

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

THE LME 2017 FAMILY TRUST, a/k/a

LME 2017 FAMILY TRUST,

Relief Defendant.

**DEFENDANT, MICHAEL C. FURMAN'S, MOTION TO COMPEL RESPONSES TO
DISCOVERY AND TO FURTHER EXTEND THE DEADLINE TO RESPOND
TO MOTION FOR SUMMARY JUDGMENT**

Defendant, Michael C. Furman ("*Mr. Furman*"), by and through the undersigned counsel, hereby requests that the Court enter an Order compelling the Plaintiff, the Securities and Exchange Commission ("*SEC*" or "*Plaintiff*"), to respond to his Request for Production and Interrogatories dated September 20, 2021, and in support thereof states:

ARGUMENT

1. On or about August 24, 2021, the undersigned entered an appearance on behalf of Defendant, Michael C. Furman. Immediately after becoming involved in the case, the undersigned engaged in a series of telephone conferences with counsel fo the SEC and other Defendants to get up to speed in this cause.

2. During the course of those discussions, the undersigned and counsel for the SEC discussed the potential need for the issuance of additional discovery, notwithstanding the pending

discovery deadline in this cause. At the end of those discussions, the SEC sent the correspondence, attached hereto as **Exhibit A**, stating that if the undersigned wishes to issue discovery after the deadline had expired that the SEC would respond to such discovery.

3. The SEC also agreed to voluntarily provide additional information concerning the instant case to the undersigned, but did not provide the specific information sought.

4. In reliance on the SEC's representation, the undersigned reviewed deposition transcripts and took the time to determine what additional discovery, if any, was necessary to advance the defense of Mr. Furman's cause.

5. After this review, the undersigned determined that the best and most effective way to obtain the information necessary to defend Mr. Furman's case was through the issuance of interrogatories and a limited request for production. On September 20, 2021, Mr. Furman issued his Request for Production and Interrogatories onto the SEC.

6. Notwithstanding its prior representation to the undersigned counsel, the SEC has refused to respond to Defendant's discovery claiming that it only agreed to allow Defendant to take limited depositions.

7. While Defendant is willing to take a limited deposition of the SEC on the topics set forth in the discovery issued, it is significantly less burdensome to require the SEC to simply respond to the interrogatories that were issued.

8. In addition, Defendant needs the responses to the foregoing discovery to be able to properly respond to Plaintiff's Motion for Summary Judgment, and, as a result also requests that the Court permit him to respond to the Motion within five days after receiving such discovery.

WHEREFORE, Defendant, Michael C. Furman, respectfully requests that the Court enter an Order: (i) Granting the Motion; (ii) Compelling the SEC to respond to the duly issued discovery;

(iii) Awarding attorney's fees and costs; (iv) Extending the time for Mr. Furman to respond to the SEC's Motion for Summary Judgment; and (v) Granting such further relief as the Court deems just and proper.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)

I HEREBY CERTIFY that counsel for the Movant has conferred with all parties or non-parties who may be affected by the relief sought in this Motion in a good faith effort to resolve the issues and their respective positions are addressed in this motion.

Respectfully submitted,

MILLENNIAL LAW, INC.

Attorneys for Michael C. Furman
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By: *s/ Zachary P. Hyman*

Zachary P. Hyman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **20th** day of October, 2021, the foregoing was filed using the Court's CM/ECF Filing system which will transmit Notices of Electronic Filing generated by CM/ECF to all counsel of record.

By: *s/ Zachary P. Hyman*

Zachary P. Hyman

EXHIBIT A

From: [Zachary Hyman](#)
To: [Berlin, Amie R.](#)
Subject: Re: Glick deposition cancelled
Date: Wednesday, September 1, 2021 7:57:57 PM

It's much appreciated. Can you send the zoom link and key documents when you can?

Please excuse any typos this was sent through a mobile device

From: Berlin, Amie R. <BerlinA@sec.gov>
Sent: Wednesday, September 1, 2021 7:31:05 PM
To: Zachary Hyman <Zach@millenniallaw.com>
Subject: Re: Glick deposition cancelled

Thank you, Zach. Hopefully you know that if you need to take discovery out of time since you just came on the case, I won't object. Hope you have a good night! Amie

On Sep 1, 2021, at 7:27 PM, Zachary Hyman <Zach@millenniallaw.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Why would I ever object to watching the deposition of the best forensic accountant in the state?

While I'd like more time to get up to speed, we do not otherwise object.

Please excuse any typos this was sent through a mobile device

From: Berlin, Amie R. <BerlinA@sec.gov>
Sent: Wednesday, September 1, 2021 5:10:12 PM
To: Bettina Schein <bschein@bettinascheinlaw.com>
Cc: Alejandro O. Soto <asoto@ffslawfirm.com>; Alan Futerfas <asfuterfas@futerfaslaw.com>; David L. Ferguson <ferguson@kolawyers.com>; Joshua R. Levine <levine@kolawyers.com>; Brian Miller <brian.miller@akerman.com>; Jeffrey Marcus <jmarcus@mnrlawfirm.com>; Richard Brueckner

<rbrueckner@futerfaslaw.com>; fields@kolawyers.com <fields@kolawyers.com>;
Zachary Hyman <Zach@millenniallaw.com>

Subject: Re: Glick deposition cancelled

I understand Cole objects. Do LaForte, Vagnozzi, McElhone, Abbonizio, and Furman also object? Please advise as we are filing the motion shortly.

On Sep 1, 2021, at 3:59 PM, Bettina Schein
<bschein@bettinascheinlaw.com> wrote:

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Amie,

After your deposition of Victoria Villarose yesterday, you are now at 11 depositions, one more than permitted by Fed. R. Civ. P. 30(a)(2)(A)(i), without consent of the parties or leave of court. You also conducted a deposition during the expedited discovery period. However, whether or not you agree that counts, you have already exceeded ten depositions which are the limit pursuant to the federal rules. As such, we object to tomorrow's deposition, and it will not go forward, pursuant to the rules of civil procedure without leave of the Court.

Regards,
Bettina

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