

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

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.

DANIEL SCARAMELLINO, ONE NINE COUNTRY DRIVE, LLC, AND MICHELLE SCARAMELLINO'S UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSE IN OPPOSITION TO RECEIVER'S EXPEDITED MOTION TO EXPAND RECEIVERSHIP [ECF NO. 1180]

Interested Parties, Daniel Scaramellino, 19 Country Drive, LLC, and Michelle Scaramellino (collectively, "Responding Parties"), through their undersigned counsel, hereby jointly file this unopposed Motion for Extension of Time to File Response to *Receiver, Ryan K. Stumphauzer's Expedited Motion to Expand the Receivership to Include 19 Country Drive, Morristown, NJ 07960 [ECF No. 1180]* (the "Expedited Motion"), and state as follows:

1. Pursuant to the Court's original order (Doc. No. 1182), the Responding Parties were to file their response to the Expedited Motion on March 24, 2022.

2. On about March 24, 2022, The Receiver and the Responding Parties had reached an agreement in principle to an escrow procedure regarding the proceeds of the sale of the New Jersey Property, with the intent of providing the parties a 30-day opportunity to attempt reach a settlement regarding the Motion to Expedite. The Respondents worked for hours on attempting to reach the agreement, however, due to information learned by Receiver's counsel at about

11:45 p.m. or so on March 24, 2022, Receiver's counsel indicated that the Receiver needs to discuss the issues further and determine how to proceed. Thus, the Responding Parties filed their First Motion for Extension to File their Response (the "Motion for Extension") (Doc. No. 1193).

3. On April 1, 2022, the Responding Parties filed their Second Unopposed Motion for Extension, seeking 7 additional days to file their response (Doc. No. 1204) (the "Second Motion for Extension"), to which the Court granted on April 1, 2022 (Doc. No. 1205).

4. On April 8, 2022, the Receiver and the Responding Parties reached a partial agreement allowing for the sale of the Property, but with funds to be held in escrow pending resolution of the remaining Motion to Expand Receivership and/or a global settlement. The parties filed their Joint Motion to Amend/Correct the original Order and seeking extension of time to respond to the Motion to Expand (Doc. No. 1208) (the "Joint Motion to Modify").

5. On April 9, 2022, the Court entered its Order Granting the Joint Motion to Modify (Doc. No. 1209).

6. On May 10, 2022, the Court entered an order Granting the Joint Expedited Motion (doc 1228) for a 7-day extension of time to respond to the Motion to Expand (doc. 1229), which currently sets the deadline for the Responding Parties to file their responses to May 16, 2022.

7. On May 16, 2022, the Responding Parties filed their unopposed motion for a 14-day extension (doc. 1243) to respond to the Motion to Expand, particularly since Scaramellino had just provided submitted, which the Court granted (see Doc. 1244).

8. Thus, based on the current order, the Responding Parties' deadline to file their response to the Motion to Expand is May 31, 2022.

9. Now that the sale of the Property has been completed, Mr. Scaramellino has been preparing and tax documents and has been gathering information needed to further settlement discussions. Additional time is needed to obtain additional information related to the viability of a global settlement between Mr. Scaramellino and the Receiver related to the underlying breach of contract claims pending. Ms. Scaramellino has also provided a substantial settlement offer to which the Receiver should be given adequate time to analyze and discuss follow up information regarding the same, and provide any counteroffer.

10. As a result, the Responding Parties require a 21-day extension of their response deadline. This will provide time to see whether the agreement in principle can be reached or to otherwise finalize their response.

11. In view of the circumstances and continued developments and steps toward settlement, the Receiver has no objection to the foregoing 21-day extension.

12. If a global settlement cannot be reached with the Receiver, and as will be set out in more detail in their responses, the Responding Parties continue to oppose the Expedited Motion on numerous grounds, including due process and jurisdiction, among others, and would request an evidentiary hearing and a right to full discovery. This Motion is with full reservation of all rights and arguments and is not a submission to jurisdiction.

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WHEREFORE, the Responding Parties, respectfully request that this Court enter an order extending the deadline for the Responding Parties to file a response for twenty-one (21) additional days, through and including, June 21, 2022, and for such other relief as the Court deems just.

Dated: May 31, 2022

Respectfully submitted,

/s/ James D. Silver
James D. Silver, Florida Bar No.: 373702
KELLEY KRONENBERG, P.A.
10360 West State Road 84
Fort Lauderdale, FL 33324
Telephone: 954-370-9970
jsilver@kelleykronenberg.com
raldama@kelleykronenberg.com
*Counsel for 19 Country Drive, LLC and
Michelle Scaramellino*

and

/s/ Katie Brinson Hinton
KATIE BRINSON HINTON, ESQ.
Florida Bar No. 0022367
Jennis Morse Etlinger
606 E. Madison Street
Tampa, FL 33602
Telephone: (813) 229-2800
khinton@jennislaw.com
ecf@jennislaw.com
Attorney for Daniel Scaramellino

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 31, 2022, a true and correct copy of the foregoing was filed with the Clerk of the Court using CM/ECF.

/s/Katie Brinson Hinton
Katie Brinson Hinton