

**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 MOTION TO COMPEL  
DEFENDANT JOSEPH COLE BARLETA TO COMPLY WITH COURT ORDERS**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (the “Receiver”) of the Receivership Entities,<sup>1</sup> by and through his undersigned counsel, hereby files this Motion to Compel Defendant

---

<sup>1</sup> The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“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; 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; and ABFP Income Fund 6 Parallel; ABFP Multi-Strategy Investment Fund LP; ABFP Multi-Strategy 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 Consulting, 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; 500 Fairmount Avenue, LLC; Liberty Eighth Avenue LLC; Blue Valley Holdings, LLC; LWP North LLC; The LME 2017 Family Trust; Recruiting and Marketing Resources, Inc.; Contract Financing Solutions, Inc.; Stone Harbor Processing LLC; LM Property Management LLC; and ALB Management, LLC; and the receivership also includes the 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; 159 26<sup>th</sup> Street, Avalon, NJ 08202; and 164 84<sup>th</sup> Street, Stone Harbor, NJ 08247.

Joseph Cole Barleta (“Cole”) to Comply with Court Orders (the “Motion”), and states as follows:

**FACTUAL BACKGROUND**

On July 28, 2020, the Court granted an Emergency *Ex Parte* Motion for a Temporary Restraining Order and Other Relief against various defendants in this matter including Defendant Cole. The Court required that, within five (5) calendar days, each Defendant, shall:

- (a) make a sworn accounting to this Court and the Plaintiff of all funds, whether in the form of compensation, commissions, income (including payments for assets, shares or property of any kind), and other benefits (including the provision of services of a personal or mixed business and personal nature) received, directly or indirectly, by the Defendant making the sworn accounting;
- (b) make a sworn accounting to this Court and the Plaintiff of all assets, funds, or other properties, whether real or personal, held by the Defendant making the sworn accounting, jointly or individually, or for its direct or indirect beneficial interest, or over which it maintains control, wherever situated, stating the location, value, and disposition of each such asset, fund, and other property; and
- (c) provide to the Court and the Plaintiff a sworn identification of all accounts (including, but not limited to, bank accounts, savings accounts, securities accounts and deposits of any kind and wherever situated) in which the Defendant making the sworn accounting (whether solely or jointly), directly or indirectly (including through a corporation, partnership, relative, friend or nominee), either has an interest or over which he has the power or right to exercise control.

[ECF No. 42, ¶ 4] (“TRO”). Under the TRO, Cole was required to produce a full sworn accounting (“Accounting”) of his assets.

Also, on July 27, 2020, the Court appointed the Receiver as receiver for Complete Business Solutions Group, Inc. (“CBSG”) and other associated entities. *See* Order Appointing Receiver [ECF No. 36]. As stated in the Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] (“Receivership Order”), the Court appointed the Receiver because:

...the appointment of a receiver in this action is necessary and appropriate for the purposes of marshaling and preserving all assets of the Defendants (“Receivership Assets”) and those assets of the Relief Defendant that: (a) are attributable to funds

derived from investors or clients of the Defendants; (b) are held in constructive trust for the Defendants; and/or (c) may otherwise be includable as assets of the estates of the Defendants (collectively, “Recoverable Assets”).

Receivership Order, p. 1.

Under the Receivership Order, “[t]he Receiver was authorized to take immediate possession of all assets, bank accounts or other financial accounts, books and records and all other documents or instruments relating to the Receivership Entities. All persons and entities having control, custody or possession of any Receivership Property [were] directed by the Receivership Order to turn such property over to the Receiver.” [ECF No. 141, ¶ 15].

All banks, brokerage firms, financial institutions, and other persons or entities with possession, custody or control of any assets or funds held by, in the name of, or for the benefit of, directly or indirectly, and of the Receivership Entities also were required to “[c]ooperate expeditiously in providing information and transferring funds, assets and accounts to the Receiver or at the direction of the Receiver.” [ECF No. 141, ¶ 17].

On December 16, 2020 this Court expanded the Receivership over Beta Abigail, LLC, an entity owned and controlled by Cole, because it had received approximately \$4.9 million in commingled investor funds from Receivership Entities between July 2016 and April 2019. *See* Motion to Expand p. 9 [ECF No. 357]; Order Granting Motion to Expand p. 3 [ECF No. 436].

Pursuant to Paragraph 12 of the Receivership Order, Cole, as a past officer and employee of the Receivership Entities, is required to “answer under oath to the Receiver all questions which the Receiver may put to [him] and produce all documents as required by the Receiver regarding the business of the Receivership Entities . . . or the collection of funds due to the Receivership.” Additionally, if the Receiver deems it necessary, he has the authority to “make [his] discovery requests in accordance with the Federal Rules of Civil Procedure.” [ECF No. 141, ¶ 12].

On February 12, 2021, pursuant to his authority under the Receivership Order, the Receiver

served a First Request for Production of Documents and a First Set of Interrogatories to Cole (the “Discovery Requests”). Through these Discovery Requests, the Receiver asked Cole to produce all documents and communications in his possession, custody, or control concerning any of the Receivership Entities, as well as bank accounts, property, and other assets of Cole, with an operative time frame of January 1, 2017 to the present. Copies of these Discovery Requests are attached as **Exhibit 1**. Cole never served an objection or response, or produced any responsive documents, to the Discovery Requests and, in communications through counsel, Cole took the position that he was not required to respond to these Discovery Requests.

On February 15, 2022, this Court expanded the Receivership over ALB Management, LLC, another entity owned and controlled by Cole, because it had received \$3,363,850.61 in commingled investor funds from Receivership Entities between July 2019 through July 2020. *See* Motion to Expand [ECF No. 1151]; Order Granting Motion to Expand [ECF No. 1156].

Through Beta Abigail, LLC and ALB Management, LLC, Cole received a total of \$8,263,850.61 million in commingled investor funds. Based upon a review of the books and records of certain Receivership Entities, the Receiver believes that Cole, through Beta Abigail, LLC and ALB Management, LLC, has used commingled investor proceeds to acquire personal and business assets.

Cole also was required under the Receivership Order to cooperate expeditiously in providing information and transferring funds, assets, and accounts to the Receiver or at the direction of the Receiver. [ECF No. 141, ¶ 17].

Because Cole never produced the Accounting required by the TRO and never responded to the Discovery Requests, the Receiver contacted Cole’s counsel once again on February 21, 2022, requesting information from 2016 through present about 10 categories of assets in which Cole may have a personal or business interest, including:

- Real Estate
- Stocks Bonds and Securities
- Bank Accounts
- Safe Deposit Boxes
- Automobiles
- Indebtedness Owed to Cole
- Partnerships and Other Business Interests
- Trusts
- Other Property
- Disposed of Property

A copy of this email request is attached as **Exhibit 2**. On March 7, 2022, counsel for Cole responded and refused to provide the requested information on the grounds that the Receiver's requests were premature and that Cole was "assert[ing] his right not to answer questions" due to "an investigation by the U.S. Attorney's Office in Philadelphia." The Receiver responded to Cole's counsel's email on March 9, 2022 disputing that the requests were premature. A copy of this email correspondence is attached as **Exhibit 3**. The Receiver also clarified that the requests for information concerning the 10 categories of assets were requests for documents, not testimony, and Cole's purported Fifth Amendment privilege was unwarranted. The Receiver further informed Cole's counsel that there was no applicable "act of production" privilege with respect to the requests since they simply asked for all documents identifying all assets that he has owned from 2016 through the present and, thus, Cole was not required to exercise any discretion or judgment about what to produce. (*Id.*)

To date, Cole has not turned over any of the requested documents, has failed to cooperate expeditiously at the direction of the Receiver, and has violated this Court's Receivership Order. Pursuant to this Court's TRO and Receivership Order, Cole is required to provide documents identifying these enumerated assets. Accordingly, the Receiver seeks an Order requiring Cole to produce all documents in his possession, custody, or control responsive to the Receiver's requests.

## ARGUMENT

A Court has the “inherent power to enforce compliance with its lawful orders.” *Sexual MD Sols., LLC v. Wolff*, No. 20-20824-CIV, 2020 WL 2813146, at \*1 (S.D. Fla. May 29, 2020). Here, the Receiver is simply seeking to enforce this Court’s TRO and Receivership Order, which permits him to demand and receive all required information relating to the Receivership. This information is essential to the Receiver’s duties to “marshal[] and preserv[e]” all Receivership Assets. Cole has not provided the Receiver or this Court with any valid explanation for his failure to abide by this Court’s clear order. Importantly, court orders must be read in light of their stated purpose. *See In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695 (9th Cir. 1993) (“For the protective order to comply with common sense, a reasonable reading must connect its prohibitions to its purpose.”). The purpose of both the TRO and Receivership Order is to account for and preserve the assets of the Receivership Estate, including any assets that “(a) are attributable to funds derived from investors or clients of the Defendants; (b) are held in constructive trust for the Defendants; and/or (c) may otherwise be includable as assets of the estates of the Defendants (collectively, ‘Recoverable Assets’).” (ECF No. 141, p. 1.). The information the Receiver has requested from Cole is clearly targeted towards marshaling and preserving Recoverable Assets and, therefore, Cole is required to comply with these requests. *See e.g., Fed. Trade Comm’n v. Productive Mktg., Inc.*, 136 F.Supp.2d 1096, 1109 (C.D. Cal. 2001) (wherein court found preliminary injunction order mandated “cooperat[ion] with all reasonable requests relating to implementation of [the] Order,” including the production of “records related to the assets of the receivership defendants” and failure to take all reasonable steps to comply with the preliminary injunction order resulted in sanctions).

Further, Cole’s purported assertion of his Fifth Amendment privilege to avoid producing the requested documents is unwarranted. While in some cases the act of producing documents may involve a testimonial component that may enjoy the Fifth Amendment privilege, separate and apart

from whether the contents of the documents at issue are protected, “the protection is not triggered, where . . . [merely] some physical act [is compelled], *i.e.*, where the individual is not called upon to make use of the contents of his or her mind, or where it can be shown with reasonable particularity that, at the time [that] the act of production [was sought to be compelled], . . . the materials [were already known of], thereby making any testimonial aspect [of the production] a foregone conclusion.” *Sallah v. Worldwide Clearing LLC*, 855 F. Supp. 2d 1364, 1375 (S.D. Fla. 2012) (quoting *Fisher v. United States*, 425 U.S. 391, 96 S.Ct. 1569, 48 L.Ed.2d 39 (1976)).

In *Sallah*, the Receiver in a Ponzi scheme case filed a motion to compel the production of documents from an investor defendant, Morgan. The Receiver alleged that Morgan and other investor defendants had received payments from receivership entities either “without any apparent investment or, alternatively, in excess of [her] respective investments.” *Id.* at 1364. The Receiver sought documents evidencing: (1) communications and documents exchanged between Morgan and the receivership entities; (2) documents reflecting funds paid by Morgan to the receivership entities and received by Morgan from the receivership entities; (3) documents reflecting services provided for value by Morgan to the receivership entities; (4) documents Morgan signed regarding investments with the receivership entities; (5) checks, canceled checks, bank statements or any other documents showing funds paid by Morgan to the receivership entities or received by Morgan from the receivership entities; and (6) Morgan’s bank accounts and brokerage accounts for a certain time period.

Morgan argued that the requests required her to “exercise judgment or discretion in determining what documents might be responsive” and, thus, her act of producing them would be testimonial and may incriminate her. *Id.* at 1373-76. The Court rejected Morgan’s argument and found that the act of production privilege was inapplicable to each request. The Court held that each request either: (1) did not require Morgan to employ the contents of her mind or make judgment calls

to choose what documents might be responsive; (2) sought documents that could be authenticated by someone other than Morgan; or (3) sought the mere physical production of records the Receiver already knew existed. *Id.* at 1376.

Like the requests in *Sallah*, the Receiver's requests do not require that Cole exercise any discretion or judgment about what to produce. The Receiver is not asking Cole to segregate, analyze, or otherwise identify through his document production any specific assets he acquired with the proceeds of commingled investor funds. The Receiver simply requests that Cole provide all documents identifying all assets that he has owned from 2016 through present, information that Cole has been ordered to produce by this Court. Cole's failure to comply with this Court's TRO and Receivership Order has impeded and frustrated the Receiver's authority, granted by this Court, to marshal and preserve the Receivership Assets. Thus, the Receiver is forced to move this Court for an Order requiring Cole to produce the information sought by the Receiver. As such, the Receiver is requesting that Cole produce the documents requested in the ten asset categories above within seven (7) days of the Court's granting of the Receiver's Motion. A proposed Order granting this Motion is attached as **Exhibit 4**.

#### **CONCLUSION**

**WHEREFORE**, the Receiver respectfully requests that the Court enter an Order compelling Defendant Joseph Cole Barleta to produce the materials sought by the Receiver in this Motion within seven (7) days from the date the Court enters an Order granting of the Motion, and granting such other and further relief as the Court deems just and proper.

#### **CERTIFICATION REGARDING PRE-FILING CONFERENCE**

The undersigned counsel has conferred with counsel for Joseph Cole Barleta regarding the relief sought through this Motion and certifies that counsel for Joseph Cole Barleta has confirmed that Joseph Cole Barleta opposes the relief the Receiver seeks through this Motion.



Dated: March 19, 2022

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

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

*Co-Counsel for Receiver*

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

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 March 19, 2022, I electronically filed the 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”

**IN THE 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 FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS TO DEFENDANT JOSEPH COLE BARLETA**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver, (the “Receiver”) of the Receivership Entities,<sup>1</sup> by and through its undersigned counsel, respectfully requests, pursuant to Fed. R. Civ. P. 34, that Defendant Joseph Cole Barleta produce and permit inspection and copying

---

<sup>1</sup> The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“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; 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 Fund 2 LP; and 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 Consulting, 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 L.M.E. 2017 Family Trust; 568 Ferndale Lane, Haverford PA 19041; 105 Rebecca Court, Paupack, PA 18451; and 107 Quayside Dr., Jupiter FL 33477.

of the documents and things described below within thirty (30) days from the date of service of these requests.

### **INSTRUCTIONS**

1. You are required to respond to these requests in accordance with the Federal Rules of Civil Procedure and the Southern District of Florida's Local Rules.

2. In complying with these requests, You are required to produce all documents and things specified herein which are in Your possession or custody, under Your control, or otherwise available to You. These requests are continuing in character; You must make supplementary productions when and if You obtain additional documents or things or different versions of a document or thing before trial.

3. If any documents or things requested herein have been but are no longer in Your possession, custody, or control, state what disposition was made of them and when, and identify the person(s) or entity(ies) responsible for such disposition. If any documents or things requested herein have been lost or destroyed, describe in detail the circumstances of such loss or destruction and identify, to the extent possible, each lost or destroyed document or thing and all files that contained such documents or things.

4. If You cannot comply with any request in full, you shall comply with it to the extent possible and provide a complete explanation as to why full compliance is not possible.

5. Whenever a request is stated in the conjunctive, you shall also take it in the disjunctive, and vice versa. Whenever a request is stated in the singular, you shall also take it the plural, and vice versa.

6. If You assert any claim of privilege or work product protection as to any requested document (or portion thereof), You shall provide, at the time of production, a privilege log

separately and specifically identifying each such document (or portion thereof) by date, author, recipient, persons copied, and general description of the subject matter of the document, along with a statement of the specific privilege claimed and its basis. You shall update this privilege log as you supplement Your production.

7. Unless otherwise stated in a specific request below, the operative time frame for your responses is from January 1, 2017 to the present.

### **DEFINITIONS**

1. “Assets” means anything of value You owned, controlled, or had any interest in, directly or indirectly, whether tangible or intangible, including, but not limited to, cash, checking and savings accounts, accounts receivable, stocks, securities, bonds, notes, judgments, real property, vehicles, jewelry, other personal property, or money owed from any source.

2. “Communication” means any transmission, conveyance, or exchange of information whether by written, oral, electronic, or other means, including electronically stored information.

3. “Concerning” means constituting, referring to, relating to, pertaining to, involving, discussing, mentioning, or otherwise bearing any logical relation to the specified subject matter.

4. “Document(s)” means, without limitation, any written, printed, typed, photographed, recorded, or otherwise reproduced or stored communication or representation, whether comprised of letters, words, numbers, pictures, sounds or symbols, or any combination thereof. This definition includes drafts and originals and copies or duplicates contemporaneously or subsequently created which have any non-conforming notes or other markings and the backsides of any communication or representation which contains any of the above. This definition also includes any attachments or enclosures, and includes any document stored in any medium from

which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

5. “Interrogatories” means the document titled “Receiver, Ryan K. Stumphauzer’s First Set of Interrogatories to Defendant Joseph Cole Barleta, dated January 12, 2021, that the Receiver served in this action on January 12, 2021.

6. “You” or “your” means Defendant Joseph Cole Barleta, and any agent or affiliate thereof.

### **DOCUMENT REQUESTS**

1. All Documents You identified in your Responses to the Interrogatories.
2. All Documents and Communications Concerning any of the following items that You identified in response to the First Set of Interrogatories: (a) Real Estate; (b) Stocks, Bonds, and Securities; (c) Bank Accounts; (d) Safe Deposit Boxes; (e) Automobiles; (f) Artwork; (g) Jewlery/Gems; (h) Mineral, Coal, Oil or Gas Leases; (i) Indebtedness Owed to You; (j) Partnerships and Other Business Interests; Other Income; (k) Trusts; (l) Other Property; (m) Options; (n) Disposition of Property; (o) Books and Records; and (p) Other Property Interests.
3. All Documents Concerning any of the Receivership Entities.
4. All Communications Concerning any of the Receivership Entities.

Dated: January 12, 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@sflaw.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 January 12, 2021, the foregoing document is being served this day on all counsel of record via email.

/s/ Timothy A. Kolaya  
TIMOTHY A. KOLAYA



**IN THE 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 FIRST SET OF  
INTERROGATORIES TO DEFENDANT JOSEPH COLE BARLETA**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver, (the “Receiver”) of the Receivership Entities,<sup>1</sup> by and through his undersigned counsel, respectfully requests, pursuant to Fed. R. Civ. P. 33, that Defendant Joseph Cole Barleta respond to the following Interrogatories within thirty (30) days from the date of service.

---

<sup>1</sup> The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“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; 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 Fund 2 LP; and 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 Consulting, 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 L.M.E. 2017 Family Trust; 568 Ferndale Lane, Haverford PA 19041; 105 Rebecca Court, Paupack, PA 18451; and 107 Quayside Dr., Jupiter FL 33477.

**INSTRUCTIONS**

1. You are required to respond to these Interrogatories in accordance with the Federal Rules of Civil Procedure and the Southern District of Florida's Local Rules.

2. In complying with these interrogatories, You are required to respond with all information specified herein which are in Your possession or custody, under Your control, or otherwise available to You. These interrogatories are continuing in character; You must make supplementary responses when and if You obtain additional information before trial.

3. If You cannot comply with any request in full, you shall comply with it to the extent possible and provide a complete explanation as to why full compliance is not possible.

4. Whenever an interrogatory is stated in the conjunctive, you shall also take it in the disjunctive, and vice versa. Whenever an interrogatory is stated in the singular, you shall also take it the plural, and vice versa.

5. If You assert any claim of privilege or work product protection as to any requested information (or portion thereof), You shall provide, at the time of your response, a privilege log separately and specifically identifying the withheld information and, with respect to documents or communications, the specific documents or communications (or portion thereof) by date, author, recipient, persons copied, and general description of the subject matter of the document, along with a statement of the specific privilege claimed and its basis. You shall update this privilege log as you supplement your responses.

6. Unless otherwise stated in a specific request below, the operative time frame for your responses is from January 1, 2016 to the present.

### **DEFINITIONS**

1. “Assets” means anything of value You owned, controlled, or had any interest in, directly or indirectly, whether tangible or intangible, including, but not limited to, cash, checking and savings accounts, accounts receivable, stocks, securities, bonds, notes, judgments, real property, vehicles, jewelry, other personal property, or money owed from any source.

2. “Communication” means any transmission, conveyance, or exchange of information whether by written, oral, electronic, or other means, including electronically stored information.

3. “Concerning” means constituting, referring to, relating to, pertaining to, involving, discussing, mentioning, or otherwise bearing any logical relation to the specified subject matter.

4. “Document(s)” means, without limitation, any written, printed, typed, photographed, recorded, or otherwise reproduced or stored communication or representation, whether comprised of letters, words, numbers, pictures, sounds or symbols, or any combination thereof. This definition includes drafts and originals and copies or duplicates contemporaneously or subsequently created which have any non-conforming notes or other markings and the backsides of any communication or representation which contains any of the above. This definition also includes any attachments or enclosures, and includes any document stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

5. “You” or “your” means Defendant Joseph Cole Barleta, and any agent or affiliate

thereof.

**INTERROGATORIES**

1. REAL ESTATE: (a) List all the real estate you have owned, controlled, or had an interest in, directly or indirectly, in this state or elsewhere, whether individually or through/with any other person, business, or entity; and, if another person, business, or entity has an ownership interest in the property, state the name and address of each person, business, or entity.

ANSWER:

(b) State the date each such piece of real estate was acquired, price paid for the property and other terms of such acquisition, location and legal description of such property, and a description of each structure and other improvement on the property, and identify all Documents and Communications in your possession, custody, or control Concerning such acquisition.

ANSWER:

(c) List the name or names in which such real estate is titled, the location of the documents of title, and the present value of your interest, if any, in the property.

ANSWER:

(d) If such real estate is leased to anyone, identify the names and addresses of the tenants, the terms and conditions of the lease, whether such lease is written or oral, the

amount of rental payments by tenants, the person or persons to whom such rental payments are made, and all Documents and Communications in your possession, custody, or control Concerning such lease.

ANSWER:

(e) Have you, or any entity you have owned, controlled, or had an interest in, directly or indirectly, in this state or elsewhere, whether individually or through/with any other person, business, or entity, transferred any real property interest or title interest in real property, regardless of its nature, from January 1, 2016 through the present. If so,

a) To whom was it transferred?

b) Where is that real property located?

c) Do you have any documentation of that transfer?

d) Is there any public record of that transfer recorded in any location throughout the world?

e) Identify all Documents and Communications in your possession, custody, or control Concerning such transfer.

ANSWER:

2. STOCKS, BONDS, SECURITIES: (a) List all stock, bonds or other securities, whether negotiable or non-negotiable, you have owned, controlled, or had an interest in, directly

or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present.

(b) State how each bond, share, stock certificate or other similar interest was acquired (whether by purchase, gift or other means).

(c) State how you acquired ownership, control, or any other interest in each bond, share, stock certificate.

(d) Identify all Documents and Communications in your possession, custody, or control Concerning such bond, share, stock certificate.

ANSWER:

3. BANK ACCOUNTS: (a) State whether you have owned, maintained, controlled, or had an interest in, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, any business bank accounts and, if so, for each account, identify:

- (i) Its location and account number.
- (ii) The name(s) under which the account is held.
- (iii) The name of the bank and branch holding the account.
- (iv) The balance of the account as of the date of this request.
- (v) All Documents and Communications in your possession, custody, or control Concerning such account.

ANSWER:

(b) State whether you have owned, maintained, controlled, or had an interest in, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, any personal checking or savings accounts and, if so, for each account, identify:

- (i) Its location and account number.
- (ii) The name(s) under which the account is held.
- (iii) The name of the bank and branch holding the account.
- (iv) The balance of the account as of the date of this request.
- (v) All Documents and Communications in your possession, custody, or control Concerning such account.

ANSWER:

(c) State whether you have owned, maintained, controlled, or had an interest in, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, any joint savings or checking account with anyone or an account which you share under any form of tenancy in common or by the entireties and, if so, for each account, identify:

- (i) Its location and account number.
- (ii) The name(s) under which the account is held.
- (iii) The name of the bank and branch holding the account.
- (iv) The balance of the account as of the date of this request.

- (v) All Documents and Communications in your possession, custody, or control Concerning such account.

ANSWER.

(d) State whether you have owned, maintained, controlled, or had an interest in, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, any money on deposit, either in a checking account or savings account, in any name other than your own and, if so, for each account, identify:

- (i) Its location and account number.
- (ii) The name(s) under which the account is held.
- (iii) The name of the bank and branch holding the account.
- (iv) The balance of the account as of the date of this request.
- (v) All Documents and Communications in your possession, custody, or control Concerning such account.

ANSWER:

(e) State whether you have owned, maintained, controlled, or had an interest in, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, any accounts in any bank which you are holding in trust for anyone else and, if so, for each account, identify:

- (i) The name of the bank or branch where the account is maintained and account numbers.



- (ii) The date on which the account was opened.
- (iii) The source of the deposits in the account.
- (iv) The name and address of each beneficiary who has an interest in the account.
- (v) Whether or not any beneficiary of the account is related to you, and, if so, the relationship.
- (vi) The balance of the account(s) as of the date of this request.
- (vii) All Documents and Communications in your possession, custody, or control Concerning such account.

ANSWER:

(d) State whether any of the funds from any of the above-mentioned accounts have been withdrawn during the period from July 24, 2020 to the present, and, if so, for each withdrawal, identify:

- (i) The amount of the withdrawal.
- (ii) The exact date of the withdrawal.
- (iii) Why the funds were withdrawn.
- (iv) The present location of any such funds.
- (v) The names and addresses of each person or entity that received any portion of such funds.
- (vi) All Documents and Communications in your possession, custody, or control Concerning such winthdrawls.

ANSWER:

4. SAFE DEPOSIT BOXES: (a) List all safe deposit boxes you have owned, maintained, controlled, or had an interest in or access to, directly or indirectly, whether individually or through/with any other person, business, or entity from January 1, 2016 through the present.

ANSWER:

(b) State their location(s) and the name(s) of the financial institution(s) in which they are located.

ANSWER:

(c) Describe the contents of such safe deposit boxes as of the date of this request, the ownership thereof, and the date on which you last entered the depository.

ANSWER:

(d) State whether any of the contents of the above-mentioned depositories have been removed during the period from July 24, 2020 to the present, and, if so, for each item removed, identify:

- (i) A description of the property removed.
- (ii) The exact date of the removal.
- (iii) Why it was removed.
- (iv) Its present location.

- (v) The names and addresses of each person who removed it.
- (vi) The names and addresses of each person or entity to whom the property was conveyed or transferred.
- (v) All Documents and Communications in your possession, custody, or control Concerning such conveyance or transfer.

ANSWER:

5. AUTOMOBILES: (a) List the automobiles you have owned, maintained, controlled, or had an interest in or access to, directly or indirectly, whether individually or through/with any other person, business, or entity, or acquired by/or for you by another person or entity, at any time from January 1, 2016 through the present, including type, year, make, serial number, the names in which such automobiles are registered, and the location of title certificates to such automobiles.

ANSWER:

(b) Identify the location or whereabouts of such automobiles and the person or persons in charge or control of such automobiles.

ANSWER:

6. ARTWORK: (a) List the artwork you have owned, maintained, controlled, or had an interest in or access to, directly or indirectly, whether individually or through/with any other

person, business, or entity, or acquired by/or for you by another person or entity, at any time from January 1, 2016 through the present, including the artist name, title of work, year of completion, dimensions, medium, purchase or acquisition date, amount paid for the work, and current value.

ANSWER:

(b) Identify the location or whereabouts of such artwork and the person or persons in charge or control of such artwork.

ANSWER:

7. JEWELRY / GEMS: (a) List the jewelry and gems you have owned, maintained, controlled, or had an interest in or access to, directly or indirectly, whether individually or through/with any other person, business, or entity, or acquired by/or for you by another person or entity, at any time from January 1, 2016 through the present, including the brand, designer, or source of the piece; a description of the materials and design of piece; the size, weight or dimensions of the piece; purchase or acquisition date; amount paid for the piece; and current value.

ANSWER:

(b) Identify the location or whereabouts of such jewelry and gems, and the person or persons in charge or control of such artwork.

ANSWER:

8. MINERAL, COAL, OIL OR GAS LEASES: (a) List all mineral, coal, oil or gas leases you have owned, maintained, controlled, or had an interest in or access to, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, and identify all such leases.

ANSWER:

9. INDEBTEDNESS OWED TO YOU: (a) List names and addresses of all persons, partnerships, corporations or other types of entities who are indebted to you, directly or indirectly, whether individually or through/with any other person, business, or entity; indicate whether or not such indebtedness is on open account or evidenced by note(s), judgment(s), or lien(s); provide the amount of such indebtedness and reason or reasons for such indebtedness; and, if evidenced by note(s), identify dates, balances due, and names of payees.

ANSWER:

10. PARTNERSHIPS AND OTHER BUSINESS INTERESTS: List all partnership interests held by you, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, including the complete name and address of the partnership and the percentage in interest held by all partners.

ANSWER:

(a) State whether you, directly or indirectly, whether individually or through/with any other person, business, or entity, have held an ownership interest in any other business, from January 1, 2016 through the present, and, if so, for each business identify:

- (i) The address of the business.
- (ii) The address of the principal place of business or general office.
- (iii) The address of each place at which the business is conducted.
- (iv) The type of business conducted.
- (v) The form of business organization.
- (vi) The date you acquired such interest in the business.
- (vii) The present value of your interest in the business, and its percentage of the total value of the business.
- (viii) Your office or position in the business.
- (ix) The name and address of each officer, director, partner, shareholder, or member of the business.
- (x) The name and address of each bank at which the business maintains any type of checking or deposit account from which the business has borrowed money.
- (v) All Documents and Communications in your possession, custody, or control Concerning such business.

ANSWER:

11. OTHER INCOME: List any income you, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, have received from other sources, including, but not limited to, trusts or estates. Identify each such source separately and provide the approximate amount of income from each such source received annually.

ANSWER:

12. TRUSTS: (a) State whether you, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, have held any property as executor of a testamentary or inter vivos trust and, if so, identify:

- (i) A description of the property held in trust.
- (ii) The name and address of the trustor or settlor.
- (iii) The name and address of each beneficiary of the trust.
- (iv) Whether or not you have a general power of appointment over any property contained in the trust.
- (v) The date the trust was created.
- (vi) All Documents and Communications in your possession, custody, or control Concerning such trust.

ANSWER:

(b) State whether you, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present,

have created or contributed to any trust for the benefit of others and, if so, identify:

- (i) When the trust was created.
- (ii) A description of the property contributed by you.
- (iii) The name and address of each trustee.
- (iv) The name and address of each beneficiary of the trust.
- (v) Whether or not any of the beneficiaries are related to each other or to you.
- (vi) All Documents and Communications in your possession, custody, or control Concerning such trust.

ANSWER:

13. OTHER PROPERTY: Provide a complete description of any other property interest (except as described in 2 through 11 above) you have owned, directly or indirectly, whether individually or through/with any other person, business, or entity, at any time from January 1, 2016 through the present.

ANSWER:

14. OPTIONS: State whether you, directly or indirectly, whether individually or through/with any other person, business, or entity, at any time from January 1, 2016 through the present, have been a party to any contract or any other agreement whereby you granted an option to anyone to purchase any or all of your assets and, if so, for each contract or option, identify:



- (i) The date on which the agreement was made.
- (ii) Where the agreement was made.
- (iii) The name and address of each person, firm or corporation who is a party to the agreement.
- (iv) What consideration was received for the agreement.
- (v) The name and address of each person furnishing the consideration.
- (vi) A description of the property covered by the agreement.
- (vii) The terms of the agreement.
- (vi) All Documents and Communications in your possession, custody, or control Concerning such agreement.

ANSWER:

15. DISPOSITION OF PROPERTY: (a) State whether you, directly or indirectly, whether individually or through/with any other person, business, or entity, at any time from January 1, 2016 through the present, have conveyed or disposed of any real or personal property either by sale, gift or otherwise, and if so, for each disposition, identify:

- (i) A description of the property disposed of.
- (ii) The date of disposition.
- (iii) The name and address of each person to whom disposition was made.
- (iv) How the disposition was made (by sale, gift or otherwise).
- (v) What consideration was received and by whom.
- (vi) All Documents and Communications in your possession, custody,

or control Concerning such disposition of property.

ANSWER:

(b) State whether you, directly or indirectly, whether individually or through/with any other person, business, or entity, at any time from January 1, 2016 through the present, have made any conveyances, transfers, gifts or other dispositions of such property, with any reservation of rights, benefits, or options running to you for the reacquisition of the property at some future date and, if so, for each disposition, identify:

- (i) A description of the property conveyed, transferred, or otherwise disposed of.
- (ii) When the property was disposed of.
- (iii) The name and address of the transferee.
- (iv) The nature of the reservation, benefit, or option reserved.
- (v) All Documents and Communications in your possession, custody, or control Concerning such reservation of rights, benefits, or options.

ANSWER:

16. BOOKS AND RECORDS: (a) State whether you, directly or indirectly, whether individually or through/with any other person, business, or entity, keep any books or other written memoranda of your income and business affairs and, if so, identify:

- (i) In what form the books or memoranda are kept.
- (ii) When the books or memoranda were first maintained.

- (iii) The name, address and telephone number of each person, firm, or corporation who prepared the books or memoranda for you.
- (iv) Whether the books or memoranda are presently maintained.
- (v) Whether or not the books or memoranda accurately reflect the income contained in your federal income tax returns for each respective; year.
- (vi) Whether or not the books or memoranda accurately reflect the information contained in your state income tax returns for each respective year.
- (vii) The present whereabouts of all books or memoranda for the period January 1, 2016 to the present.
- (viii) The name, address and telephone number of each person, firm or corporation who has custody of these books.
- (ix) All Documents and Communications in your possession, custody, or control Concerning such books and records.

ANSWER:

(b) State whether you you, directly or indirectly, whether individually or through/with any other person, business, or entity, have, from July 24, 2020 to the present, either destroyed or disposed of any books of account, memoranda or other records relating to your business or income and if so, state:

- (i) When the books of account or records were destroyed or otherwise disposed of.
- (ii) Why they were destroyed or disposed of.
- (iii) The name and addresses of the person who destroyed or disposed of the books or memoranda.

- (iv) The nature of the business and dates applicable to the books and records destroyed.
- (v) The name and address of any person knowing the substance of such books or records or having similar information about the business.

ANSWER:

17. OTHER PROPERTY INTERESTS: Other than the items set forth previously, are you aware of any other interest you, directly or indirectly, whether individually or through/with any other person, business, or entity, from January 1, 2016 through the present, have had or that have being held for your benefit in any real or personal property of any kind or nature that has a value in excess of \$1,000 that has not been previously disclosed by you in the answers to the other questions within these interrogatories? If so, identify:

- (a) The exact property,
- (b) Its present location;
- (c) Who is holding that interest;
- (d) Te method to contact any such person identified as holding that interest.
- (e) All Documents and Communications in your possession, custody, or control  
Concerning such property.

ANSWER:

**VERIFICATION**

COMMONWEALTH OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ ) SS:

Before me, the undersigned authority, a Notary Public in and for the aforesaid County and Commonwealth, personally appeared \_\_\_\_\_ who, upon being duly sworn according to law, deposes and says that the Answers to the foregoing Interrogatories are true and correct to the best of his knowledge, information and belief.

\_\_\_\_\_  
Joseph Cole Barleta

Dated: January 12, 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@sflaw.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 January 12, 2021, the foregoing document is being served this day on all counsel of record via email.

/s/ Timothy A. Kolaya  
TIMOTHY A. KOLAYA

# Exhibit “2”



**From:** [Gaetan J. Alfano](#)  
**To:** [Bettina Schein Esquire \(bschein@bettinascheinlaw.com\)](mailto:bschein@bettinascheinlaw.com)  
**Cc:** [Timothy Kolaya](#)  
**Subject:** Joseph Cole Barleta  
**Date:** Monday, February 21, 2022 4:16:37 PM  
**Attachments:** [image970769.png](#)

---

Dear Bettina,

Please provide the following information about Mr. Cole. This information requested includes Mr. Cole personally as well as his ownership of the Receivership Entities Beta Abigail, LLC and ALB Management Inc. (collectively "Mr. Cole") and includes any joint ownership by Mr. Cole. The applicable period is 2016 through present.

1. Real Estate -
  - a. All real estate owned by Mr. Cole, whether owned individually or with any other person, business or entity.
2. Stocks Bonds and Securities -
  - a. List all stocks, bonds and securities owned by Mr. Cole.
3. Bank Accounts -
  - a. List Mr. Cole's ownership of any business or personal bank accounts as well as any ownership of any money on deposit in either a checking or savings account in his or any other name.
4. Safe Deposit Boxes -
  - a. List all deposit boxes owned by Mr. Cole.
5. Automobiles -
  - a. List all automobiles owned by Mr. Cole.
6. Indebtedness Owed to You -
  - a. List all names and addresses of all persons or entities who are indebted to Mr. Cole.
7. Partnerships and Other Business Interests -
  - a. List all partnership or other business interests held by Mr. Cole.
8. Trusts -
  - a. List any property, real or personal, held directly or indirectly by Mr. Cole through a trust or any property that Mr. Cole may have contributed to a trust.
9. Other property -
  - a. Provide a complete description of any other any property interest in excess of \$1,000 in value (except as described 2-8 as stated above), that Mr. Cole owns directly or indirectly.

10. Disposition of Property -

- a. List any property, real or personal, with a value in excess of \$1,000 in value that Mr. Cole directly or indirectly has conveyed or disposed of.

The Receiver requests your client's answers by COB, Thursday, March 3, 2022.

Thank you.

Gaetan Alfano

**Gaetan J. Alfano, Esquire**

Pietragallo Gordon Alfano Bosick & Raspanti, LLP

1818 Market Street, Suite 3402

Philadelphia, PA 19103

Office: (215) 988-1441 | Fax: (215) 754-5181

[GJA@Pietragallo.com](mailto:GJA@Pietragallo.com) | [BIO](#) | [vCard](#)



This electronic mail message, and any attachments transmitted with it, contain confidential information, intended only for the named addressee(s). If you are not the intended recipient or the person responsible for delivering this e-mail to the intended recipient, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify Pietragallo Gordon Alfano Bosick & Raspanti, LLP by reply e-mail, and delete all copies of this communication from your computer and network. Thank you.

# Exhibit “3”

**From:** [Gaetan J. Alfano](#)  
**To:** [Bettina Schein](#); [Bettina Schein](#)  
**Cc:** [Timothy Kolaya](#)  
**Subject:** RE: Joseph Cole Barleta  
**Date:** Wednesday, March 9, 2022 9:20:10 AM  
**Attachments:** [image001.png](#)  
[image668153.png](#)

---

Thank you for your response.

The Receiver disagrees with Mr. Cole's prematurity objection and believes that is an issue for the Court to decide.

Mr. Cole's apparent 5<sup>th</sup> Amendment objection is curious, as he has testified in the underlying SEC action, including at Mr. Furman's trial.

To be clear, we are seeking all documents in the requested areas, not testimony. There also is no applicable "act of production" privilege. We are not asking Mr. Cole to segregate, analyze, or otherwise identify through his production any specific assets he acquired with the proceeds of commingled investor funds. He need not exercise any discretion or judgment about what to produce. We simply are asking him to provide all documents identifying all assets that he has owned from 2016 through present.

Please let me know your position by tomorrow, Thursday, March 10, 2022.

**Gaetan J. Alfano, Esquire**

Pietragallo Gordon Alfano Bosick & Raspanti, LLP  
1818 Market Street, Suite 3402  
Philadelphia, PA 19103  
Office: (215) 988-1441 | Fax: (215) 754-5181  
[GJA@Pietragallo.com](mailto:GJA@Pietragallo.com) | [BIO](#) | [vCard](#)



This electronic mail message, and any attachments transmitted with it, contain confidential information, intended only for the named addressee(s). If you are not the intended recipient or the person responsible for delivering this e-mail to the intended recipient, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify Pietragallo Gordon Alfano Bosick & Raspanti, LLP by reply e-mail, and delete all copies of this communication from your computer and network. Thank you.

---

**From:** Bettina Schein <[bschein@bettinascheinlaw.com](mailto:bschein@bettinascheinlaw.com)>  
**Sent:** Monday, March 7, 2022 9:29 PM  
**To:** Gaetan J. Alfano <[GJA@Pietragallo.com](mailto:GJA@Pietragallo.com)>; Bettina Schein <[scheinbet@gmail.com](mailto:scheinbet@gmail.com)>  
**Cc:** Timothy Kolaya <[tkolaya@sflaw.com](mailto:tkolaya@sflaw.com)>  
**Subject:** Re: Joseph Cole Barleta

Good evening,

My response to the Receiver's inquiry is the following:

1. It is premature because it seeks information regarding Mr. Cole's assets which may only be relevant, if at all, to judgment enforcement. However, since no disgorgement findings have been made, it is premature.
2. There is more money already collected in the Receiver's funds than may be determined as the disgorgement amount. Therefore, this inquiry is likewise premature.
- 3) Since there is an investigation by the U.S. Attorney's Office in Philadelphia, Mr. Cole asserts his right not to answer questions.

Regards,  
Bettina

***Law Offices of Bettina Schein***

565 Fifth Avenue  
New York, New York 10017  
(212) 880-9417  
(917) 375-5001  
[Bschein@bettinascheinlaw.com](mailto:Bschein@bettinascheinlaw.com)

---

**From:** Gaetan J. Alfano <[GJA@Pietragallo.com](mailto:GJA@Pietragallo.com)>  
**Date:** Friday, March 4, 2022 at 6:46 PM  
**To:** Bettina Schein <[scheinbet@gmail.com](mailto:scheinbet@gmail.com)>  
**Cc:** Bettina Schein <[bschein@bettinascheinlaw.com](mailto:bschein@bettinascheinlaw.com)>, Timothy Kolaya <[tkolaya@sflaw.com](mailto:tkolaya@sflaw.com)>  
**Subject:** Re: Joseph Cole Barleta

Thank you. You as well.

Sent from my iPhone

**Gaetan J. Alfano, Esquire**  
Pietragallo Gordon Alfano Bosick & Raspanti, LLP  
1818 Market Street, Suite 3402  
Philadelphia, PA 19103  
Office: (215) 988-1441 | Fax: (215) 754-5181  
[GJA@Pietragallo.com](mailto:GJA@Pietragallo.com) | [BIO](#) | [vCard](#)



This electronic mail message, and any attachments transmitted with it, contain confidential information, intended only for the named addressee(s). If you are not the intended recipient or the person responsible for delivering this e-mail to the intended recipient, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify Pietragallo Gordon Alfano Bosick & Raspanti, LLP by reply e-mail, and delete all copies of this communication from your computer and network. Thank you.

On Mar 4, 2022, at 6:41 PM, Bettina Schein <[scheinbet@gmail.com](mailto:scheinbet@gmail.com)> wrote:

I will respond to your email of Feb. 21<sup>st</sup> on Monday.  
Have a good weekend.

---

**From:** "Gaetan J. Alfano" <[GJA@Pietragallo.com](mailto:GJA@Pietragallo.com)>  
**Date:** Friday, March 4, 2022 at 2:20 PM  
**To:** Bettina Schein <[bschein@bettinascheinlaw.com](mailto:bschein@bettinascheinlaw.com)>  
**Cc:** Timothy Kolaya <[tkolaya@sflslaw.com](mailto:tkolaya@sflslaw.com)>  
**Subject:** Fwd: Joseph Cole Barleta

Good afternoon Bettina,

The Receiver has not received a response to his below request. We intend to move the Court next week to compel Mr. Cole's compliance. Please let us know Mr. Cole's position on this Motion by COB Monday, March 8, 2022.

Thank you

Gaetan

Sent from my iPhone

Begin forwarded message:

**Gaetan J. Alfano, Esquire**  
Pietragallo Gordon Alfano Bosick & Raspanti, LLP  
1818 Market Street, Suite 3402  
Philadelphia, PA 19103  
Office: [\(215\) 988-1441](tel:(215)988-1441) | Fax: [\(215\) 754-5181](tel:(215)754-5181)  
[GJA@Pietragallo.com](mailto:GJA@Pietragallo.com) | [BIO](#) | [vCard](#)

This electronic mail message, and any attachments transmitted with it, contain confidential information, intended only for the named addressee(s). If you are not the intended recipient or the person responsible for delivering this e-mail to the intended recipient, you are hereby notified that any use, distribution, copying

or disclosure of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify Pietragallo Gordon Alfano Bosick & Raspanti, LLP by reply e-mail, and delete all copies of this communication from your computer and network. Thank you.

**From:** "Gaetan J. Alfano" <[GJA@pietragallo.com](mailto:GJA@pietragallo.com)>

**Date:** February 21, 2022 at 4:16:25 PM EST

**To:** "Bettina Schein Esquire ([bschein@bettinascheinlaw.com](mailto:bschein@bettinascheinlaw.com))" <[bschein@bettinascheinlaw.com](mailto:bschein@bettinascheinlaw.com)>

**Cc:** Timothy Kolaya <[tkolaya@sflaw.com](mailto:tkolaya@sflaw.com)>

**Subject: Joseph Cole Barleta**

Dear Bettina,

Please provide the following information about Mr. Cole. This information requested includes Mr. Cole personally as well as his ownership of the Receivership Entities Beta Abigail, LLC and ALB Management Inc. (collectively "Mr. Cole") and includes any joint ownership by Mr. Cole. The applicable period is 2016 through present.

1. Real Estate -
  - a. All real estate owned by Mr. Cole, whether owned individually or with any other person, business or entity.
2. Stocks Bonds and Securities -
  - a. List all stocks, bonds and securities owned by Mr. Cole.
3. Bank Accounts -
  - a. List Mr. Cole's ownership of any business or personal bank accounts as well as any ownership of any money on deposit in either a checking or savings account in his or any other name.
4. Safe Deposit Boxes -
  - a. List all deposit boxes owned by Mr. Cole.
5. Automobiles -
  - a. List all automobiles owned by Mr. Cole.
6. Indebtedness Owed to You -
  - a. List all names and addresses of all persons or entities who are indebted to Mr. Cole.
7. Partnerships and Other Business Interests -
  - a. List all partnership or other business interests held by Mr.

Cole.

8. Trusts -

- a. List any property, real or personal, held directly or indirectly by Mr. Cole through a trust or any property that Mr. Cole may have contributed to a trust.

9. Other property -

- a. Provide a complete description of any other any property interest in excess of \$1,000 in value (except as described 2-8 as stated above), that Mr. Cole owns directly or indirectly.

10. Disposition of Property -

- a. List any property, real or personal, with a value in excess of \$1,000 in value that Mr. Cole directly or indirectly has conveyed or disposed of.

The Receiver requests your client's answers by COB, Thursday, March 3, 2022.

Thank you.

Gaetan Alfano

**Gaetan J. Alfano, Esquire**

Pietragallo Gordon Alfano Bosick & Raspanti, LLP  
1818 Market Street, Suite 3402  
Philadelphia, PA 19103  
Office: (215) 988-1441 | Fax: (215) 754-5181  
[GJA@Pietragallo.com](mailto:GJA@Pietragallo.com) | [BIO](#) | [vCard](#)

—

This electronic mail message, and any attachments transmitted with it, contain confidential information, intended only for the named addressee(s). If you are not the intended recipient or the person responsible for delivering this e-mail to the intended recipient, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify Pietragallo Gordon Alfano Bosick & Raspanti, LLP by reply e-mail, and delete all copies of this communication from your computer and network. Thank you.



# Exhibit “4”

**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 MOTION TO COMPEL DEFENDANT  
JOSEPH COLE BARLETA TO COMPLY WITH COURT ORDERS**

**THIS CAUSE** comes before the Court upon the Receiver’s Motion to Compel Defendant Joseph Cole Barleta (“Cole”) to Comply with Court Orders [ECF No. \_\_\_\_], filed on March 19, 2022 (the “Motion”). In the Motion, the Receiver requests an Order from the Court compelling Cole to comply with various Orders from this Court and produce documents to the Receiver concerning 10 categories of assets in which Cole may have a personal or business interest, on the basis that these assets may constitute Recoverable Assets under the terms of the Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] (the “Receivership Order”).

The Court finds that 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**, as follows:

1. The Receiver has demanded, pursuant to his authority under the Court’s Receivership Order, that Cole produce to the Receiver copies of all documents within Cole’s

possession, custody, or control containing information from 2016 through present about the following 10 categories of assets in which Cole may have a personal or business interest:

- Real Estate
- Stocks Bonds and Securities
- Bank Accounts
- Safe Deposit Boxes
- Automobiles
- Indebtedness Owed to Cole
- Partnerships and Other Business Interests
- Trusts
- Other Property
- Disposed of Property

(the “Requested Information”).

2. The Court finds that the Requested Information is likely to contain information relating to assets that are attributable to funds derived from investors or clients of the Defendants, are held in constructive trust for the Defendants, and/or may otherwise be includable as assets of the estates of the Defendants and, therefore, constitute Recoverable Assets under the terms of the Receivership Order.

3. Additionally, the Court concludes that the Act of Production doctrine does not apply to the Receiver’s demand for Cole to produce the Requested Information and, therefore, Cole’s purported assertion of his Fifth Amendment privilege to avoid producing the Requested Information is unwarranted. *See Sallah v. Worldwide Clearing LLC*, 855 F. Supp. 2d 1364, 1375 (S.D. Fla. 2012)

4. Accordingly, Cole shall produce the Requested Information to the Receiver within seven (7) days from the date of this Order.

**DONE AND ORDERED** Fort Lauderdale, Florida, this \_\_\_ day of \_\_\_\_\_, 2022.

---

**RODOLFO A. RUIZ II**  
**UNITED STATES DISTRICT JUDGE**

Copies to: Counsel of Record