

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.

DEFENDANTS' JOINT MOTION FOR EXTENSION OF TIME

Defendants Lisa McElhone, Joseph W. LaForte, Joseph Cole Barleta, Perry Abbonizio, Dean Vagnozzi, and Michael C. Furman (collectively, "Defendants") move pursuant to Fed. R. Civ. P. 6(b) for a seven (7) day extension of time, until October 26, 2021, to respond to Plaintiff Securities and Exchange Commission's ("Plaintiff's") Motion for Partial Summary Judgment (DE 817), and in support, Defendants state as follows:

1. On October 6, 2021, Plaintiff filed its Motion for Partial Summary Judgment (DE 817).¹
2. Through its Motion, Plaintiff seeks summary judgment in its favor on its claims that McElhone and LaForte violated Section 10(b) and Rule 10b-5(b) of the Exchange Act (*Count II*) and Section 17(a)(2) of the Securities Act (*Count V*), and its claim that McElhone, LaForte, Cole, Abbonizio, Vagnozzi, and Furman violated Section 5 of the Securities Act (*Count VII*).

¹ The filing was made at 12:01 a.m. on October 6, after the Court had granted Plaintiff's belated *ore tenus* motion for an extension of time and ordered the Plaintiff to file the motion by 11:59 on October 5 (DE 813).

3. In the time since Plaintiff's Motion was filed, Defendants have been diligently analyzing Plaintiff's arguments and preparing their responses to the Motion.

4. Given the complexity of the factual and legal issues raised in the Motion and the sheer volume of materials Plaintiff relies upon in its Statement of Undisputed Facts (D.E. 816-1) — which is 98 paragraphs and cites to over 100 exhibits² — and given the Motion's significance, Defendants request an additional seven (7) days to respond to the Motion to ensure they have adequate time to prepare their responses and demonstrate the existence of genuine issues of material fact.

5. Defendants' request is made in good faith, and not for purposes of delay, and no party would be prejudiced by the requested extension. Moreover, the requested extension would not affect any other deadlines in the case.

6. The undersigned has conferred with counsel for Plaintiff who opposes this request.

WHEREFORE, Defendants respectfully request that this Court grant this Joint Motion for a seven (7) day extension of time to file their responses to Plaintiff's Motion for Partial Summary Judgment (DE 817), up to and including October 26, 2021.

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the movants have conferred with counsel for the SEC, who opposes the relief requested in this Motion.

² Indeed, Plaintiff's Statement of Facts did not comply with Local Rule 56.1(b), which provides that Statements of Facts are limited to ten (10) pages. Plaintiff's Statement is almost double the page limit. Plaintiff moved for an expansion of the page limit only after the Statement had already been filed (DE 825), but regardless, the expanded page limit explains, in part, Defendants' need for additional time given the corresponding increase in material they are required to analyze and respond to in relation to Plaintiff's Motion.

Respectfully submitted,

**MARCUS NEIMAN RASHBAUM & PINEIRO
LLP**

2 South Biscayne Boulevard, Suite 2530
Miami, Florida 33131
Telephone: (305) 400-4260

/s/Jeffrey E. Marcus

Jeffrey E. Marcus
jmarcus@mnrlawfirm.com
Fla Bar No. 310890

Jason L. Mays
jmays@mnrlawfirm.com
Fla Bar No. 106495

Brandon S. Floch
Fla Bar No. 125218
bfloch@mnrlawfirm.com

*Counsel for Defendant
Perry S. Abbonizio*

FRIDMAN FELS & SOTO, PLLC

2525 Ponce de Leon Boulevard, Suite 750
Coral Gables, Florida 33134
Telephone: (305) 569-7701

/s/ Alejandro O. Soto

Alejandro O. Soto
Fla Bar No. 172847
asoto@ffslawfirm.com

Attorneys for Joseph W. LaForte

**KOPELOWITZ OSTROW
FERGUSON WEISELBERG GILBERT**

One W. Las Olas Blvd., Suite 500
Fort Lauderdale, Florida 33301

/s/ Joshua R. Levine

David L. Ferguson
Fla Bar No. 0981737
Ferguson@kolawyers.com
Joshua R. Levine
Fla Bar No. 91807

Levine@kolawyers.com

Attorneys for Joseph W. LaForte

LAW OFFICES OF ALAN S. FUTERFAS

565 Fifth Avenue, 7th Floor
New York, New York 10017
Telephone: (212) 684-8400

/s/ Alan S. Futerfas
Alan S. Futerfas
asfuterfas@futerfaslaw.com
Admitted Pro Hac Vice

Attorneys for Lisa McElhone

LAW OFFICES OF BETTINA SCHEIN

565 Fifth Avenue, 7th Floor
New York, New York 10017
Telephone: (212) 880-9417

/s/ Bettina Schein
Bettina Schein
bschein@bettinascheinlaw.com
Admitted Pro Hac Vice

Attorney for Joseph Cole Barleta

AKERMAN LLP

Three Brickell City Centre, Suite 1100
98 Southeast Seventh Street
Miami, Florida 33131
Telephone: (305) 374-5600

/s/ Brian P. Miller
Brian P. Miller, Esq.
Florida Bar No. 980633
E-mail: brian.miller@akerman.com
E-mail: Kelly.connolly@akerman.com
Alejandro J. Paz, Esq.
Florida Bar No. 1011728
E-mail: Alejandro.paz@akerman.com
Secondary: marylin.herrera@akerman.com
Attorneys for Dean Vagnozzi

Millennial Law
501 E. Las Olas Blvd.
Suite 200/308
Ft. Lauderdale, Florida 33301
Telephone: (954) 271-2719

/s/ Zachary Paul Hyman _____
Zachary Paul Hyman
Fla Bar No. 98581
zach@millenniallaw.com

Attorney for Michael Furman

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October, 2021, a true and correct copy of the foregoing was served via the Court's CM.ECF System upon all counsel of record.

/s/ Jeffrey E. Marcus
Jeffrey E. Marcus, Esq.