

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No: 9:20-CV-81205**

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

vs.

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

Defendants

**UNOPPOSED - DEFENDANT JOSEPH COLE BARLETA'S MOTION
FOR LEAVE TO EXCEED PAGE LIMITATION**

COMES NOW, Defendant, JOSEPH COLE BARLETA ("Cole"), by and through his undersigned counsel, and respectfully requests this Court to allow Defendant to exceed the page limit imposed by the local rules to file his Motion to Stay Collection Efforts Pending Appeal and Motion for Order to Approve Supersedeas Bond. Cole states the following in support:

1. The Local Rules governing this proceeding state that the page limit on Motions is 20 pages. See LR. 7.1(c)(2).
2. Cole has indicated to this Court in a recent Case Management Conference that he intended to file a Motion to Stay. A Motion to Stay pending appeal is considered is a complicated motion because it requires the analysis of a four part factoring test (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding;

and (4) where the public interest lies. *SEC v. Mut. Benefits Corp.*, No. 04-60573-CIV-MORE, 2021 U.S. Dist. LEXIS 216725, at *7 (S.D. Fla. Nov. 8, 2021).

3. Most important to all of these factors is a strong showing of success on the merits. In other words, Joe Cole must show that he is likely to win the appeal.
4. This forces Joe Cole to write, essentially, a condensed version of his appellate brief, and put the trial level judge in a position where he must determine if his appeal will ultimately prevail.
5. Currently, the Motion to Stay is already written, and contains 30 pages, including a cover page, preface, table of contents, and table of cases, all of which amount to four pages which do not count towards the total number of pages under the aforementioned Local Rule. Excluding the pages mention, that brings Joe Cole's page count to 26.
6. As such, Joe Cole requests that this Court allow him to file his Motion to Stay with the additional four countable pages.
7. The SEC and Counsel for Cole have met and conferred. The SEC has no objection to the relief sought.

WHEREFORE, Joe Cole requests that this Court allow him to file his Motion to Stay with the additional four countable pages

Respectfully Prepared and Submitted by:

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/s/ Andre G. Raikhelson
Andre G. Raikhelson Esq.
Bar Number: 123657

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 6, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Andre G. Raikhelson
Andre G. Raikhelson Esq.

**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 JOE COLE’S MOTION FOR LEAVE TO FILE HIS
MOTION TO STAY WITH FOUR ADDITIONAL PAGES**

THIS CAUSE comes before the Court upon Joseph Cole Barleta’s, Motion for Leave to File his Motion to Stay with Four Additional Pages.

Having reviewed the Motion and being otherwise duly advised, it is hereby

ORDERED AND ADJUDGED that the Motion is **GRANTED**. Joe Cole shall be able to file his Motion to Stay Pending Appeal with four additional pages.

DONE AND ORDERED in Fort Lauderdale, Florida, this ____ day of December, 2022.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record