

**UNITED STATES DISTRICT COURT
FOR THE 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.

**RECEIVER, RYAN K. STUMPHAUZER’S COMBINED EIGHTEENTH
MOTION TO LIFT LITIGATION INJUNCTION AS TO CERTAIN
GARNISHMENT PROCEEDINGS AND TO AUTHORIZE RECEIVER
TO COLLECT ATTACHED ASSETS TO SATISFY CONFESSED JUDGMENT**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities¹, by and through undersigned counsel, hereby files this Combined Eighteenth Motion to

¹ The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“Par Funding”); Full Spectrum Processing, Inc. (“Full Spectrum”); 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; RE Income Fund LLC; RE Income Fund 2 LLC; ABFP Income Fund 3, LLC; ABFP Income Fund 4, LLC; ABFP Income Fund 6, LLC; ABFP Income Fund Parallel LLC; ABFP Income Fund 2 Parallel; ABFP Income Fund 3 Parallel; ABFP Income Fund 4 Parallel; ABFP Income Fund 6 Parallel; ABFP Multi-Strategy Investment Fund LP; ABFP Multi-Strategy Investment Fund 2 LP; MK Corporate Debt Investment Company LLC; Capital Source 2000, Inc.; Fast Advance Funding LLC; Beta Abigail, LLC; New Field Ventures, LLC; Heritage Business Consulting, Inc.; Eagle Six Consultants, Inc.; 20 N. 3rd St. Ltd.; 118 Olive PA LLC; 135-137 N. 3rd St. LLC; 205 B Arch St Management LLC; 242 S. 21st St. LLC; 300 Market St. LLC; 627-629 E. Girard LLC; 715 Sansom St. LLC; 803 S. 4th St. LLC; 861 N. 3rd St. LLC; 915-917 S. 11th LLC; 1250 N. 25th St. LLC; 1427 Melon St. LLC; 1530 Christian St. LLC; 1635 East Passyunk LLC; 1932 Spruce St. LLC; 4633 Walnut St. LLC; 1223 N. 25th St. LLC; Liberty Eighth Avenue LLC; The LME 2017 Family Trust; Blue Valley Holdings, LLC; LWP North LLC; 500 Fairmount Avenue, LLC; Recruiting and Marketing Resources, Inc.; Contract Financing Solutions, Inc.; Stone Harbor Processing LLC; and LM Property Management LLC; and the Receivership also includes the

Lift Litigation Injunction as to Certain Garnishment Proceedings and to Authorize Receiver to Collect Attached Assets to Satisfy Confessed Judgment, and states as follows:

I. MOTION TO LIFT LITIGATION INJUNCTION AS TO CERTAIN GARNISHMENT PROCEEDINGS

1. The Receiver hereby moves this Court to lift the Litigation Injunction for the limited purpose of allowing the Receiver, in his discretion, to dissolve current writs of garnishment, to mark judgments satisfied, and/or to reopen confessed judgments, where the counterparty merchant either has resolved, or has agreed to resolve, prior defaults, or otherwise filed for bankruptcy protection, in the following cases in the Court of Common Pleas of Philadelphia County, Pennsylvania.²

2. The cases are:

- a. *Complete Business Solutions Group, Inc. v. Yolanda Marie Pelino Sole Proprietor d/b/a Mind2Body d/b/a Mind 2 Body Studio and Yolanda Marie Pelino*, Philadelphia Court of Common Pleas Docket No. 191002722.
- b. *Complete Business Solutions Group, Inc. v. Hall Food Systems Inc., Timothy Hall and Ginger Hall*, Philadelphia Court of Common Pleas Docket No. 200101681.
- c. *Complete Business Solutions Group, Inc. v. Greiner Funeral Home and Cremation Services, Inc. and Gary Gene Greiner*, Philadelphia Court of Common Pleas Docket No. 190800154.
- d. *Complete Business Solutions Group, Inc. v. The Makers Club LLC and Nicole Bennett*, Philadelphia Court of Common Pleas Docket No. 190703876.

properties located at 568 Ferndale Lane, Haverford PA 19041; 105 Rebecca Court, Paupack, PA 18451; 107 Quayside Dr., Jupiter FL 33477; 2413 Roma Drive, Philadelphia, PA 19145.

² See the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] (the "Operative Receivership Order"). The Receiver generally incorporates the background section of his prior Motions to Lift Litigation Injunction as to Certain Garnishment Proceedings. [See, e.g., ECF Nos. 111, 145, 198, 232, and 264.]. To conserve resources and promote efficiency, the Receiver is providing only a summary narrative, as approved by the Court at the October 7, 2020 status conference.

- e. *Complete Business Solutions Group, Inc. v. Henry Jackson Racing Engines LLC and Henry Jackson*, Philadelphia Court of Common Pleas Docket No. 200400868.
- f. *Complete Business Solutions Group, Inc. v. Thorman Enterprises LLC and Daniel Thorman and Heidi Thorman*, Philadelphia Court of Common Pleas Docket No. 191203052.
- g. *Complete Business Solutions Group, Inc. v. Altaterra Realty and Auction LLC and James Ross and Kimberly Ross*, Philadelphia Court of Common Pleas Docket No. 200301623.
- h. *Contract Financing Solutions, Inc. v. Hoegg Software Co and Christopher Hoegg*, Philadelphia Court of Common Pleas Docket No. 200202096.

3. The Receiver has determined, in his professional judgment, that it is in the best interests of the Receivership Estate to dissolve current writs of garnishment, to mark judgments satisfied, and/or to reopen confessed judgments with respect to these cases.

II. MOTION TO LIFT LITIGATION INJUNCTION TO AUTHORIZE RECEIVER TO COLLECT ATTACHED ASSETS TO SATISFY CONFESED JUDGMENT

4. On April 7, 2020, Contract Financing Solutions, Inc. (“CFS”) filed a Complaint in Confession of Judgment against Dupont Transport LLC and Esperance Dupont in the amount of \$12,395.26, in the Philadelphia Court of Common Pleas, Docket No. 200400163.

5. On April 7, 2020, CFS served a Praecipe to Issue Writs of Attachment on several financial institutions, including Wells Fargo Bank, N.A. (“Wells Fargo”).

6. On April 13, 2020, Dupont Transport LLC and Esperance Dupont were each served with Notice under Pennsylvania Rule 2958.3 of Judgment and Execution Thereon, Praecipe to Enter Confession of Judgment and Assessments of Damages and the Complaint in Confession of Judgment, along with other pleadings, affidavits, and notices.

7. On October 20, 2020, Garnishee Wells Fargo filed Answers to Interrogatories in Attachment identifying an account in the name of Dupont Transport LLC containing \$21,478.77 in funds restricted pursuant to the Writ of Attachment served on Wells Fargo.

8. At no time prior to the filing of this Motion has Dupont Transport LLC and/or Esperance Dupont petitioned to open the confessed judgment.

9. Receiver asks that the Litigation Injunction be lifted so that Receiver can collect \$12,395.26 of the attached assets and to satisfy the judgment against Dupont Transport LLC and Esperance Dupont.

10. Lifting the stay to allow for the action identified in this Motion is proper as it presents an opportunity for the Receivership Estate to capture value in the attached Dupont Transport LLC account with Wells Fargo, thereby bringing assets into the Receivership Estate.

11. Lifting the stay to allow for the action identified in this Motion is proper as it will allow the Receiver to satisfy the judgment against Dupont Transport LLC and Esperance Dupont, and to release any excess assets that have been attached for nearly one year as a result of the Writs of Attachment.

WHEREFORE, Ryan K. Stumphauzer, as Court-Appointed Receiver, by and through his undersigned counsel, respectfully requests this Honorable Court to grant the motion and lift the Litigation Injunction on a limited basis as set forth above. A proposed order for the Court's consideration is attached as Exhibit 1.

CERTIFICATION REGARDING PRE-FILING CONFERENCE

The undersigned counsel has conferred with all counsel of record and unrepresented parties in this matter regarding the relief sought through this motion and certifies that all counsel of record and unrepresented parties have either (1) not responded to the Receiver's meet and confer requests or (2) confirmed that their clients either do not oppose or take no position with respect to the relief sought. The SEC also takes no position on the motion to lift the litigation injunction. Its position on the underlying transaction was not solicited and therefore none was provided.

Dated: November 2, 2021

Respectfully Submitted,

**STUMPHAUZER FOSLID SLOMAN
ROSS & KOLAYA, PLLC**
Two South Biscayne Blvd., Suite 1600
Miami, FL 33131
Telephone: (305) 614-1400
Facsimile: (305) 614-1425

By: /s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA
Florida Bar No. 056140
tkolaya@sfslaw.com

Co-Counsel for Receiver

**PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP**
1818 Market Street, Suite 3402
Philadelphia, PA 19103
Telephone: (215) 320-6200
Facsimile: (215) 981-0082

By: /s/ Gaetan J. Alfano
GAETAN J. ALFANO
Pennsylvania Bar No. 32971
(Admitted Pro Hac Vice)
GJA@Pietragallo.com
DOUGLAS K. ROSENBLUM
Pennsylvania Bar No. 90989
(Admitted Pro Hac Vice)
DKR@Pietragallo.com

Co-Counsel for Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 2, 2021, I electronically filed the foregoing 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 transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE 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.

**[PROPOSED] ORDER GRANTING RECEIVER, RYAN K. STUMPHAUZER'S
COMBINED EIGHTEENTH MOTION TO LIFT LITIGATION INJUNCTION AS TO
CERTAIN GARNISHMENT PROCEEDINGS AND TO AUTHORIZE RECEIVER
TO COLLECT ATTACHED ASSETS TO SATISFY CONFESSED JUDGMENT**

THIS CAUSE comes before the Court upon the Receiver's Combined Eighteenth Motion to Lift Litigation Injunction as to Certain Garnishment Proceedings and to Authorize Receiver to Collect Attached Assets to Satisfy Confessed Judgment [ECF No. ____] ("Motion"), filed on November 2, 2021.

In Section I of the Motion, the Receiver seeks to modify the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141], so as to lift the litigation injunction provided for in that Order for certain garnishment matters currently pending in the Court of Common Pleas of Philadelphia County, Pennsylvania to be opened for the limited purpose to authorize the Receiver, in his discretion, to dissolve current writs of garnishment, to mark judgments satisfied, and/or to reopen confessed judgments, where the counterparty merchant either

has resolved, has agreed to resolve, prior defaults, or otherwise filed for bankruptcy protection, in certain cases in the Court of Common Pleas of Philadelphia County, Pennsylvania.

The Receiver has made a sufficient and proper showing in support of the relief requested. Accordingly, it is hereby

ORDERED AND ADJUDGED that Receiver's Motion is **GRANTED** with respect to the relief requested in Section I thereof. Specifically, the litigation injunction set forth in the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] is hereby lifted in the following matters in the Court of Common Pleas of Philadelphia County, Pennsylvania, and solely for the purpose as described in the Motion:

- a. *Complete Business Solutions Group, Inc. v. Yolanda Marie Pelino Sole Proprietor d/b/a Mind2Body d/b/a Mind 2 Body Studio and Yolanda Marie Pelino*, Philadelphia Court of Common Pleas Docket No. 191002722.
- b. *Complete Business Solutions Group, Inc. v. Hall Food Systems Inc., Timothy Hall and Ginger Hall*, Philadelphia Court of Common Pleas Docket No. 200101681.
- c. *Complete Business Solutions Group, Inc. v. Greiner Funeral Home and Cremation Services, Inc. and Gary Gene Greiner*, Philadelphia Court of Common Pleas Docket No. 190800154.
- d. *Complete Business Solutions Group, Inc. v. The Makers Club LLC and Nicole Bennett*, Philadelphia Court of Common Pleas Docket No. 190703876.
- e. *Complete Business Solutions Group, Inc. v. Henry Jackson Racing Engines LLC and Henry Jackson*, Philadelphia Court of Common Pleas Docket No. 200400868.
- f. *Complete Business Solutions Group, Inc. v. Thorman Enterprises LLC and Daniel Thorman and Heidi Thorman*, Philadelphia Court of Common Pleas Docket No. 191203052.
- g. *Complete Business Solutions Group, Inc. v. Altaterra Realty and Auction LLC and James Ross and Kimberly Ross*, Philadelphia Court of Common Pleas Docket No. 200301623.
- h. *Contract Financing Solutions, Inc. v. Hoegg Software Co and Christopher Hoegg*, Philadelphia Court of Common Pleas Docket No. 200202096.

In Section II of the Motion, the Receiver seeks to modify the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141], for the limited purpose of lifting the litigation injunction provided for in that Order to permit the Receiver to collect funds attached by Wells Fargo Bank, N.A. in the account of Dupont Transport LLC to satisfy the confessed judgment in favor of Contract Financing Solutions, Inc. against Dupont Transport LLC and Esperance Dupont and to release excess funds that have been attached for nearly one year.

The Receiver has made a sufficient and proper showing in support of the relief requested. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Receiver's Motion is GRANTED with respect to the relief requested in Section II thereof. Specifically, the litigation injunction set forth in the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] is hereby lifted so as to authorize the Receiver collect \$12,395.26 of the attached assets held in an account of Dupont Transport LLC with Wells Fargo Bank, N.A., to satisfy the judgment against Dupont Transport LLC and Esperance Dupont, and to release any excess assets of Dupont Transport LLC and Esperance Dupont that have been attached as a result of writs of attachment filed in Philadelphia Court of Common Pleas Docket No. 200400163.

DONE AND ORDERED in Fort Lauderdale, Florida, this ____ day of _____, 2021.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record