

**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.

**DEFENDANTS LAFORTE, MCELHONE, AND COLE’S MOTION TO DESIGNATE
THEIR MOTION TO STRIKE AND ALTERNATIVE MOTION TO BE RELIEVED
FROM CONSENTS AND JUDGEMENTS [D.E. 1224] AS AN EXPEDITED MOTION,
AND REQUEST FOR AN EXPEDITED RULING**

Defendants, Joseph LaForte, Lisa McElhone, and Joseph Cole Barleta (the “Defendants”), pursuant to Local Rule 7.1(d), move for an expedited ruling on their Motion to Strike Ponzi Allegations from Plaintiff’s Omnibus Motion for Final Judgments, or in the Alternative, Motion to Withdraw/Be Relieved from their Consents, Vacate the Judgement of Permanent Injunction and Other Relief, and to Return the Case to the Active Docket (the “Subject Motion”) [D.E. 1224] and as support state as follows:

1. On May 4, 2022, Defendants filed the Subject Motion requesting that the Court strike unpled and unproven allegations of a Ponzi scheme from Plaintiff’s Omnibus Motion for Final Judgments [D.E. 1214], or alternatively, relieve the Defendants from their Consents and the Judgment of Permanent Injunction and Other Relief entered against each of them [D.E. 1007 to 1010 and 1017 to 1018] and restore this case to the trial docket so that they may have their day in Court.
2. As set forth in the Subject Motion, Plaintiff’s unpled and unproven Ponzi scheme allegations are extremely prejudicial to the Defendants. If the Subject Motion is denied, the

Defendants will need to conduct extensive discovery related to the Ponzi scheme allegations, and will dedicate significant time and resources to rebutting these allegations in their Response to Plaintiff's Omnibus Motion for Final Judgments – which must be filed on or before July 1, 2022.

3. Conversely, if the Court grants the Subject Motion and strikes the Plaintiff's Ponzi scheme allegations, Defendants will not need to respond to Plaintiff's Ponzi scheme allegations. Similarly, if the Court grants the Defendants' request for alternative relief (*viz.*, if the Court relieves the Defendants from their Consents and Judgments and restores this case to the active docket) then no response to the Plaintiff's Omnibus Motion for Final Judgments will be required at all.

4. For these reasons, it is in the interest of the parties and the Court to obtain a ruling on the Subject Motion well in advance of the July 1, 2022 deadline for Defendants' Response to Plaintiff's Omnibus Motion for Final Judgments. At the same time, Defendants are mindful that the parties require time to fully and adequately brief the issues raised in the Subject Motion, and that the Court needs time to analyze these issues and rule.

5. In consideration of these factors, the Defendants respectively request that the Court issue an expedited ruling on the Subject Motion on or before June 15, 2022.

S.D. Fla L. R. 7.1(a)(3) Certification of Counsel

Counsel for the Defendants hereby certify that we have conferred with Amie Berlin, counsel for the SEC, and were informed that the SEC opposes the relief sought in this Motion.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of May, 2022, I electronically filed the forgoing 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 transmissions of Notices of Electronic Filing generated by CM/ECF.

By: /s/ James M. Kaplan

JAMES M. KAPLAN