

**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.

**ORDER (1) IN CONNECTION WITH STATUS REPORT REGARDING WHETHER
THE LITIGATION STAY SHOULD REMAIN IN PLACE FOR CLAIMS AGAINST
ECKERT SEAMANS AND/OR JOHN PAUCIULO AND (2) DENYING AS MOOT
VARIOUS MOTIONS TO INTERVENE AND/OR LIFT THE LITIGATION STAY**

THIS CAUSE comes before the Court upon: (1) Receiver’s Status Report Regarding Whether the Litigation Stay Should Remain in Place for Claims Against Eckert Seamans and/or John Pauciulo [ECF No. 1392] (the “Status Report”), filed on September 2, 2022; (2) Defendant Dean Vagnozzi’s Renewed Motion to Lift Stay of Litigation [ECF No. 1386], filed on August 30, 2022 (“Dean Vagnozzi Motion”); (3) Motion to Intervene and to Lift Stay of Litigation of Proposed Intervenors Paul T. Kohler, Albert Vagnozzi, Capricorn Income Fund I, LLC, and Capricorn Income Fund I Parallel, LLC [ECF No. 1390], filed on September 1, 2022 (“Albert Vagnozzi Motion”); (4) Renewed Motion to Lift Stay as to Parker Action by Francis Cassidy, David Gollner, Christopher McMorrow, and Mark Nardelli [ECF No. 1395], filed on September 7, 2022 (“Parker Action Motion”); and (5) the Receiver’s Notice of Filing Regarding the Status Report [ECF No. 1396], filed on September 7, 2022 (“Notice of Filing”). The Court having reviewed the Status Report, the Dean Vagnozzi Motion, the Albert Vagnozzi Motion, the Parker

Action Motion, the Notice of Filing, and the record in this matter, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED as follows:

1. For the reasons stated in the Status Report and the Notice of Filing, the stay of litigation (“Litigation Stay”), provided for in the Amended Order Appointing Receiver [ECF No. 141], is hereby **LIFTED** in any case against Eckert Seamans and/or John W. Pauciulo in which a Receivership Entity is not a party. This includes, but is not limited to, the following lawsuits, insofar as the parties have not named or will not seek to join as a party any Receivership Entity:

- *Melchior v. Vagnozzi, et al.*, No. 20-5562 (E.D. Pa. 2020);
- *Montgomery, et al. v. Eckert Seamans Cherin & Mellott, LLC, et al.*, No. 1:20-cv-23750 (S.D. Fla. 2020);
- *Parker, et al. v. Pauciulo, et al.*, No. 20-00892 (Phila. Ct. Com. Pl. 2020);
- *Dean Vagnozzi v. Pauciulo, et al.*, No. 210402115 (Phila Ct. Com. Pl. 2021);
- *Albert Vagnozzi, et al. v. Pauciulo, et al.*, No. 210502334 (Phila Ct. Com. Pl. 2021); and
- *Legacy Advisory Group, Inc., et al. v. Pauciulo, et al.*, No. 211001003 (Phila Ct. Com. Pl. 2021).

2. One additional pending action, *Caputo, et al. v. Vagnozzi, et al.*, No. 1:20-cv-01042 (D. Del. 2020) (“Caputo Case”), includes claims against Dean Vagnozzi, Eckert Seamans and John W. Pauciulo, as well as claims against several Receivership Entities, including ABetterFinancialPlan.com, LLC, ABFP Management Company, LLC, ABFP Income Fund LLC, ABFP Income Fund 2, L.P., 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, L.P., ABFP Income Fund 3 Parallel, LLC, ABFP Income Fund 4 Parallel, LLC, and ABFP Income Fund

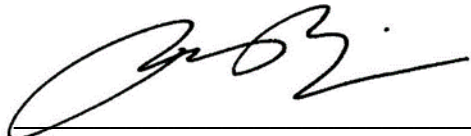
6 Parallel, LLC. Because the Caputo Case includes claims against Receivership Entities, this action remains subject to the Litigation Stay.

3. In light of the Court lifting the Litigation Stay as to the cases identified in paragraph 1 of this Order, the following Motions are hereby **DENIED AS MOOT**:

- Defendant Dean Vagnozzi's Renewed Motion to Lift Stay of Litigation [ECF No. 1386];
- Motion to Intervene and to Lift Stay of Litigation of Proposed Intervenors Paul T. Kohler, Albert Vagnozzi, Capricorn Income Fund I, LLC, and Capricorn Income Fund I Parallel, LLC [ECF No. 1390]; and
- Renewed Motion to Lift Stay as to Parker Action by Francis Cassidy, David Gollner, Christopher McMorro, and Mark Nardelli [ECF No. 1395].

4. The Litigation Stay shall remain in place for any action or claims between any Receivership Entity and Eckert Seamans and/or John W. Pauciulo, through and including at least **sixty (60) days** following entry of the Court's Order(s) on the disgorgement and penalties to be assessed against the Defendants in this case. Upon the conclusion of this 60-day period, the Receiver shall either (a) file a Status Report indicating that he has resolved the Receivership Estate's claims against Eckert Seamans and/or John W. Pauciulo, or (b) file a motion to lift the Litigation Stay to pursue claims against Eckert Seamans and/or John W. Pauciulo.

DONE AND ORDERED in Fort Lauderdale, Florida, this 7th day of September, 2022.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record