UNITED STATES DISTRICT COURT
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, and

_____/

PLAINTIFF'S NOTICE OF FILING CHART AS DEMONSTRATIVE AID EXHIBIT

Plaintiff Securities and Exchange Commission hereby files a chart as a demonstrative aid to assist the Court in determining which motions remains in dispute on the Motion to Strike, following Defendant Dean Vagnozzi's Amended Answer (DE 658) and Defendants Michael Furman and Perry Abbonizio's agreement as to some of their affirmative defenses being deemed as denials and four other being stricken.

August 5, 2021

Respectfully submitted,

By: s/Amie Riggle Berlin

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 5th day of August 2021 via cm-ecf on all defense counsel and via email on the *Pro Se* Defendant in this case.

s/Amie Riggle Berlin

AFFIRMATIVE DEFENSE & DEFENDANT	STATUS Matters in Dispute Even if Not Addressed in Response Appear in Red
Failure to State Claim	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer (DE 656, 658)
Furman (#1)	Furman agrees it should be stricken. (Response p.9)
Abbonizio (#1)	Abbonizio agrees it should be stricken (Response p.9)
Statute of Limitations	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer (DE 656, 658)[1]
Furman (#2)	Furman agrees it should be stricken. (Response p.9)
Abbonizio (#2)	Abbonizio agrees it should be stricken. (Response p.9)
Lack of Scienter	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer (DE 656, 658)
Furman (#3)	Furman agrees to the relief sought: treat as denial. (Response p.9)
Abbonizio (#3)	Abbonizio agrees to the relief sought: treat as denial. (Response p.9) (Response p.9)
Mistake	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer (DE 656, 658)
Furman (#5)	Furman agrees to the relief sought: treat as denial. (Response p.9)
Abbonizio (#5)	Abbonizio agrees to the relief sought: treat as denial. (Response p.9) (Response p.9)
Acts of Others	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer (DE 656, 658)
Furman (#8)	Furman agrees to the relief sought: treat as denial. (Response p.9)
Abbonizio (#8)	Abbonizio agrees to the relief sought: treat as denial. (Response p.9) (Response p.9)
Improper Forfeiture	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer (DE 656, 658)
Furman (#9)	Furman opposes the relief sought – namely, striking it as an affirmative defense with prejudice and treating it as a denial
Abbonizio (#9)	Abbonizio opposes the relief sought – namely, striking it as an affirmative defense with prejudice and treating it as a denial
Unjust Enrichment	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer (DE 656, 658)
Furman (#10)	Furman opposes the relief sought – namely, striking it as an affirmative defense with prejudice and treating it as a denial
Abbonizio (#10)	Abbonizio opposes the relief sought – namely, striking it as an affirmative defense with prejudice and treating it as a denial

[1] As set forth in Vagnozzi's Unopposed Motion to Amend is Answer and Affirmative Defenses and as apparent in the Amended Pleading the Court granted him leave to file (DE 658), Vagnozzi has dropped disputed affirmative defenses other than laches, waiver, and estopel. Accordingly, the chart reads "moot" as to all disputed affirmative defenses he is no longer pleading.

Unconstitutional	
Vagnozzi (#3 in Amended Answer)	The Court need not address this on the Motion (See DE 656), as the parties are resolving the issue without the need for litigation and so that the prejudice asserted in the Motion will not occur (DE 656)
Furman (#11)	Furman agrees it should be stricken. (Response p.9)
Abbonizio (#11)	Abbonizio agrees it should be stricken. (Response p.9)
Lack of Causation	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer
Furman (#12)	Furman opposes the relief sought – namely, striking
Abbonizio (#12)	Abbonizio opposes the relief sought – namely, striking
Lack of Materiality	
Vagnozzi	Moot. *See* Vagnozzi's Amended Answer
Furman (#13)	Furman agrees to the relief sought: treat as denial. (Response p.9)
Abbonizio (#13)	Abbonizio agrees to the relief sought: treat as denial. (Response p.9) (Response p.9)
Waiver	
Vagnozzi (#5 in amended Answer DE 658)	Disputes the relief sought – namely, to strike
McElhone (#6)	Disputes the relief sought – namely, to strike
LaForte (#6)	Disputes the relief sought – namely, to strike
Barleta (#6)	Disputes the relief sought – namely, to strike
Furman (#15)	Disputes the relief sought – namely, to strike
Abbonizio (#15)	Disputes the relief sought – namely, to strike
Laches	
Vagnozzi (#6 in amended Answer DE 658)	Disputes the relief sought – namely, to strike
McElhone (#4)	Disputes the relief sought – namely, to strike
LaForte (#4)	Disputes the relief sought – namely, to strike
Barleta (#4)	Disputes the relief sought – namely, to strike
Furman (#16)	Disputes the relief sought – namely, to strike
Abbonizio (#16)	Disputes the relief sought – namely, to strike
Estoppel	
Vagnozzi (#4) in amended Answer (DE 658)	Disputes the relief sought – namely, to strike
McElhone (#5)	Disputes the relief sought – namely, to strike
LaForte (#5)	Disputes the relief sought – namely, to strike
Barleta (#5)	Disputes the relief sought – namely, to strike
Furman (#14)	Disputes the relief sought – namely, to strike
Abbonizio (#14)	Disputes the relief sought – namely, to strike
Catch-All	
Vagnozzi (#8 in amended Answer)	Remains in Amended Answer
Furman (#19)	Not addressed in Response - Commission seeks to strike
Abbonizio (#19)	Not addressed in Response - Commission seeks to strike

Reliance on Advice of Counsel	
Vagnozzi (#7 in Amended Answer)	No longer at issue. Vagnozzi amended his affirmative defenses (DE 658) and his counsel has advised the Commission as to the details concerning this defense in order to resolve this issue. Therefore, this can be denied as moot. (DE 656, 658)
McElhone (#1)	Disputes the relief sought – namely, to strike
LaForte (#1)	Disputes the relief sought – namely, to strike
Barleta (#1)	Disputes the relief sought – namely, to strike
Furman (#17)	Disputes the relief sought – namely, to strike
Abbonizio (#17)	Disputes the relief sought – namely, to strike
Reliance on Professionals	
Vagnozzi (# 2 in Amended Answer)	No longer at issue. Vagnozzi amended his affirmative defenses (DE 658). Therefore, this can be denied as moot. (DE 656, 658)
McElhone (#2)	Disputes the relief sought – namely, to strike
LaForte (#2)	Disputes the relief sought – namely, to strike
Barleta (#2)	Disputes the relief sought – namely, to strike
Furman (#6)	Disputes the relief sought – namely, to strike
Abbonizio (#6)	Disputes the relief sought – namely, to strike
Good Faith	
Vagnozzi (#1 in Amended Answer)	Disputes the relief sought – namely, to strike
McElhone (#3)	Disputes the relief sought – namely, to strike
LaForte (#3)	Disputes the relief sought – namely, to strike
Barleta (#3)	Disputes the relief sought – namely, to strike
Furman (#4)	Disputes the relief sought – namely, to strike
Abbonizio (#4)	Disputes the relief sought – namely, to strike
Not Securities	
McElhone (#7)	Disputes the relief sought – namely, to strike
LaForte (#7)	Disputes the relief sought – namely, to strike
Barleta (#7)	Disputes the relief sought – namely, to strike
Furman (#18)	Disputes the relief sought – namely, to strike
Abbonizio (#18)	Disputes the relief sought – namely, to strike
Justifiable Reliance	
Furman (#7)	Agrees to relief sought – to strike (Response p.9)
Abbonizio (#7)	Agrees to relief sought – to strike (Response p.9)