

**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.**

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**NOTICE OF FILING EXHIBITS TO  
THE JOINT DISCOVERY MEMORANDUM**

On June 20, 2022, counsel for Defendant Lisa McElhone (“McElhone”) and non-parties Rod Ermel Associates, Inc., Rod Ermel, and Kenneth Bacon (collectively the “Ermel Parties”) filed a Joint Discovery Memorandum [D.E. 1274] regarding the discovery dispute scheduled for hearing on June 22, 2022 at 12:30 p.m. The exhibits to the Joint Discovery Memorandum were inadvertently omitted and are therefore being filed as an attachment to this Notice.

Respectfully submitted,

By: /s/ Mark E. Cedrone  
MARK E. CEDRONE  
*Pro Hac Vice Application Pending*

By: /s/ James M. Kaplan  
JAMES M. KAPLAN

By: /s/ Henry P. Bell  
HENRY P. BELL

**CEDRONE MANCANO, LLC**

*Attorneys for Rod Ermel Associates,  
Inc., Rod Ermel, and Kenneth Bacon*  
230 South Broad Street, Suite 1100  
Philadelphia, PA 19102  
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By: /s/ Mark E. Cedrone  
MARK E. CEDRONE  
*Pro Hac Vice Admission Pending*  
[mec@cedrone-mancano.com](mailto:mec@cedrone-mancano.com)

**KAPLAN ZEENA LLP**

*Attorneys for Defendant Lisa McElhone*  
2 South Biscayne Boulevard, Suite 3050  
Miami, Florida 33131  
Telephone: (305) 530-0800  
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By: /s/ James M. Kaplan  
JAMES M. KAPLAN  
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**BELL ROSQUETE REYES  
ESTEBAN, LLC**

*Attorneys for Rod Ermel Associates,  
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Suite 1120PH  
Coral Gables, FL 33134

By: /s/ Henry P. Bell  
HENRY P. BELL  
Florida Bar Number: 090689  
[hbell@brresq.com](mailto:hbell@brresq.com)

**KOPELOWITZ OSTROW  
FERGUSON WEISELBERG GILBERT**

*Attorneys for Joseph W. LaForte*  
One W. Las Olas Blvd., Suite 500  
Fort Lauderdale, Florida 33301  
Tel: (954) 525-4100

By: /s/ David L. Ferguson  
DAVID L. FERGUSON  
Florida Bar Number: 0981737  
Ferguson@kolawyers.com  
JOSHUA R. LEVINE  
Florida Bar Number: 91807  
[Levine@kolawyers.com](mailto:Levine@kolawyers.com)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 22th day of June, 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

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 20-CIV-81205-RAR

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

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

Defendants.

**DEFENDANT’S NOTICE OF SUBPOENA FOR PRODUCTION**

PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure, the Defendant, Lisa McElhone, has issued the attached subpoena for the production of documents on the date, time and location indicated below:

NAME	DATE AND TIME	LOCATION
Ken Bacon	June 6, 2022 at 5:00 p.m.	Via e-mail to <a href="mailto:levine@kolawyers.com">levine@kolawyers.com</a> , <a href="mailto:ferguson@kolawyers.com">ferguson@kolawyers.com</a> KOPELOWITZ OSTROW FERGUSON WEISELBERG GILBERT, 1 W. Las Olas Blvd., Suite 500, Ft Lauderdale, FL 33301

Dated: May 17, 2022

**KOPELOWITZ OSTROW  
FERGUSON WEISELBERG GILBERT**  
One W. Las Olas Blvd., Suite 500  
Fort Lauderdale, Florida 33301  
*Attorneys for Joseph W. LaForte*

By: /s/ David L. Ferguson  
DAVID L. FERGUSON  
Florida Bar Number: 0981737  
[Ferguson@kolawyers.com](mailto:Ferguson@kolawyers.com)  
JOSHUA R. LEVINE  
Florida Bar Number: 91807  
[Levine@kolawyers.com](mailto:Levine@kolawyers.com)

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff

v.

COMPLETE BUSINESS SOLUTIONS GROUP, INC.,

et al,

Defendant

Civil Action No. 20-CV-81205

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

KEN BACON

2 N Nevada Ave #1100, Colorado Springs, CO 80903

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: KOPELOWITZ OSTROW FERGUSON WEISELBERG GILBERT, 1 W. Las Olas Blvd., Suite 500, Ft Laud, FL levine@kolawyers.com ferguson@kolawyers.com

Date and Time:

June 6, 2022 at 5:00 p.m.

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: May 17, 2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

s/ Joshua Levine

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Joseph LaForte, who issues or requests this subpoena, are:

Joshua Levine, Esq. 1 W. Las Olas Blvd., 500, Ft Laud., FL 33301 levine@kolawyers.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



ATTACHMENT "A"

SCHEDULE OF DOCUMENTS TO BE PRODUCED

**DEFINITIONS**

1. "Par Funding" includes Complete Business Solutions Group, Inc. ("CBSG"), Full Spectrum Processing ("FSP"), and all subsidiary and Affiliated Entities.
2. "Affiliated Entities" means any entity owned, controlled, or affiliated with Joseph LaForte, Lisa McElhone, and/or Joe Cole Barletta including but not limited to, Complete Business Solutions Group, Inc. d/b/a Par Funding and/or Full Spectrum Processing, Inc.
3. The "Trust Entities" means The LME 2017 Family Trust, and any entity owned by the LME 2017 Family Trust.
4. "Individual Ermel Clients" means Joseph LaForte and/or Lisa McElhone.
5. Par Funding and the Trust Entities are together and collectively known as "the Ermel Clients" or "any Ermel Client."
6. The words "communications" or "correspondence" means any transmission, conveyance, or exchange of information whether by written, oral, electronic, or other means, including electronically stored information.
7. "Concerning" means constituting, referring to, relating to, pertaining to, involving, discussing, mentioning, or otherwise bearing any logical relation to the specified subject matter.
8. "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.

9. “You” and “Your” means Ken Bacon.

### **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 in your possession or custody, under your control, or otherwise available to you. These requests are continuing in nature; you must make supplementary productions when and if you obtain additional documents or things or different versions of a document or thing.
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 or otherwise involved in 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 to mean 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, 2015 to July 27, 2020.

#### **DOCUMENT REQUESTS**

1. All invoices or bills for work performed for any of the Individual Ermel Clients.
2. All billing records for work performed for any of the Individual Clients, including, but not limited to, hours worked and work performed.
3. All federal and state tax returns and tax related documents prepared by Ermel for any of the Individual Ermel Clients; and/or filed with, or sent to, federal and/or state taxing authorities for, or on behalf of, any of the Individual Ermel Clients.
4. All schedules, QuickBooks files, and daily, weekly and or monthly reconciliations created for or on behalf of any of the Individual Ermel Clients.
5. All audits or drafts of audits prepared or conducted for any of the Individual Ermel Clients.
6. Any financial reporting issued to any of the Individual Ermel Clients, including and not limited to, financial statements, guidance, compilations, reviews, financial audits or letters of opinion.
7. All communications with any of the Individual Ermel Clients. Such communications include, but are not limited to, emails and all documents attached to such emails.

8. All documents sent to, or received from, the Internal Revenue Service or any state taxing authority, concerning any of the Ermel Clients.
9. All invoices or bills for work performed for the Ermel Clients.
10. All billing records for work performed for the Ermel Clients, including, but not limited to, hours worked and work performed.
11. All federal and state tax returns and tax related documents prepared by Ermel for Ermel Clients; and/or filed with, or sent to, federal and/or state taxing authorities for, or on behalf of, the Ermel Clients.
12. All schedules, QuickBooks files, and daily, weekly and or monthly reconciliations created for or on behalf of any Ermel Client.
13. All audits or drafts of audits prepared or conducted for the Ermel Clients.
14. All documents and communications relating to any and all audits of Par Funding attempted, completed, or not completed, or conducted or endeavored to be conducted, by any accounting firm. Such request includes but is not limited to: all email and written correspondence between Par Funding and such accounting firm; all documents exchanged between Par Funding and such accounting firm; all draft financial statements, memoranda and/or draft audit reports exchanged between Par Funding and such accounting firm.
15. All communications with Adam Weitzel of the Business Law Group concerning or relating to the Par Funding tax audit for 2016.
16. Any financial reporting issued to any Ermel Client, including and not limited to, financial statements, guidance, compilations, reviews, financial audits or letters of opinion.
17. All communications with any Ermel Client. Such communications include, but are not limited to, emails and all documents attached to such emails.
18. All documents sent to, or received from, the Internal Revenue Service or any state taxing authority, concerning the Ermel Clients.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 20-CIV-81205-RAR

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

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

Defendants.

**DEFENDANT’S NOTICE OF SUBPOENA FOR PRODUCTION**

PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure, the Defendant, Lisa McElhone, has issued the attached subpoena for the production of documents on the date, time and location indicated below:

NAME	DATE AND TIME	LOCATION
Rod Ermel and Rod Ermel Associates	June 6, 2022 at 5:00 p.m.	Via e-mail to <a href="mailto:levine@kolawyers.com">levine@kolawyers.com</a> , <a href="mailto:ferguson@kolawyers.com">ferguson@kolawyers.com</a> KOPELOWITZ OSTROW FERGUSON WEISELBERG GILBERT, 1 W. Las Olas Blvd., Suite 500, Ft Lauderdale, FL 33301

Dated: May 17, 2022

**KOPELOWITZ OSTROW  
FERGUSON WEISELBERG GILBERT**  
One W. Las Olas Blvd., Suite 500  
Fort Lauderdale, Florida 33301  
*Attorneys for Joseph W. LaForte*

By: /s/ David L. Ferguson  
DAVID L. FERGUSON  
Florida Bar Number: 0981737  
[Ferguson@kolawyers.com](mailto:Ferguson@kolawyers.com)  
JOSHUA R. LEVINE  
Florida Bar Number: 91807  
[Levine@kolawyers.com](mailto:Levine@kolawyers.com)

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida



SECURITIES AND EXCHANGE COMMISSION,

Plaintiff

v.

COMPLETE BUSINESS SOLUTIONS GROUP, INC.,

et al,

Defendant

Civil Action No. 20-CV-81205

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: ROD ERMEL AND ERMEL ASSOCIATES
2 N Nevada Ave #1100, Colorado Springs, CO 80903

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: KOPELOWITZ OSTROW FERGUSON WEISELBERG GILBERT, 1 W. Las Olas Blvd., Suite 500, Ft Laud, FL levine@kolawyers.com ferguson@kolawyers.com

Date and Time: June 6, 2022 at 5:00 p.m.

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: May 17, 2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

s/ Joshua Levine

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Joseph LaForte, who issues or requests this subpoena, are:

Joshua Levine, Esq. 1 W. Las Olas Blvd., 500, Ft Laud., FL 33301 levine@kolawyers.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



ATTACHMENT "A"

SCHEDULE OF DOCUMENTS TO BE PRODUCED

**DEFINITIONS**

1. "Par Funding" includes Complete Business Solutions Group, Inc. ("CBSG"), Full Spectrum Processing ("FSP"), and all subsidiary and Affiliated Entities.
2. "Affiliated Entities" means any entity owned, controlled, or affiliated with Joseph LaForte, Lisa McElhone, and/or Joe Cole Barletta including but not limited to, Complete Business Solutions Group, Inc. d/b/a Par Funding and/or Full Spectrum Processing, Inc.
3. The "Trust Entities" means The LME 2017 Family Trust, and any entity owned by the LME 2017 Family Trust.
4. "Individual Ermel Clients" means Joseph LaForte and Lisa McElhone.
5. Par Funding and the Trust Entities are together and collectively known as "the Ermel Clients" or "any Ermel Client."
6. The words "communications" or "correspondence" means any transmission, conveyance, or exchange of information whether by written, oral, electronic, or other means, including electronically stored information.
7. "Concerning" means constituting, referring to, relating to, pertaining to, involving, discussing, mentioning, or otherwise bearing any logical relation to the specified subject matter.
8. "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.

9. “You” and “Your” means Rod Ermel Associates, Inc.

### **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 in your possession or custody, under your control, or otherwise available to you. These requests are continuing in nature; you must make supplementary productions when and if you obtain additional documents or things or different versions of a document or thing.
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 or otherwise involved in 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 to mean 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, 2015 to July 27, 2020.

#### **DOCUMENT REQUESTS**

1. All invoices or bills for work performed for any of the Individual Ermel Clients.
2. All billing records for work performed for any of the Individual Clients, including, but not limited to, hours worked and work performed.
3. All federal and state tax returns and tax related documents prepared by Ermel for any of the Individual Ermel Clients; and/or filed with, or sent to, federal and/or state taxing authorities for, or on behalf of, any of the Individual Ermel Clients.
4. All schedules, QuickBooks files, and daily, weekly and or monthly reconciliations created for or on behalf of any of the Individual Ermel Clients.
5. All audits or drafts of audits prepared or conducted for any of the Individual Ermel Clients.
6. Any financial reporting issued to any of the Individual Ermel Clients, including and not limited to, financial statements, guidance, compilations, reviews, financial audits or letters of opinion.
7. All communications with any of the Individual Ermel Clients. Such communications include, but are not limited to, emails and all documents attached to such emails.

8. All documents sent to, or received from, the Internal Revenue Service or any state taxing authority, concerning any of the Individual Ermel Clients.
9. All invoices or bills for work performed for the Ermel Clients.
10. All billing records for work performed for the Ermel Clients, including, but not limited to, hours worked and work performed.
11. All federal and state tax returns and tax related documents prepared by Ermel for Ermel Clients; and/or filed with, or sent to, federal and/or state taxing authorities for, or on behalf of, the Ermel Clients.
12. All schedules, QuickBooks files, and daily, weekly and or monthly reconciliations created for or on behalf of any Ermel Client.
13. All audits or drafts of audits prepared or conducted for the Ermel Clients.
14. All documents and communications relating to any and all audits of Par Funding attempted, completed, or not completed, or conducted or endeavored to be conducted, by any accounting firm. Such request includes but is not limited to: all email and written correspondence between Par Funding and such accounting firm; all documents exchanged between Par Funding and such accounting firm; all draft financial statements, memoranda and/or draft audit reports exchanged between Par Funding and such accounting firm.
15. All communications with Adam Weitzel of the Business Law Group concerning or relating to the Par Funding tax audit for 2016.
16. Any financial reporting issued to any Ermel Client, including and not limited to, financial statements, guidance, compilations, reviews, financial audits or letters of opinion.
17. All communications with any Ermel Client. Such communications include, but are not limited to, emails and all documents attached to such emails.
18. All documents sent to, or received from, the Internal Revenue Service or any state taxing authority, concerning the Ermel Clients.

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.

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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 in your possession or custody, under your control, or otherwise available to you. These requests are continuing in nature; you must make supplementary productions when and if you obtain additional documents or things or different versions of a document or thing.
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 or otherwise involved in 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 to mean the plural, and vice versa.

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#### **DOCUMENT REQUESTS**

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4. All schedules, QuickBooks files, and daily, weekly and or monthly reconciliations created for or on behalf of any of the Individual Ermel Clients.
5. All audits or drafts of audits prepared or conducted for any of the Individual Ermel Clients.
6. Any financial reporting issued to any of the Individual Ermel Clients, including and not limited to, financial statements, guidance, compilations, reviews, financial audits or letters of opinion.
7. All communications with any of the Individual Ermel Clients. Such communications include, but are not limited to, emails and all documents attached to such emails.

8. All documents sent to, or received from, the Internal Revenue Service or any state taxing authority, concerning any of the Ermel Clients.
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10. All billing records for work performed for the Ermel Clients, including, but not limited to, hours worked and work performed.
11. All federal and state tax returns and tax related documents prepared by Ermel for Ermel Clients; and/or filed with, or sent to, federal and/or state taxing authorities for, or on behalf of, the Ermel Clients.
12. All schedules, QuickBooks files, and daily, weekly and or monthly reconciliations created for or on behalf of any Ermel Client.
13. All audits or drafts of audits prepared or conducted for the Ermel Clients.
14. All documents and communications relating to any and all audits of Par Funding attempted, completed, or not completed, or conducted or endeavored to be conducted, by any accounting firm. Such request includes but is not limited to: all email and written correspondence between Par Funding and such accounting firm; all documents exchanged between Par Funding and such accounting firm; all draft financial statements, memoranda and/or draft audit reports exchanged between Par Funding and such accounting firm.
15. All communications with Adam Weitzel of the Business Law Group concerning or relating to the Par Funding tax audit for 2016.
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17. All communications with any Ermel Client. Such communications include, but are not limited to, emails and all documents attached to such emails.
18. All documents sent to, or received from, the Internal Revenue Service or any state taxing authority, concerning the Ermel Clients.



CEDRONE & MANCANO, LLC

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June 6, 2022

*Via Email – [ferguson@kolawyers.com](mailto:ferguson@kolawyers.com)*

David L. Ferguson, Esq.  
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*Via Email – [levine@kolawyers.com](mailto:levine@kolawyers.com)*

Joshua R. Levine, Esq.  
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Fort Lauderdale, FL 33301

**RE: *Securities and Exchange Commission v. Complete Business Solutions Group, Inc. d/b/a Park Funding, et al.***  
**Docket No.: 20-CV-81205 (U.S.D.C. S.D. Fla.)**

Dear Messrs. Ferguson and Levine:

As you may know, I represent Rod Ermel Associates, as well as its owners, employees, and other key personnel. I write in connection with two Subpoenas, which I believe you served approximately two weeks ago. For your convenience, I have enclosed copies of the Subpoenas.

The Subpoenas purport to require production of documents via email on or before 5:00 PM today. I write to advise you that you should not be expecting any documents. First, the Subpoenas request a large number of documents that will take my client, a professional accounting firm an inordinate amount of time to gather and compile. Therefore, in my view, the Subpoenas impose undue burden and expense on my clients and you have taken no steps to avoid imposing such a burden as required under Federal Rule of Civil Procedure 45(d)(1).

More fundamentally, however, I see nothing in Rule 45 that permits requiring responsive documents to be produced via email. Instead, as I read the Rule, you may seek the production of documents within 100 miles of the where the subpoena recipient resides or regularly conducts business. Fed. R. Civ. P. 45(c)(2). Therefore, as far as I am concerned, the Subpoenas are deficient on their face.

If you wish to reissue Rule 45-compliant subpoenas, I will be happy to accept service of them, and maybe at that time, we can discuss how to avoid the undue hardship and expense that would result from compliance.





CEDRONE & MANCANO, LLC

ATTORNEYS AT LAW

David L. Ferguson, Esq.  
Joshua R. Levin, Esq.  
June 6, 2022  
Page 2

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If you have any questions, feel free to contact me.

Sincerely,

*Mark E. Cedrone*

MARK E. CEDRONE

MEC:rm

Enclosures

cc: Amie R. Berlin, Esq., Securities and Exchange Commission (via email – w/enc.)  
Rod Ermel Associates (via email w/enc.)

**From:** [James Kaplan](#)  
**To:** [rmc@cedrone-mancano.com](mailto:rmc@cedrone-mancano.com)  
**Cc:** [David Ferguson](#); [Joshua R. Levine](#); [Noah Snyder](#); [Elizabeth Salom](#)  
**Subject:** Fwd: SEC v. Complete Business Solutions Group, Inc. d/b/ Par Funding, et al.  
**Date:** Monday, June 6, 2022 6:20:48 PM

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Good afternoon Mr. Cedrone,

By way of introduction, my firm recently joined the defense team in the referenced matter. David Ferguson just forwarded us your letter of today's date, in which you contend that the subpoenas issued by Ms. McElhone are deficient on their face because they seek production of documents more than 100 miles from the place of production. While your contention would be correct in a normal federal civil matter, it is incorrect here for the reasons stated below.

The Dodd-Frank Wall Street Reform and Consumer Protection Act gave parties in proceedings brought by the SEC nationwide service of process of subpoenas. *SEC v. Church-Koegel*, Civil Action No. 20-21001-Civ, 2020 U.S. Dist. LEXIS 168090, at \*19 (S.D. Fla. Sep. 15, 2020) (citing 15 U.S.C. §§ 77v(a); 78aa(a)). The pertinent part of the statute states:

In any action or proceeding instituted by the Commission under this chapter in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. ***Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.***

15 U.S.C. § 78aa (emphasis added). “Thus, § 78aa ‘authorizes nationwide service of a subpoena to compel attendance of a witness in a securities enforcement action.’” *SEC v. AIC, Inc.*, No. 3:11-CV-176, 2013 U.S. Dist. LEXIS 135535, at \*3-4 (E.D. Tenn. Sep. 23, 2013) (quoting *SEC v. Kramer*, 778 F. Supp. 2d 1320, 1323 (M.D.

Fla. 2011)). Thus, it is clear that the one-hundred-mile provision of Rule 45 is preempted by § 78aa and does not form the basis to quash the subpoenas at issue in this case.

Document production can be compelled nationwide in this action, and our request for electronic production does not run afoul of any rules (in fact, it reduces production expenses for your clients). As to your contention that the subpoenas create an inordinate burden on your clients, we are happy to meet and confer in an effort to address your concerns on this issue. However, we must do so as soon as possible – as the Court has given us a tight timeframe to conduct discovery. We are available tomorrow in the morning or afternoon to conduct a meet and confer conference. If you are not available then, please choose a time before noon Wednesday for us to discuss these issues. While we are willing to meet and confer with you in an effort to narrow or resolve these issues, please be advised that we will take immediate action with the Court if we are not able to fully resolve these issues by agreement by the close of business this Wednesday.

Thank you for your consideration of these points. We look forward to receiving your prompt response to this email.

James M. Kaplan

Managing Partner

Kaplan Zeena LLP

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Suite 3050 – One Biscayne Tower

Miami, Florida 33131-1806

(305) 530-0800

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[<image001.jpg>](#)

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**From:** Rosanne Miller <[rmc@cedrone-mancano.com](mailto:rmc@cedrone-mancano.com)>  
**Date:** Monday, June 6, 2022 at 4:48 PM  
**To:** David L. Ferguson <[ferguson@kolawyers.com](mailto:ferguson@kolawyers.com)>, Joshua R. Levine <[levine@kolawyers.com](mailto:levine@kolawyers.com)>  
**Cc:** [BerlinA@sec.gov](mailto:BerlinA@sec.gov) <[BerlinA@sec.gov](mailto:BerlinA@sec.gov)>  
**Subject:** SEC v. Complete Business Solutions Group, Inc. d/b/ Par Funding, et al.

Some people who received this message don't often get email from [rmc@cedrone-mancano.com](mailto:rmc@cedrone-mancano.com).  
[Learn why this is important](#)

Gentlemen:

Please see attached. Thank you.

Rosanne Miller

Legal Assistant

**PLEASE NOTE WE HAVE RELOCATED OUR OFFICE TO  
THE BELOW-LISTED ADDRESS:**

[<image003.jpg>](#)

Rosanne Miller  
Cedrone & Mancano, LLC  
230 S. Broad Street  
Suite 1100  
Philadelphia, PA 19102  
Office: (215) 925-2500

Fax: (215) 925-6471

Email: [rmc@cedrone-mancano.com](mailto:rmc@cedrone-mancano.com)

Web: [www.cedrone-mancano.com](http://www.cedrone-mancano.com)

*ATTENTION: The information contained in this e-mail transmittal is privileged and confidential, and is intended only for the individual(s) and/or entity(s) named at the intended recipient(s). You are hereby notified that any unauthorized disclosure, copying, distribution, or taking any action based on or in reliance on information contained in this e-mail transmittal is both unjustified and strictly prohibited. Any review of information contained in this e-mail transmittal, other than by the intended recipient(s), SHALL NOT be deemed a waiver of the attorney-client privilege. If you received this e-mail in error, please notify me immediately by telephone at (215) 925-2500, or via e-mail at [rmc@cedrone-mancano.com](mailto:rmc@cedrone-mancano.com). Please remove, delete, and permanently eradicate any and all copies of this e-mail transmittal, if received in error, from any computer, personal digital assistant, notebook, server or any other real, virtual or cloud location. Thank you.*

*Additionally, In compliance with U.S. Treasury Regulations, please be advised that any tax advice that may be given herein (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein.*