

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, AND PLAINTIFF'S JOINT
DISCOVERY PRE-HEARING MEMORANDUM**

Defendant, Michael C. Furman ("*Mr. Furman*") and Plaintiff, Securities and Exchange Commission ("*Plaintiff*"), jointly file this Discovery Pre-Hearing Memorandum, and certify that they have complied with the requirements for pre-hearing consultation contained in the Court's Standing Discovery Order. Despite good faith efforts to resolve their differences, the following issues require resolution by the Court:

1. Whether the SEC is required to answer to the Interrogatories and Request for Production served by Defendant Furman. The SEC believes no response is necessary as the discovery was served approximately a month after the discovery deadline had closed. Defendant contends that the discovery was issued on an untimely basis in reliance on statements from SEC's counsel, and as a result should be allowed.

2. Whether the substance of the Interrogatories is proper. The SEC asserts that the Interrogatories are objectionable as they are contention interrogatories that request nothing more than work product and that Defendants have already been given all relevant documents on which the SEC intends to rely and have met all their discovery obligations as to Defendants. Defendant maintains that understanding the factual basis of the SEC's claims does not implicate work product concerns.

Copies of the relevant discovery requests are attached as **Composite Exhibit A**.

Respectfully submitted,

MILLENNIAL LAW, INC.
Attorneys for Michael C. Furman
501 E. Las Olas Blvd Ste 200/308
Fort Lauderdale Fl 33301
Phone: 954-271-2719

By: *s/ Zachary P. Hyman*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **22nd** 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

COMPOSITE EXHIBIT A

**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;

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;

RETIREMENT EVOLUTION INCOME FUND, LLC

f/k/a RE INCOME FUND, LLC;

RE INCOME FUND 2, LLC; LISA MCELHONE;

JOSEPH COLE BARLETA a/k/a/ JOE COLE;

JOSEPH W. LAFORTE a/k/a JOE MACK a/k/a/

JOE MACKI a/k/a JOE MCELHONE;

PERRY S. ABBONIZIO; DEAN J. VAGNOZZI;

MICHAEL C. FURMAN; and JOHN GISSAS;

Defendants, and

THE LME 2017 FAMILY TRUST, a/k/a

LME 2017 FAMILY TRUST,

Relief Defendant.

/

**DEFENDANT, MICHAEL C. FURMAN'S,
REQUEST FOR PRODUCTION TO PLAINTIFF**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant, MICHAEL C. FURMAN ("*Furman*"), requests that Plaintiff, SECURITIES AND EXCHANGE

COMMISSION (“*SEC*”), produce the following described documents and tangible things in accordance with Rule 34 and the definitions and instructions stated below, at the offices of Millennial Law, Inc., 501 E. Las Olas Blvd, Suite 200/308, within the time required under the Rule.

DEFINITIONS AND INSTRUCTIONS:

The following definitions and instructions shall apply to this Request:

A. “You,” “Plaintiff,” “SEC” or any other variation thereof as used herein means Plaintiff, SECURITIES AND EXCHANGE COMMISSION, and includes any and all agents, employees, servants, officers, directors, and any other person or entity acting or purporting to act on its behalf.

B. “Furman,” “Mr. Furman,” or any other variation thereof as used herein means Defendant, MICHAEL C. FURMAN, and includes any and all agents, employees, servants, officers, directors, and any other person or entity acting or purporting to act on his behalf.

C. “Complaint” as used herein means the *Complaint*, filed by Plaintiff in the above captioned case.

D. “Person” as used herein means any natural person or any entity, including without limitation any individual, firm, corporation, company, joint venture, trust, tenancy, association, partnership, business, agency, department, bureau, board, commission, or any other form of public, private or legal entity. Any reference herein to any public or private company, partnership, association, or other entity include such entity’s subsidiaries and affiliates, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of the entity, its subsidiaries or its affiliates.

E. “Documents” shall mean the original or copies of any tangible written, typed, printed or other form of recorded or graphic matter of every kind or description, however produced or reproduced, whether mechanically or electronically recorded, draft, final original, reproduction, signed or unsigned, regardless of whether approved, signed, sent, received, redrafted, or executed, and whether handwritten, typed, printed, photostated, duplicated, carbon or otherwise copied or produced in any other manner whatsoever. Without limiting the generality of the foregoing, "documents" shall include correspondence, letters, telegrams, telexes, mailgrams, memoranda, including inter-office and intra-office memoranda, memoranda for files, memoranda of telephone or other conversations, including meetings, invoices, reports, receipts and statements of account, ledgers, notes or notations, notes or memorandum attached to or to be read with any document, booklets, books, drawings, graphs, charts, photographs, phone records, electronic tapes, discs or other recordings, computer programs, printouts, data cards, studies, analysis and other data compilations from which information can be obtained. Copies of documents, which are not identical duplications of the originals, or which contain additions to or deletions from the originals

or copies of the originals if the originals are not available, shall be considered to be separate documents.

F. “Documents” shall also include all electronically stored information (hereinafter “ESI”) including but not limited to computer generated information or data of any kind, stored in or on any storage media located on computers, file servers, disks, tape or other real or virtualized devices or media, including Digital Communications (e.g., e-mail, voice mail, instant messaging, chats, tweets, blog posts, social media posts, comments, etc.), E-Mail Server Stores (e.g., Lotus Domino .NSF or Microsoft Exchange .EDB), Word Processed Documents (e.g., Word or WordPerfect files and drafts), Spreadsheets and tables (e.g., Excel or Lotus 123 worksheets), Accounting Application Data (e.g., QuickBooks, Money, Peachtree data), Image and Facsimile Files (e.g., .PDF, .TIFF, .JPG, .GIF images), Sound Recordings (e.g., .WAV and .MP3 files), Video and Animation (e.g., .AVI and .MOV files), Databases (e.g., Access, Oracle, SQL Server data, SAP, other), Contact and Relationship Management Data (e.g., Outlook, ACT!), Calendar and Diary Application Data (e.g., Outlook PST, blog entries), Online Access Data (e.g., Temporary Internet Files, History, Cookies), Presentations (e.g., PowerPoint, Corel Presentations), Network Access and Server Activity Logs, Project Management Application Data, Computer Aided Design/Drawing Files; and Backup and Archival Files (e.g., Veritas, Zip, .GHO). Your search for ESI shall include all of computer hard drives, floppy discs, compact discs, backup and archival tapes, removable media such as zip drives, password protected and encrypted files, databases, electronic calendars, personal digital assistants, mobile devices, smart phones, tablets, proprietary software and inactive or unused computer disc storage areas.

G. The meaning of “Documents” shall be construed as broadly as permitted by the Florida Rules of Civil Procedure but is not intended and shall not be interpreted to expand upon or enlarge the responding party’s obligations beyond that required by the Florida Rules of Civil Procedure.

H. Production of ESI or any electronically stored data shall be in native format unless otherwise agreed, consistent with Schedule “A” below. In producing Documents consisting of electronically stored data in machine-readable form in response to any Request, provide such data in a form that does not require specialized or proprietary hardware or software.

I. “Communications” shall mean any oral or written statement, dialogue, colloquy, discussion or conversation and, also, means any transfer of thoughts or ideas between persons by means of documents and includes a transfer of data from one location to another by electronic or similar means.

J. The terms “pertaining” or “pertaining to” shall mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.

K. As used herein, the conjunctions “and” and “or” shall be interpreted in each instance as meaning “and/or” so as to encompass the broader of the two possible constructions and shall not be interpreted disjunctively so as to exclude any information or documents otherwise within the scope of any request.

L. Any pronouns used herein shall include and be read and applied as to encompass the alternative forms of the pronoun, whether masculine, feminine, neuter, singular or plural, and shall not be interpreted so as to exclude any information or documents otherwise within the scope of any request.

M. If you assert that any document sought by any request is protected against disclosure as the attorney's work product doctrine or by the attorney-client privilege, you shall provide the following information with respect to such document:

- a. the name and capacity of the person or persons who prepared the documents;
- b. the name and capacity of all addresses or recipients of the original or copies thereof;
- c. the date, if any, borne by the document;
- d. a brief description of its subject matter and physical size;
- e. the source of the factual information from which such document was prepared; and
- f. the nature of the privilege claimed.

N. You must produce all documents within your possession, custody or control that are responsive to any of these requests. A document is within your possession, custody, or control if you have the right or ability to secure the document or a copy thereof from any other person having physical possession thereof.

O. If you at any time had possession, custody or control of a document called for under this request and if such document has been lost, destroyed, purged, or is not presently in your possession, custody, or control, you shall describe the document, the date of its loss, destruction, purge, or separation from possession, custody or control and the circumstances surrounding its loss, destruction, purge, or separation from possession, custody or control.

P. For each item or category your response shall state that inspection and related activities will be permitted as requested unless the request is objected to, in which event the reasons for the objection shall be stated. If an objection is made to part of an item or category, the part shall be specified.

Q. All documents produced pursuant hereto are to be produced as they are kept in the usual course of business and shall be organized and labeled (without permanently marking the item produced) so as to correspond with the categories of each numbered request hereof.

R. When appropriate, the singular form of a word should be interpreted in the plural as may be necessary to bring within the scope hereof any documents which might otherwise be construed to be outside the scope hereof.

S. Relevant time period: Unless otherwise specified, the timeframe from these Requests for Production are **from January 1, 2017 to the present.**

SCHEDULE "A"**Production of Electronically Stored Information (ESI)
FORM OF PRODUCTION**

Plaintiff requests that all ESI (electronically stored information) be produced as follows:

ESI will be produced (printed and loaded) in 300DPI resolution or greater, Group IV Monochrome Tagged Image File Format (.TIF) files in single-page format, with **ALL** native files provided and word searchable OCR/extracted text (Optical Character Recognized – i.e. searchable text) in UTF-8 format. Color photographs should be produced as color JPEG images. Email natives will be delivered in MSG or EML format. Load files will be provided in Opticon (.OPT) format and an IPRO LFP (.lfp) format. Metadata will be provided in a DAT file with standard Concordance delimiters. The text files containing the OCR/Extracted Text shall be produced in multi-page format with the name corresponding to its associated document. **All small and oversized images should be resized to fit on 8.5x11 canvas.**

The files should be delivered with the following folder structure:

IMAGES – contains the TIF and JPG files, up to 10,000 items.

DATA – contains the OPT and LFP files and the metadata text file (DAT)

NATIVES – contains all the original native files named as the BEGDOC

TEXT – contains the document-level OCR/Extracted text files named as the BEGDOC

<u>Eclipse Metadata Field</u>	<u>Field Description</u>
BegDoc	BegDoc
EndDoc	EndDoc
BegAttach	BegAttach
EndAttach	EndAttach
Application	Application/Application Name
AttachmentIDs	Bates numbers of attachment(s)
Attachments	Names of attachment files
AttachRange	Attachment Range
Authors	Document author
BCC	BCC (Name + email)
CC	CC (Name + email)
Companies	Company name
Custodian	Custodian (Last, First)
DateCreated	Date created (MM/DD/YYYY)
DateReceived	Date email received (MM/DD/YYYY)
DateSaved	Date last saved (MM/DD/YYYY)
DateSent	Date email sent (MM/DD/YYYY)

<u>Eclipse Metadata Field</u>	<u>Field Description</u>
Doctitle	Title
FileType	Document Type Description
FileExtension	File extension
Doclink	Link to native files produced
ExtractedText	Link to text files produced
Filename	Original filename
FileSize	File size in bytes
Folder	Relative Path (Inbox, Sent, etc.)
From	Sender (Name + email)
Hash Code	MD5 hash
Header	Email header
InternetMSGID	IntMsgID
MessageID	MsgID
NumAttachments	Attachment count
NumPages	Page count
ParentID	Parent bates number
Password Protect	Y/N field
Read	Y/N
SHA1	SHA1 hash
Sources	CD, DVD, hard drive; brief desc. of data
StoreID	Name of PST/NSF file (if relevant)
Subject	Email/Document subject
TimeReceived	Time email received (12-hour HH:MM)
TimeSent	Time email sent (12-hour HH:MM)
To	To (Name + email)

For .xls (Excel), .ppt (PowerPoint), and .doc (Word) files the following additional metadata fields should be included:

Excel_Comments	Comments
Excel_HiddenColumns	Hidden Columns
Excel_HiddenRows	Hidden Rows
Excel_HiddenWorksheets	Hidden Worksheets
Num_Lines	Number of lines
Num_Paragraphs	Number of paragraphs
Num_slides	Number of slides
Num_Notes	Number of notes
Num_HiddenSlides	Number of hidden slides
Num_Multimedia	Number of multimedia clips
Security	Security

DOCUMENTS REQUESTED

1. Documents used to respond to the Interrogatories served simultaneously herewith.
2. Documents related to any false or other material misrepresentations of Mr. Furman.
3. Documents that relate to or otherwise Mr. Furman, and/or any person or entity acting or purporting to act on his behalf.
4. Documents concerning any entity that is associated with Mr. Furman, that was managed by Mr. Furman or was otherwise maintained by Mr. Furman.

Respectfully submitted,

MILLENNIAL LAW, INC.

Attorneys for Michael C. Furman

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Phone: 954-271-2719

By: *s/ Zachary P. Hyman*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **20th** day of September, 2021, the foregoing was served

Via Email or U.S. Mail to all parties listed and as designated in the attached Service List.

By: *s/ Zachary P. Hyman*

Zachary P. Hyman

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 20-cv-81205-RAR

SECURITIES AND EXCHANGE COMMISSION,

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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;

RETIREMENT EVOLUTION INCOME FUND, LLC

f/k/a RE INCOME FUND, LLC;

RE INCOME FUND 2, LLC; LISA MCELHONE;

JOSEPH COLE BARLETA a/k/a/ JOE COLE;

JOSEPH W. LAFORTE a/k/a JOE MACK a/k/a/

JOE MACKI a/k/a JOE MCELHONE;

PERRY S. ABBONIZIO; DEAN J. VAGNOZZI;

MICHAEL C. FURMAN; and JOHN GISSAS;

Defendants, and

THE LME 2017 FAMILY TRUST, a/k/a

LME 2017 FAMILY TRUST,

Relief Defendant.

/

DEFENDANT, MICHAEL C. FURMAN'S, INTERROGATORIES TO PLAINTIFF

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant, MICHAEL C. FURMAN ("*Furman*"), requests that Plaintiff, SECURITIES AND EXCHANGE COMMISSION ("*SEC*"), answer his Interrogatories in accordance with Rule 33 and the

definitions and instructions stated below, at the offices of Millennial Law, Inc., 501 E. Las Olas Blvd, Suite 200/308, within the time required under the Rule.

Respectfully submitted,

MILLENNIAL LAW, INC.
Attorneys for Michael C. Furman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **20th** day of September, 2021, the foregoing was served
Via Email or U.S. Mail to all parties listed and as designated in the attached Service List.

By: s/ Zachary P. Hyman

Zachary P. Hyman

SERVICE LIST

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DEFINITIONS AND INSTRUCTIONS:

The following definitions shall apply to this Request:

A. “You,” “Plaintiff,” “SEC” or any other variation thereof as used herein means Plaintiff, SECURITIES AND EXCHANGE COMMISSION, and includes any and all agents, employees, servants, officers, directors, and any other person or entity acting or purporting to act on its behalf.

B. “Furman,” “Mr. Furman,” or any other variation thereof as used herein means Defendant, MICHAEL C. FURMAN, and includes any and all agents, employees, servants, officers, directors, and any other person or entity acting or purporting to act on his behalf.

C. “Complaint” as used herein means the Complaint, filed by Plaintiff in the above captioned case.

D. “Person” as used herein means any natural person or any entity, including without limitation any individual, firm, corporation, company, joint venture, trust, tenancy, association, partnership, business, agency, department, bureau, board, commission, or any other form of public, private or legal entity. Any reference herein to any public or private company, partnership, association, or other entity include such entity’s subsidiaries and affiliates, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of the entity, its subsidiaries or its affiliates.

E. “Communications” shall mean any oral or written statement, dialogue, colloquy, discussion or conversation and, also, means any transfer of thoughts or ideas between persons by means of documents and includes a transfer of data from one location to another by electronic or similar means.

F. The terms “pertaining” or “pertaining to” shall mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.

G. As used herein, the conjunctions “and” and “or” shall be interpreted in each instance as meaning “and/or” so as to encompass the broader of the two possible constructions, and shall not be interpreted disjunctively so as to exclude any information or documents otherwise within the scope of any request.

H. Any pronouns used herein shall include and be read and applied as to encompass the alternative forms of the pronoun, whether masculine, feminine, neuter, singular or plural, and shall not be interpreted so as to exclude any information or documents otherwise within the scope of any request.

I. When appropriate, the singular form of a word should be interpreted in the plural as may be necessary to bring within the scope hereof any documents which might otherwise be construed to be outside the scope hereof.

INTERROGATORIES

1. Identify each statement made by Mr. Furman that you contend was a material misrepresentation?

ANSWER:

2. Identify all facts which support your contention that Mr. Furman knew or should have known that such misrepresentations were false.

ANSWER:

3. Please state the amount of damages and/or disgorgement that Mr. Furman would owe.

ANSWER:

JURAT

SECURITIES AND EXCHANGE
COMMISSION

Signature

Name

Title

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this ____ day of _____, 2021, by _____, as _____ of Securities and Exchange Commission, who is personally known to me or produced _____ as identification.

Notary Public, State of _____

(Print, Type, or Stamp Commissioned Name of Notary Public)