

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) DENYING NON-PARTY LAKEPORT CF, LLC'S
MOTION FOR RELIEF FROM THE LITIGATION STAY [ECF NO. 141] TO
PURSUE ADVERSARY COMPLAINT AND PLAN CONFIRMATION IN
IN RE LAKEPORT, CASE NO. 22-11941-MER, BANKRUPTCY COURT IN
AND FOR THE DISTRICT OF COLORADO, AND (2) GRANTING
RECEIVER'S MOTION TO LIFT LITIGATION INJUNCTION TO ALLOW
COMMENCEMENT OF PROCEEDINGS INVOLVING LAKEPORT CF, LLC**

THIS CAUSE comes before the Court upon (1) Non-Party, Lakeport CF, LLC's Motion for Relief from the Litigation Stay [ECF No. 141] to Pursue Adversary Complaint and Plan Confirmation in *In Re Lakeport*, Case No. 22-11941-MER, Bankruptcy Court in and for the District of Colorado (the "Lakeport Motion") (ECF No. 1469); and (2) the Receiver's Motion to Lift the Litigation Injunction to Allow Commencement of Proceedings Involving Non-Party Lakeport CF, LLC (the "Receiver's Motion to Lift Litigation Injunction") [ECF No. 1478].

In the Lakeport Motion, non-party Lakeport CF, LLC ("Lakeport") asks the Court to lift the stay of litigation in the Amended Order Appointing Receiver [ECF No. 141] (the "Litigation Injunction"), so that Lakeport may proceed with an Adversary Complaint in the case of *In Re Lakeport*, Case No. 22-11941-MER, in the Bankruptcy Court in and for the District of Colorado

(the “Adversary Complaint”), and confirmation of a plan of reorganization in its bankruptcy proceeding.

The Receiver opposes the Lakeport Motion because, among other reasons, Lakeport has not requested or obtained permission to intervene in this action, and therefore lacks standing to request the Court to lift the Litigation Injunction. Notwithstanding its position, the Receiver seeks to modify the Litigation Injunction to permit Lakeport to lift the Litigation Injunction for the limited purpose of allowing Lakeport to proceed with the Adversary Proceeding and to pursue plan confirmation in its bankruptcy proceeding.

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

ORDERED AND ADJUDGED that (1) the Lakeport Motion is **DENIED**, and (2) the Receiver’s Motion is **GRANTED**. Specifically, the litigation injunction set forth in the Court’s Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141] is hereby lifted to allow Non-Party, Lakeport CF, LLC to proceed with an Adversary Complaint in the case of *In Re Lakeport*, Case No. 22-119411-MER, in the Bankruptcy Court in and for the District of Colorado, and confirmation of a plan of reorganization in the bankruptcy proceeding.

DONE AND ORDERED in Miami, Florida, this 5th day of January, 2023.



RÓDOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE