

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Case No.: 9:20-cv-81205-RAR

SECURITIES AND EXCHANGE COMMISSION  
Plaintiff

vs.

COMPLETE BUSINESS SOLUTIONS GROUP, INC.,  
d/b/a PAR FUNDING, *et. al.*  
Defendant

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**NOTICE OF APPEAL AND  
STATEMENT OF ELECTION**

COMES NOW, Joseph Cole Barleta (“Barleta”), by and through his undersigned counsel, and gives notice of appeal and invokes the jurisdiction of the Eleventh Circuit Court of Appeals – United States of America. Barleta states the following in support:

1. This is an appeal of an adversary proceeding where Barleta, a Defendant/Appellant is appealing an order in favor of Receiver, Ryan K. Stumphauzer, Esq.
2. The subject of this appeal is a Motion to Compel filed on March 19, 2022 by Receiver where Receiver requests a series of documents related to 10 categories: Real estate; stocks, bonds and securities; bank accounts; safe deposit boxes; automobiles; indebtedness owed to Barleta; partnerships and other business interests; trusts; other property; and disposal of property from 2016 through the present. The purpose of this discovery was, in large part, to expand the assets under the control of the Receivership.
3. However, the documents in question are testimonial, and would violate Barleta’s Fifth Amendment Protections against self-incrimination.

4. The District Court found that there was no Fifth Amendment violations and granted Receiver's Motion to Compel.
5. Barleta, through counsel, believed that because the District Court's Order was interlocutory in nature, it fell under 28 U.S.C. § 1292(b), and moved to Certify the Issue [D.E. 1225].
6. The District Court denied certification and clarified one of the basis for denial. The District Court wrote, "Judge Ruiz wrote, "A determination by the Eleventh Circuit as to what financial documents Barleta is required to produce does nothing to satisfy the underlying merits of the case; it is relevant only to the determination of whether Barleta has assets which belong in the Receivership estate." See *Ward v. Estaleiro Itajai, S/A*, No. 05-61821, 2008 WL 2414925, at \*2 (S.D. Fla. Jun. 12, 2008)[D.E. 1240, p. 5].
7. If that is the case and the only relevant determination left by the Eleventh Circuit is what financial documents Barleta is required to produce so that the Receiver can add to the assets the Receivership controls, than this interlocutory appeal would fall within U.S.C. § 1292(a)(2).
8. U.S.C. § 1292(a)(2) states,  

“Interlocutory orders appointing receivers, or refusing orders to wind up receiverships **or to take steps to accomplish the purposes thereof**, such as directing sales or other disposals of property” (emphasis added).
9. As such, this appeal is based on the function of what the Receiver was appointed to do, and clearly touches U.S.C. § 1292(a)(2)<sup>1</sup>.
10. Therefore, the only parties to this appeal are:

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<sup>1</sup> U.S.C. § 1292(a)(2) relates to any Interlocutory Orders pertaining to receivership, and not merely appointing receivers or winding up receivers. This is gleaned by the language “such as directing sales . . .”

**Joseph Cole Barleta, Defendant/Petitioner**

**Represented by:**

<p>Bettina Schein, Esq.                  565 fifth A venue, 7th floor                  New York, New York 10017                  (212) 880-9417                  bschein@bettinascheinlaw.com                  /s/Bellina Schein                  Admitted <i>Pro Hac Vice</i></p>	<p><b>Andre G. Raikhelson, Esq.</b>                  7000 W Palmetto Park Road, Suite                  210                  Boca Raton, Florida, 33433                  Telephone:(954) 895-5566                  arlaw@raikhelsonlaw.com                  Local and Appellate                  Counsel for Joseph Cole Barleta                  /s/ Andre G. Raikhelson                  ANDRE G. RAIKHELSON                  FBN:. 123657</p>
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**Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities<sup>2</sup>**

**Represented by:**

<p>Timothy A. Kolaya, Esq.                  STUMPHAUZER FOSLID SLOMAN ROSS                  &amp; KOLAYA, PLLC                  Two South Biscayne Blvd., Suite 1600                  Miami, FL 33131                  Telephone: (305) 614-1400                  Facsimile: (305) 614-1425                  E-mail: tkolaya@sfsllaw.com</p>	<p>Gaetan J. Alfano, Esq.                  PIETRAGALLO GORDON ALFANO                  BOSICK &amp; RASPANTI, LLP                  1818 Market Street, Suite 3402                  Philadelphia, PA 19103                  Telephone: (215) 320-6200                  Facsimile: (215) 981-0082                  E-mail: <a href="mailto:GJA@Pietragallo.com">GJA@Pietragallo.com</a></p> <hr/> <p>Douglas K. Rosenblum, Esq.                  PIETRAGALLO GORDON ALFANO                  BOSICK &amp; RASPANTI, LLP                  1818 Market Street, Suite 3402                  Philadelphia, PA 19103                  Telephone: (215) 320-6200</p>
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<sup>2</sup> Receivership Entities includes, but is certainly not limited too: 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 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; 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; and LM Property 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; and 2413 Roma Drive, Philadelphia, PA 19145.

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Respectfully submitted,

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**THIS NOTICE OF APPEAL COMPLIES IN SUBSTANCE TO OFFICIAL FORM 417A.**