

**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.**

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**DEFENDANTS LAFORTE, MCELHONE, AND COLE’S UNOPPOSED MOTION  
TO ENLARGE THE PAGE LIMIT FOR THEIR RESPONSE IN OPPOSITION TO  
THE SEC’S AMENDED OMNIBUS MOTION FOR FINAL JUDGMENTS, AND FOR  
A ONE WEEK EXTENSION OF TIME TO FILE**

Defendants, Joseph LaForte, Lisa McElhone, and Joseph Cole Barleta (collectively the “Defendants”), currently have until July 1, 2022 to file a Response to the Plaintiff Securities and Exchange Commission’s Amended Omnibus Motion for Final Judgments [D.E. 1252]. For the reasons set forth below, Defendants respectfully request that the Court grant them leave to file a Combined Response to the Omnibus Motion that is up to 50 pages in length, and that the Court grant them a one-week extension, up to July 8, 2021, to file the Response.

**1. Request for Page Enlargement**

Defendants’ request for a page enlargement is proper for at least two reasons. First, in an effort to conserve the resources of the parties and the Court, the Defendants intend to file a Combined Response to the Omnibus Motion – rather than each filing a separate Response. While some redundancy can be eliminated by filing a Combined Response, the brief will contain sections that are common to all of the Defendants, as well as sections which are particular to the individual

Defendants. The Defendants therefore request additional pages so that the arguments of each of the Defendants can be fully presented.

Second, the Plaintiff Securities and Exchange Commission previously sought – and was granted – leave to file an Omnibus Motion that was up to 50 pages long. (*See* D.E. 1211 and 1212). Under local rule 7.1(c)(2), a motion and the response in opposition to the motion are both limited to 20 pages absent prior permission from the Court. This suggests that the Defendants should be granted a reciprocal page limit extension equal to the extension which was granted to the Plaintiff.

## **2. Request for a Brief Extension of Time**

The current deadline for the Defendants to file their Response brief is July 1, 2022. Defendants respectfully request a one-week extension of this deadline due to several unforeseen hardships that have delayed the completion of the Defendants' work. First, two of the attorneys responsible for the preparation of the Response brief, David Ferguson and Noah Snyder, were recently afflicted with Covid and required time for rest and recovery. Second, attorney Jim Kaplan, who is also responsible for the preparation of the Response brief, has been dealing with an ongoing health emergency with his wife, and has been occupied seeing to her care.

In requesting an extension, the Defendants are mindful of the Court's desire to conclude these proceedings swiftly, and of the fact that the Court's prior Order stated that the Defendants would not be granted any further extensions. However, the Defendants are seeking a one-week extension due to legitimate and unforeseen hardships, and not for the purposes of delay. Moreover, the requested extension will not affect any deadlines in the Court's Scheduling Order, and counsel for the SEC does not oppose the requested extension. Defendants also note that if the Court grants Defendants' request for a one-week extension, the time allotted to Defendants to file its Response will still be significantly less than the time which was allotted for the SEC to file its Omnibus Motion for Disgorgement. Specifically, the SEC was initially given 90 days from the date the Permanent

Injunctions were entered against the Defendants to file motions for disgorgement (the due dates were February 22, 2022 for LaForte and McElhone, and February 26, 2022 for Barletta). The SEC then obtained an extension until April 12, 2022 to file an Omnibus Motion for Disgorgement, and was then granted an additional three-day extension, until April 15, 2022, to file that motion. Accordingly, the SEC was given 142 from the date the Final Judgements were entered against LaForte and McElhone to file its Omnibus Motion for Disgorgement. By contrast, even with the requested extension, the Defendants will have 84 days to file their Response brief.

WHEREFORE, the Defendants Joseph Cole Barletta, Joseph LaForte and Lisa McElhone respectfully request leave to file a Combined Response in Opposition to the Plaintiff Securities and Exchange Commission's Amended Omnibus Motion for Final Judgments which is up to 50 pages in length, and also request a one-week extension of time, up to and including July 8, 2022, to file their Response.

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

Counsel for the Defendants hereby certify that they have conferred with counsel for Plaintiff, Amie Berlin, and ARE AUTHORIZED TO REPRESENT that the SEC does not oppose the relief sought in this Motion.

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 27<sup>th</sup> 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