

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 RESPONSE IN OPPOSITION TO MOTION
TO ALLOW ALEXIS ABBONIZIO TO APPEAR BY ZOOM**

Defendant, Michael C. Furman ("*Furman*"), by and through the undersigned counsel, hereby files this Response in Opposition to the Motion to Allow Alexis Abbonizio to Appear by Zoom and In Support thereof states:

1. On or about December 2, 2021, the Court conducted a hearing on various issues. During the course of the hearing, the Court prohibited Dean Vagnozzi, a former Defendant, from appearing by zoom, because he was a critical witness in the case, and was a former defendant.
2. Despite the fact that the SEC has admitted that Alexis Abbonizio has no information concerning Mr. Furman, and as a result, should be precluded from testifying the SEC is attempting to have her appear via zoom.
3. To the extent that the Court allows Alexis Abbonizio to testify, she must be required to testify in person.

4. While Alexis Abbonizio was not a defendant in this case, she is the daughter of the SEC's star witness, Perry Abbonizio, who handled all of Perry Abbonizio's matters on his behalf. Perry Abbonizio could barely use a computer, and as such, on information and belief Alexis Abbonizio, was exchanging correspondence on his behalf. Alexis Abbonizio also worked for Dean Vagnozzi's fund, A Better Financial Plan, LLC.

5. Moreover, Alexis Abbonizio's motivation to participate in the case and her bias must be subject to strict scrutiny and cross examination, as her father settled with the SEC and likely has additional information concerning the matter.

6. While Abbonizio claims that she has a medical issue that prevents her from appearing in person, the "medical issue" is nothing more than a minor sinus issues, such that she "does not want to get on a plane" as set forth in the correspondence attached hereto as **Exhibit A**. And, more importantly, Alexis Abbonizio's lawyers have yet to confirm that she was otherwise unable to appear in person, despite being given an opportunity to do so.

7. Because Alexis Abbonizio is a critical witness who needs to be subject to cross examination, in the same way as Dean Vagnozzi, who she used to work for, it is critical that either (a) she provide verification of her inability to travel and appear in person; or (b) she must appear by person in this cause.

8. While the SEC also claims that verifying that Alexis Abbonizio has a medical condition that prevents her from travelling would violate HIPPA, there are simple ways to show that she is unable to travel without disclosing her confidential information, as a Doctor can simply prepare a note confirming that Alexis Abbonizio cannot travel without disclosing what the medical condition is. As a result, the SEC's claim is incredibly suspect.

9. The SEC's and Alexis Abbonizio's failure to verify her inability to travel or any related health issues, coupled with its inconsistent position as to her knowledge of Furman, mandates that either (a) Alexis Abbonizio be prevented from testifying; (b) Alexis Abbonizio testify in person; or (c) Alexis Abbonizio verify her contention that she is unable to travel. The fact that she "does not want to get on a plane" is not close to sufficient.

10. Alternatively, Furman is willing to permit Alexis Abbonizio to appear via zoom, if former defendant Dean Vagnozzi can appear by zoom as well. It is simply unjust and inequitable to require witnesses that would favor Furman to travel to Florida to testify when he lacks the financial ability to pay for them to get here, while the SEC with its unlimited resources is allowed to have anyone it chooses appear by zoom.

WHEREFORE, Defendant, Michael Furman, respectfully requests that the Court enter an Order: (i) Denying the Motion; (ii) Striking Alexis Abbonizio from the SEC's witness; (iii) Requiring Alexis Abbonizio to verify, under oath, the reasons why she can't travel; and (iv) Granting such further relief as the Court deems just and proper.

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*

Zachary P. Hyman

Florida Bar No. 98581

zach@millenniallaw.com

millenniallawforms@gmail.com

jessica@millenniallaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **5th** day of December, 2021, the foregoing was filed using the Court's CM/ECF system which will send notice of electronic filing to all counsel of record.

By: *s/ Zachary P. Hyman*
Zachary P. Hyman

From: [Zachary Hyman](#)
To: [Johnson, Alise](#); elroy@knightlawfl.com
Subject: RE: Motion to allow witnesses to appear by zoom 12-3
Date: Saturday, December 4, 2021 4:49:00 PM

It's my understanding that the Rule will be invoked, so she can sit wherever she wants. .

Without a Doctor's note saying she cannot fly, we will not consent to her being there via.

From: Johnson, Alise <johnsonali@SEC.GOV>
Sent: Saturday, December 4, 2021 4:45 PM
To: Zachary Hyman <Zach@millenniallaw.com>; elroy@knightlawfl.com
Subject: RE: Motion to allow witnesses to appear by zoom 12-3

Alexis was never a defendant in this case. Perry was the defendant and he is appearing in person. Her attorney told me yesterday that Alexis has a respiratory infection (and was waiting for her Covid test results to come back). She didn't have the results yet and didn't want to get on a plane due the sinus issues she is having. I can ask her attorney to put that in an email if that will help? Either way I don't want her anywhere near me! She can sit next to you guys.

From: Zachary Hyman <Zach@millenniallaw.com>
Sent: Saturday, December 4, 2021 3:52 PM
To: Johnson, Alise <johnsonali@SEC.GOV>; elroy@knightlawfl.com
Subject: RE: Motion to allow witnesses to appear by zoom 12-3

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.

We object to Alexis Abennizo, because she is a relative of the Defendant Perry Abbenizo and is a former defendant. She was also the right hand and administrative assistant of Perry Abbenizo. We will also need proof of the respiratory issue to agree to allow her to appear by zoom if that's the issue.

For Mitchell, we don't object.

From: Johnson, Alise <johnsonali@SEC.GOV>
Sent: Saturday, December 4, 2021 3:51 PM
To: Zachary Hyman <Zach@millenniallaw.com>; elroy@knightlawfl.com
Subject: FW: Motion to allow witnesses to appear by zoom 12-3

There are two more witnesses that we may call that have stated a need to appear by zoom due to health issues and covid concerns. Alexis Abbonizio (she has a respiratory issue) and William Mitchell who has a fear of travel due to covid. Please let us know your position on same.

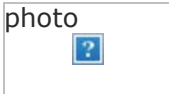


Alise Johnson

Senior Trial Counsel
U.S. Securities and Exchange Commission
Miami Regional Office
801 Brickell Ave, Suite 1950, Miami, FL 33131
Work Cell: 786-626-7399
Email: johnsonali@sec.gov

From: Johnson, Alise
Sent: Friday, December 3, 2021 7:01 PM
To: Berlin, Amie R. <BerlinA@sec.gov>
Subject: Motion to allow witnesses to appear by zoom 12-3

This is for Alexis A. and William Mitchell-let me know if I should add anyone else before I send to Zach to get his opinion.



Zach Hyman

Founder | Millennial Law
t: (954)271-2719
m: (561)315-8910
e: zach@millenniallaw.com
www.millenniallaw.com

[Download our Free COVID-19 eBook For South Florida Business Owners](#)

