovery Hearing, counsel for the Receiver and counsel for McElhone engaged in several meet-and-confer discussions to resolve the Discovery Dispute. The parties have now reached agreement on a process by which the Receiver will process the native MBOX files for Victoria Villarose and Wendy Furman, at McElhone's expense. The Receiver's eDiscovery vendor has already begun the initially processing of these two accounts in anticipation of this signed stipulation. The Receiver will provide the processed files from all seven (7) custodians that comprise the Requested Emails in load file format (the "Processed Files"), which will be loaded into McElhone's eDiscovery vendor, PLSDATA, LLC's ("PLS") Iconnect database software. The Defendants and their counsel will be allowed access to review the Processed Files, but the database will be set to prevent the Defendants from downloading native files. The Defendants and their counsel will be able to print/download files from this database, but PLS will institute processes to ensure that any printed/downloaded files contain control numbers and confidentiality designations stamped on the documents.

6. The owner of PLS, Marc Hirschfeld has agreed that he will not provide access to the eDiscovery database where the Processed Files are being hosted to anyone not bound by the terms of the Protective Order (ECF No. 437), and Marc Hirschfeld and PLS agrees to be bound to the terms and conditions of the Protective Order (ECF 437). Additionally, Mr. Hirschfeld, McElhone, and the other Defendants who are provided access to the eDiscovery database where the Processed Files will be hosted will return or destroy the Requested Emails and any other "Protected Material" upon the final disposition of this action, pursuant to the requirements of Paragraph 14 of the Protective Order.

7. A stipulation setting forth this process for the production of the Requested Emails is attached as Exhibit 1 (the "Stipulation").

8. On March 4, 2021, the Court entered a Paperless Order (ECF. No 503) setting a continued discovery hearing on the Discovery Dispute for March 15, 2021, at 10:00 A.M. EST (the “Continued Hearing”).

9. In light of the parties’ resolution of the Discovery Dispute, the Receiver and McElhone respectfully request Judge Reinhart to enter an Order approving the Stipulation, retaining jurisdiction to enforce the terms of the Stipulation, if necessary, and canceling the Continued Hearing scheduled for March 15, 2021.

10. A proposed Order granting this Joint Motion is attached as Exhibit 2.

Dated: March 14, 2021

Respectfully Submitted,

**STUMPHAUZER FOSLID
SLOMAN ROSS & KOLAYA, PLLC**
Two South Biscayne Blvd., Suite 1600
Miami, FL 33131
Telephone: (305) 614-1400

LAW OFFICES OF ALAN S. FUTERFAS
Attorneys for Lisa McElhone
565 Fifth Avenue, 7th Floor
New York, New York 10017
Telephone: (212) 684-8400
asfuterfas@futerfaslaw.com

By: /s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA
Florida Bar No. 056140
tkolaya@sfsllaw.com

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

Co-Counsel for Receiver

**PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP**
1818 Market Street, Suite 3402
Philadelphia, PA 19103
Telephone: (215) 320-6200

By: /s/ Gaetan J. Alfano
GAETAN J. ALFANO
Pennsylvania Bar No. 32971
(Admitted Pro Hac Vice)
GJA@Pietragallo.com
DOUGLAS K. ROSENBLUM
Pennsylvania Bar No. 90989
(Admitted Pro Hac Vice)
DKR@Pietragallo.com

Co-Counsel for Receiver

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

/s/ Joel Hirschhorn
JOEL HIRSCHHORN
Florida Bar #104573

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 14, 2021, 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

Exhibit “1”

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants.

**RECEIVER, RYAN K. STUMPHAUZER, DEFENDANT LISA MCELHONE,
AND PLSDATA, LLC'S STIPULATION REGARDING EMAIL PRODUCTION**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities,¹ and Defendant Lisa McElhone (“McElhone”), by and through their respective undersigned counsel, and PLSDATA, LLC (“PLS”), by and through its owner, Marc Hirschfeld,

¹ The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“Par Funding”); 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; ABFP Income Fund 6 Parallel; ABFP Multi-Strategy Investment Fund LP; ABFP Multi-Strategy Investment 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 Consultants, 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; Liberty Eighth Avenue LLC; The LME 2017 Family Trust; Blue Valley Holdings, LLC; LWP North LLC; and 500 Fairmount Avenue, LLC and the Receivership Estate also includes the properties located at 568 Ferndale Lane, Haverford PA 19041; 105 Rebecca Court, Paupack, PA 18451; and 107 Quayside Dr., Jupiter FL 33477.

hereby stipulate and agree to the following process regarding the production of certain email files, as further detailed below:

1. McElhone has requested that the Receiver produce emails from the mailboxes of seven (7) Par Funding custodians, five (5) of which have been “initially processed” (Joseph LaForte, Lisa McElhone, Jamie McElhone, Joseph Cole Barleta, and Ben Mannes) and two (2) of which are unprocessed (Victoria Villarose and Wendy Furman) (collectively, the “Requested Emails”).

2. In light of concerns the Receiver has raised relating to the burden and cost to the receivership estate to fully process and produce the Requested Emails, and concerns relating to the production of the Requested Emails in native format, the Receiver and McElhone agree that the Receiver will process the native MBOX files for Victoria Villarose and Wendy Furman, at McElhone’s expense, not to exceed the agreed upon price of \$20 per GB for the uncompressed size of the MBOX files. This pricing shall only apply to the processing of the files for these two custodians. The Receiver’s eDiscovery vendor has already begun the initially processing of these two accounts in anticipation of this signed stipulation. The Receiver will provide the processed files from all seven (7) custodians that comprise the Requested Emails in load file format (the “Processed Files”), which will be loaded into PLS’s Iconnect database software. The Defendants and their counsel will be allowed access to review the Processed Files, but the database will be set to prevent the Defendants from downloading native files. The Defendants and their counsel will be able to print/download files from this database, but PLS will institute processes to ensure that any printed/downloaded files contain control numbers and confidentiality designations stamped on the documents.

3. Mr. Hirschfeld, on behalf of himself and PLS, agrees that he will not provide access to the eDiscovery database where the Processed Files are being hosted to anyone not bound by the terms of the Protective Order (ECF No. 437), and Marc Hirschfeld and PLS agrees to be bound to the terms and conditions of the Protective Order (ECF 437).

4. Additionally, McElhone and Mr. Hirschfeld agree that McElhone, Mr. Hirschfeld, and the other Defendants who are provided access to the eDiscovery database where the Processed Files will be hosted will return or destroy the Requested Emails and any other “Protected Material” generated from the Requested Emails upon the final disposition of this action, pursuant to the requirements of Paragraph 14 of the Protective Order.

SO STIPULATED on this 14th day of March, 2021, by:

**STUMPHAUZER FOSSLID
SLOMAN ROSS & KOLAYA, PLLC**
Two South Biscayne Blvd., Suite 1600
Miami, FL 33131
Telephone: (305) 614-1400

By: /s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA
Florida Bar No. 056140
tkolaya@sfsllaw.com

Co-Counsel for Receiver

LAW OFFICES OF ALAN S. FUTERFAS
Attorneys for Lisa McElhone
565 Fifth Avenue, 7th Floor
New York, New York 10017
Telephone: (212) 684-8400
asfuterfas@futerfaslaw.com

/s/ Alan S. Futerfas
ALAN S. FUTERFAS
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
joel.hirschhorn@gray-robinson.com

/s/ Joel Hirschhorn
JOEL HIRSCHHORN
Florida Bar #104573

**PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP**
1818 Market Street, Suite 3402
Philadelphia, PA 19103
Telephone: (215) 320-6200

By: /s/ Gaetan J. Alfano
GAETAN J. ALFANO
Pennsylvania Bar No. 32971
(Admitted Pro Hac Vice)
GJA@Pietragallo.com
DOUGLAS K. ROSENBLUM
Pennsylvania Bar No. 90989
(Admitted Pro Hac Vice)
DKR@Pietragallo.com

Co-Counsel for Receiver

PLSDATA, LLC
173 Wildacre Ave
Lawrence NY 11559
Telephone: (202) 747-3570

By: 
MARC HIRSCHFELD, OWNER
marc@plsdata.com

Exhibit “2”

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants.

**ORDER GRANTING RECEIVER, RYAN K. STUMPHAUZER AND DEFENDANT
LISA MCELHONE’S JOINT MOTION FOR APPROVAL OF STIPULATION
REGARDING EMAIL PRODUCTION AND FOR CANCELLATION OF
DISCOVERY HEARING SCHEDULED FOR MARCH 15, 2021**

THIS CAUSE comes before the Court upon Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities,¹ and Defendant Lisa McElhone’s

¹ The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding; 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; ABFP Income Fund 6 Parallel; ABFP Multi-Strategy Investment Fund LP; ABFP Multi-Strategy Investment 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 Consultants, 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; Liberty Eighth Avenue LLC; The LME 2017 Family Trust; Blue Valley Holdings, LLC; LWP North LLC; and 500 Fairmount Avenue, LLC and the Receivership Estate also includes the properties located at 568 Ferndale Lane, Haverford PA 19041; 105 Rebecca Court, Paupack, PA 18451; and 107 Quayside Dr., Jupiter FL 33477.

(“McElhone”) Joint Motion for Approval of Stipulation Regarding Email Production and for Cancellation of Discovery Hearing Scheduled for March 15, 2021 [ECF No. ___] (“Joint Motion”).

The Court, having reviewed the Joint Motion and the record in this matter, noting the Parties’ agreement to the entry of this Order, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED that the Joint Motion is **GRANTED** as follows:

1. The Court acknowledges and approves the Receiver, McElhone, and PLSDATA, LLC’s Stipulation Regarding Email Production [ECF No. ___-1] (the “Stipulation”) and retains jurisdiction over these parties to enforce the terms of the Stipulation, if necessary.

2. In light of this Stipulation, the continued discovery hearing that was previously set for March 15, 2021 is **CANCELED**.

DONE AND ORDERED in Fort Lauderdale, Florida, this ___ day of March, 2021.

BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE

Copies to: Counsel of Record