

**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.

**RECEIVER, RYAN K. STUMPHAUZER’S COMBINED TWENTY-FIFTH
MOTION TO LIFT LITIGATION INJUNCTION AS TO CERTAIN
GARNISHMENT PROCEEDINGS AND TO AUTHORIZE RECEIVER
TO DISMISS WITHOUT PREJUDICE *FAST ADVANCE FUNDING, LLC V.
STRUCTURAL SOLUTIONS OF NJ, LLC, ET AL.* IN THE UNITED STATES
DISTRICT COURT FOR EASTERN DISTRICT OF PENNSYLVANIA**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities,¹ by and through undersigned counsel, hereby files this Combined Twenty-Fifth Motion

¹ The “Receivership Entities” 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 Consulting, 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

to Lift Litigation Injunction as to Certain Garnishment Proceedings and to Authorize Receiver to Dismiss Without Prejudice the case of *Fast Advance Funding, LLC v. Structural Solutions of NJ, LLC, et al.* in the United States District Court for the Eastern District of Pennsylvania, and states:

I. MOTION TO LIFT LITIGATION INJUNCTION AS TO CERTAIN GARNISHMENT PROCEEDINGS

1. The Receiver hereby moves this Court to lift the Litigation Injunction for the limited purpose of allowing the Receiver, in his discretion, to dissolve current writs of garnishment, to mark judgments satisfied, and/or to reopen confessed judgments, where the counterparty merchant either has resolved, or has agreed to resolve prior defaults, or otherwise filed for bankruptcy protection, in the following cases in the Court of Common Pleas of Philadelphia County, Pennsylvania.²

2. The cases are:

- a. *Complete Business Solutions Group Inc. d/b/a Par Funding v. South Trails RV Center LLC, d/b/a South Trails RV Center and Michael Schriver*, Philadelphia Court of Common Pleas, Docket No. 200100901.
- b. *Complete Business Solutions Group Inc. d/b/a Par Funding v. First American International and Investment Corporation d/b/a Faith Global Realty Group and Ginny Lin*, Philadelphia Court of Common Pleas, Docket No. 191003369.
- c. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Williams Group Inc. d/b/a Williams Group d/b/a Advanced*

Resources, Inc.; Contract Financing Solutions, Inc.; Stone Harbor Processing LLC; LM Property Management LLC; and ALB 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; 2413 Roma Drive, Philadelphia, PA 19145; 159 26th Street, Avalon, NJ 08202; and 164 84th Street, Stone Harbor, NJ 08247.

² See the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] (the "Operative Receivership Order"). The Receiver generally incorporates the background section of his prior Motions to Lift Litigation Injunction as to Certain Garnishment Proceedings. [See, e.g., ECF Nos. 111.]. To conserve resources and promote efficiency, the Receiver is providing only a summary narrative, as approved by the Court at the October 7, 2020 status conference.

Construction Services and Luke Williams, Philadelphia Court of Common Pleas, Docket No. 200600184.

- d. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Mayeuxs Lawnscape LLC d/b/a Mayeuxs Lawnscape and Taylor Mayeuxs*, Philadelphia Court of Common Pleas, Docket No. 191203139.
- e. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Dreamforte LLC d/b/a Dreamforte and Remymartin Obidiegwu Okafor*, Philadelphia Court of Common Pleas, Docket No. 190703277.
- f. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Beautifully Bare LLC d/b/a Beautifully Bare d/b/a Beautifully Bare Laser d/b/a Beautifully Bare Laser Hair Removal, Teresa Moran, and Wendy Barto*, Philadelphia Court of Common Pleas, Docket No. 200400222.
- g. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Pearl City Inc. d/b/a Pearl City d/b/a Peral City Consultants, and Yang Ming Hu*, Philadelphia Court of Common Pleas, Docket No. 200202349.
- h. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Boshart Enterprises Inc. d/b/a Boshart Enterprises d/b/a BIG T IGA, and Aaron Boshart*, Philadelphia Court of Common Pleas, Docket No. 190703694.
- i. *Complete Business Solutions Group Inc. d/b/a Par Funding v. TTS Bridal Suite Inc. d/b/a TTS Bridal Suite d/b/a TT'S Bridal Suite, d/b/a Bridal Suite of Centereach, and William John Gardell*, Philadelphia Court of Common Pleas, Docket No. 200202524.
- j. *Contract Financing Solutions Inc. v. Market ST LLC d/b/a Market St., and Matthew Grubb*, Philadelphia Court of Common Pleas, Docket No. 200101185.
- k. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Chris Bartek Sole Proprietor d/b/a Youngs HVAC Pros, and Chris D. Bartek*, Philadelphia Court of Common Pleas, Docket No. 200102926.
- l. *Contract Financing Solutions Inc. v. Duffy Enterprises LLC d/b/a All American Tree Service d/b/a Duffy Enterprises, and Michael Patrick Duffy*, Philadelphia Court of Common Pleas, Docket No. 191202404.

3. The Receiver has determined, in his professional judgment, that it is in the best interests of the Receivership Estate to dissolve current writs of garnishment, to mark judgments satisfied, and/or to reopen confessed judgments with respect to these cases.

II. MOTION TO AUTHORIZE RECEIVER TO DISMISS, WITHOUT PREJUDICE, THE CASE OF *FAST ADVANCE FUNDING, LLC V. STRUCTURAL SOLUTIONS OF NJ, LLC, ET AL.* IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

4. On or about July 22, 2018, Fast Advance Funding initiated a Confession of Judgment action in the Court of Common Pleas of Philadelphia County, Pennsylvania against Structural Solutions of NJ, LLC and Shawn Yesko, as guarantor, at Docket No. 180702210.

5. The Confession of Judgment was vacated on July 26, 2018, because the parties had reached an agreement regarding the resolution of the matter.

6. Unfortunately, the matter was not resolved pursuant to the parties' agreement and, on February 14, 2019, Fast Advance Funding filed a second Confession of Judgment action in the Court of Common Pleas of Philadelphia County, Pennsylvania against Structural Solutions of NJ, LLC and Shawn Yesko, as guarantor, at Docket No. 190201243. This matter remains active in the Court of Common Pleas of Philadelphia County.

7. On April 20, 2020, Fast Advance Funding also filed a Complaint in the United States District Court for the Eastern District of Pennsylvania against Shawn A. Yesko, Amy A. Yesko, SYAY Properties, LLC and Structural Solutions of NJ, LLC, asserting claims for fraudulent misrepresentation, conspiracy to commit fraud, mail and wire fraud under 18 U.S.C. Sections 1341 and 1343, breach of contract, and unjust enrichment. *See Fast Advance Funding, LLC v. Structural Solutions of NJ, LLC, SYAY Properties, LLC, Shawn A. Yesko, and Amy A. Yesko*, 2:20-cv-01961-MAK (hereinafter the "Pennsylvania Federal Case").

8. On December 28, 2020, counsel for the Receiver entered their appearance and filed a Notice of Stay, advising the Court in the Pennsylvania Federal Case of the Litigation Injunction entered by this Court, as well as the Order of this Court expanding the Receivership to include Fast Advance Funding, LLC. *See* 2:20-cv-01961-MAK at ECF No. 3.

9. On December 30, 2020, the Court in the Pennsylvania Federal Case entered an Order stating:

[U]pon consideration of the Notice of Stay filed by Ryan K. Stumphauzer, Esq., as Receiver for Fast Advance Funding, LLC, informing the Court of the litigation injunction entered in the related proceeding pending in the United States District Court for the Southern District of Florida at Case No. 20-cv-81205, it is hereby ORDERED that this matter shall be STAYED until further order of the Court. It is FURTHER ORDERED that the parties shall inform the Court when the aforementioned litigation injunction has been lifted and it is therefore appropriate to restore this matter to active status.

See 2:20-cv-01961-MAK at ECF No. 5.

10. The Receiver has determined, in his professional judgment, that it is in the best interests of the Receivership Estate to dismiss the Complaint in the Pennsylvania Federal Case, without prejudice, because the Receiver is already pursuing recovery against the merchant and guarantor in the Confession of Judgment action pending in the Court of Common Pleas of Philadelphia County and, therefore, the Pennsylvania Federal Case is not necessary.

WHEREFORE, Ryan K. Stumphauzer, as Court-Appointed Receiver, by and through his undersigned counsel, respectfully requests this Honorable Court to grant the motion and lift the Litigation Injunction on a limited basis as set forth above. A proposed order for the Court's consideration is attached as Exhibit 1.

CERTIFICATION REGARDING PRE-FILING CONFERENCE

The undersigned counsel has conferred with all counsel of record and unrepresented parties in this matter regarding the relief sought through this motion and certifies that all counsel of record

have either (1) not responded to the Receiver's meet and confer requests or (2) confirmed that their clients either do not oppose or take no position with respect to the relief sought. The SEC has confirmed that it does not oppose the Receiver's requests to lift the litigation injunction.

Dated: August 4, 2022

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 4, 2022, I electronically filed the foregoing 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 transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA

EXHIBIT 1

**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.

**[PROPOSED] ORDER GRANTING RECEIVER, RYAN K. STUMPHAUZER'S
COMBINED TWENTY-FIFTH MOTION TO LIFT LITIGATION INJUNCTION AS TO
CERTAIN GARNISHMENT PROCEEDINGS AND TO AUTHORIZE RECEIVER TO
DISMISS WITHOUT PREJUDICE *FAST ADVANCE FUNDING, LLC V. STRUCTURAL
SOLUTIONS OF NJ, LLC, ET AL.* IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

THIS CAUSE comes before the Court upon the Receiver's Combined Twenty-Fifth Motion to Lift Litigation Injunction as to Certain Garnishment Proceedings and to Authorize Receiver to Dismiss Without Prejudice *Fast Advance Funding, LLC v. Structural Solutions of NJ, LLC, et al.* in the Eastern District of Pennsylvania [ECF No. ____] ("Motion"), filed on August 4, 2022.

In Section I of the Motion, the Receiver seeks to modify the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141], so as to lift the litigation injunction provided for in that Order for certain garnishment matters currently pending in the Court of Common Pleas of Philadelphia County, Pennsylvania to be opened for the limited purpose to authorize the Receiver, in his discretion, to dissolve current writs of garnishment, to mark

judgments satisfied, and/or to reopen confessed judgments, where the counterparty merchant either has resolved or agreed to resolve prior defaults, or otherwise filed for bankruptcy protection, in certain cases in the Court of Common Pleas of Philadelphia County, Pennsylvania.

The Receiver has made a sufficient and proper showing in support of the relief requested. Accordingly, it is hereby

ORDERED AND ADJUDGED that Receiver's Motion is **GRANTED** with respect to the relief requested in Section I thereof. Specifically, the litigation injunction set forth in the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] is hereby lifted in the following matters in the Court of Common Pleas of Philadelphia County, Pennsylvania, and solely for the purpose as described in the Motion:

- a. *Complete Business Solutions Group Inc. d/b/a Par Funding v. South Trails RV Center LLC, d/b/a South Trails RV Center and Michael Schriver*, Philadelphia Court of Common Pleas, Docket No. 200100901.
- b. *Complete Business Solutions Group Inc. d/b/a Par Funding v. First American International and Investment Corporation d/b/a Faith Global Realty Group and Ginny Lin*, Philadelphia Court of Common Pleas, Docket No. 191003369.
- c. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Williams Group Inc. d/b/a Williams Group d/b/a Advanced Construction Services and Luke Williams*, Philadelphia Court of Common Pleas, Docket No. 200600184.
- d. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Mayeuxs Lawnscape LLC d/b/a Mayeuxs Lawnscape and Taylor Mayeuxs*, Philadelphia Court of Common Pleas, Docket No. 191203139.
- e. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Dreamforte LLC d/b/a Dreamforte and Remymartin Obidiegwu Okafor*, Philadelphia Court of Common Pleas, Docket No. 190703277.
- f. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Beautifully Bare LLC d/b/a Beautifully Bare d/b/a Beautifully Bare Laser d/b/a Beautifully Bare Laser Hair Removal, Teresa Moran, and Wendy Barto*, Philadelphia Court of Common Pleas, Docket No. 200400222.

- g. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Pearl City Inc. d/b/a Pearl City d/b/a Peral City Consultants, and Yang Ming Hu*, Philadelphia Court of Common Pleas, Docket No. 200202349.
- h. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Boshart Enterprises Inc. d/b/a Boshart Enterprises d/b/a BIG T IGA, and Aaron Boshart*, Philadelphia Court of Common Pleas, Docket No. 190703694.
- i. *Complete Business Solutions Group Inc. d/b/a Par Funding v. TTS Bridal Suite Inc. d/b/a TTS Bridal Suite d/b/a TT'S Bridal Suite, d/b/a Bridal Suite of Centereach, and William John Gardell*, Philadelphia Court of Common Pleas, Docket No. 200202524.
- j. *Contract Financing Solutions Inc. v. Market ST LLC d/b/a Market St., and Matthew Grubb*, Philadelphia Court of Common Pleas, Docket No. 200101185.
- k. *Complete Business Solutions Group Inc. d/b/a Par Funding v. Chris Bartek Sole Proprietor d/b/a Youngs HVAC Pros, and Chris D. Bartek*, Philadelphia Court of Common Pleas, Docket No. 200102926.
- l. *Contract Financing Solutions Inc. v. Duffy Enterprises LLC d/b/a All American Tree Service d/b/a Duffy Enterprises, and Michael Patrick Duffy*, Philadelphia Court of Common Pleas, Docket No. 191202404.

In Section II of the Motion, the Receiver seeks to modify the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141], so as to lift the litigation injunction provided for in that Order to dismiss, without prejudice, the Complaint filed in the in the United States District Court for the Eastern District of Pennsylvania styled *Fast Advance Funding, LLC v. Structural Solutions of NJ, LLC, et al.*, at Case No. 2:20-cv-01961-MAK.

The Receiver has made a sufficient and proper showing in support of the relief requested. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Receiver's Motion is **GRANTED** with respect to the relief requested in Section II thereof. Specifically, the litigation injunction set forth in the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] is hereby lifted so as to allow the Receiver to dismiss, without prejudice, the Complaint filed in the in the

United States District Court for the Eastern District of Pennsylvania styled *Fast Advance Funding, LLC v. Structural Solutions of NJ, LLC, et al.*, Case No. 2:20-cv-01961-MAK.

DONE AND ORDERED in Fort Lauderdale, Florida, this _____ day of August 2022.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record