

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 DENYING JOSEPH COLE BARLETA'S EXPEDITED
MOTION FOR MODIFICATION AND JUDICIAL RELIEF**

THIS CAUSE comes before the Court upon Defendant, Joseph Cole Barleta's, Expedited Motion for Modification and Judicial Relief [ECF No. 1572]. The Court having reviewed the Motion, the Receiver's Notice of Position [ECF No. 1577], Plaintiff Securities and Exchange Commission's Response in Opposition [ECF No. 1578], and Cole's Reply [ECF No. 1579], and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED as follows:

1. Defendant's Expedited Motion is **DENIED**.
2. As explained in the SEC's Response and the Receiver's Notice of Position, Cole has not demonstrated good cause or a significant change in either the factual conditions or the law that would warrant lifting the asset freeze contained in the Court's Order Granting Preliminary Injunction by Consent as to Defendant Joseph Cole Barleta. *See* Section II.A, [ECF No. 202] ("Asset Freeze"); *see also Sierra Club v. Meiburg*, 296 F.3d 1021, 1033 (11th Cir. 2002) (outlining standards for modification of a consent decree); *S.E.C. v. Spongetech Delivery Sys., Inc.*, No. 10-CV-2031 DLI

JMA, 2011 WL 887940, at *9 (E.D.N.Y. Mar. 14, 2011) (noting purpose of asset freeze is to enable the collection of funds that may be disgorged and said funds need not be causally tied to fraudulent activity to be subject to disgorgement).

3. Accordingly, the Court denies Cole's request to lift or otherwise modify the Asset Freeze, which shall remain in full force and effect, pending further order of this Court. *See S.E.C. v. Schiffer*, No. 97-CV-5853, 1998 WL 901684, at *1-3 (S.D.N.Y. June 25, 1998) (denying reconsideration of defendant's request to unfreeze assets because his failure to provide financial information on Fifth Amendment grounds "warranted a measure designed to preserve the status quo while the court could obtain an accurate picture of the whereabouts of the proceeds of the [alleged fraud].") (quoting *S.E.C. v. Manor Nursing Centers, Inc.*, 458 F.2d 1082, 1105-06 (2d Cir. 1972)).

DONE AND ORDERED in Miami, Florida, this 3rd day of June, 2023.

A handwritten signature in black ink, appearing to read 'Rodolfo A. Ruiz II', written over a horizontal line.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record