

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.

**UNOPPOSED MOTION TO MODIFY THE SCHEDULING
ORDER SOLELY TO EXTEND THE SEPTEMBER 24, 2021, DEADLINE**

Due to a sudden and unexpected circumstances, Defendants, Joseph LaForte, Lisa McElhone and Joseph Cole Barleta (“Defendants”) move the Court to modify the Amended Order Setting Jury Trial Schedule [D.E. 521]. The parties state in support:

1. On March 30, 2021, this Court entered an Amended Order Setting Jury Trial Schedule, Requiring Mediation, and Referring Certain Matters to Magistrate Judge [D.E. 521] setting the deadline to file all pre-trial motions, including motions for Summary Judgment, and Daubert motions by September 24, 2021.

2. Throughout the entirety of this matter the parties have worked diligently and were on schedule to meet the upcoming motions deadline. However, within the past week, two members of the defense counsel team have suffered the loss of a close family member.¹ One such loss occurred just yesterday and requires out of town travel for the funeral.

¹ The undersigned is omitting details about the respective losses. However, the SEC has been fully informed of the details and the undersigned will provide details to the Court if the Court so requires.

3. The parties are in agreement to extend the September 24, 2021, deadline for both parties by ten days, through and including October 4, 2021, with responses and replies being filed on the timeline set forth in the rules.

4. The parties are mindful that “[a] schedule may be modified only for good cause.” Fed. R. Civ. P. 16(b)(4). As this Court has noted, “[t]his good cause standard precludes modification unless the schedule cannot be met despite the diligence of the party seeking the extension.” *Donahay*, 243 F.R.D. at 699 (internal quotation marks omitted). That is the case here. The loss of a close family member of two members of the defense team clearly meets this standard.

5. The parties have worked diligently and have continued to work cooperatively throughout the process, however a short extension is needed. The modifications sought in this Motion are warranted by good cause, and they are unopposed.

6. This brief extension should not affect any other pending deadlines.

7. Pursuant to Rule 7.1(a)(3), Local Rules of Civil Procedure, counsel for the movants certifies that they have conferred with the SEC who does not oppose this motion.

DATED: September 22, 2021.

Respectfully Submitted,

Dated: September 22, 2021

**KOPELOWITZ OSTROW
FERGUSON WEISELBERG GILBERT**
One W. Las Olas Blvd., Suite 500
Fort Lauderdale, Florida 33301
Attorneys for Joseph W. LaForte

By: /s/ Joshua R. Levine
DAVID L. FERGUSON
Florida Bar Number: 0981737
Ferguson@kolawyers.com
JOSHUA R. LEVINE
Florida Bar Number: 91807
Levine@kolawyers.com

LAW OFFICES OF ALAN S. FUTERFAS
565 Fifth Avenue, 7th Floor
New York, New York 10017
/s/ Alan S. Futerfas
ALAN S. FUTERFAS
Telephone: 212- 684-8400
asfuterfas@futerfaslaw.com
Attorneys for Lisa McElhone
Admitted Pro Hac Vice

/s/ Bettina Schein

Bettina Schein, Esq.
Attorney for Joseph Cole Barleta
565 Fifth Avenue, New York, New York 10017
(212) 880-9417
bschein@bettinascheinlaw.com
Admitted *Pro Hac Vice*

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on September 22, 2021, I electronically filed the forgoing 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 transmissions of Notices of Electronic Filing generated by CM/ECF.

By: /s/ Joshua R. Levine
JOSHUA R. LEVINE