

**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.

**RECEIVER’S EXPEDITED MOTION TO QUASH
JULY 23, 2023 SUBPOENA AND FOR PROTECTIVE ORDER**

Basis for expedited relief:

The Receiver respectfully seeks this relief on an expedited basis, on or before Monday, July 3, 2023. On the afternoon of Friday, June 23, 2023, Mr. Clifford Haines, Esq., counsel for Plaintiffs in *Parker, et al. v. Pauciulo, et al.* served the Receiver with a subpoena for his counsel’s deposition on Monday, July 3, 2023. The Receiver believes that this subpoena will interfere with his duties and responsibilities under the Court’s Orders, and has not been served for any proper purpose. Moreover, the Receiver believes that the such subpoena is improper under settled law insofar as it will have no purpose other than to compel testimony from Receiver’s counsel about his court-appointed functions. The subpoena also violates this Court’s litigation stay. As a result, the Receiver requests the Court to grant the requested relief by the date of this unilaterally-scheduled deposition.

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of Receivership Entities,¹ by and through undersigned counsel, respectfully requests an Order quashing Counsel

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

for *Parker* Plaintiffs’ June 23, 2023 Subpoena Duces Tecum (attached as Exhibit 1) (the “Subpoena”) and protecting his counsel from discovery.

BACKGROUND

On March 16, 2021, Dean Parker, Davis Parker, RAZR MCA Fund LLC, *et al.* (“Plaintiffs”) initiated an action against John W. Pauciulo, Esq. and Eckert Seamans Cherin & Mellott, LLC, as *Parker, et al. v. Pauciulo, et al.*, Case No. 210502334 (Phila Ct. Com. Pl. 2021) (the “Parker Case”). Plaintiffs, represented by Clifford Haines, Esq. and composed of numerous “Agent Funds,” brought a legal malpractice action against Pauciulo and Eckert Seamans in connection with the alleged creation of various investment funds formed for the express purpose of investing in Par Funding. The Parker Case was subject to the stay of litigation (the “Litigation Stay”) in the Court’s Amended Order Appointing Receiver. (ECF No. 141).

On September 8, 2022, the Court lifted the Litigation Stay with respect to select actions, including the Parker Case, against Eckert Seamans and/or John W. Pauciulo not involving the Receiver or any Receivership Entities. (ECF No. 1398). On June 15, 2023, the Receiver filed a Motion to Reimpose Litigation Stay as to Claims Against Eckert Seamans and/or John W. Pauciulo. (ECF No. 1598). The Receiver filed this motion because the Receiver and counsel

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 Resources, Inc.; Contract Financing Solutions, Inc.; Stone Harbor Processing LLC; and LM Property 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; and 2413 Roma Drive, Philadelphia, PA 19145.

representing certain class action investor plaintiffs reached an agreement in principle to resolve the Receivership Entities' claims and the investor plaintiffs' claims against Eckert Seamans and John W. Pauciulo. *Id.* at ¶ 5. The Receiver's basis for requesting the Court to reimpose the Litigation Stay was "[t]o allow the Receiver, Eckert Seamans, and John W. Pauciulo sufficient time to finalize this process . . ." *Id.* at ¶ 7. On June 16, 2023, the Court issued an Order Setting Briefing Schedule on the Receiver's Motion to Reimpose Litigation Stay Against Eckert Seamans and/or John W. Pauciulo. (ECF No. 1601).

On Friday, June 23, 2023, at 11:39 a.m., Mr. Haines sent an email to the Receiver's counsel, Gaetan J. Alfano, stating: "We are issuing today, a subpoena for your deposition on Monday, July 3, 2023. It will be conducted in person and video taped." *See* June 23-26, 2023 Emails between Receiver's counsel and Clifford Haines (attached as Exhibit 2). Later that afternoon, Mr. Haines served Mr. Alfano's office with a subpoena for Mr. Alfano's deposition to take place on Monday, July 3, 2023, in Mr. Haines' office. *See* Ex. 1. In response to the Subpoena, Mr. Alfano emailed Mr. Haines the following:

[The Subpoena] is improper and should be withdrawn.

First, the Receiver has judicial immunity, which extends to protection from discovery, not just suit. *See* Receiver, Ryan K. Stumphauzer's Expedited Motion to Quash Friday Afternoon Subpoena and For Protective Order (ECF 156) and the Receivership Court's corresponding Order (ECF 157). This tactic has been tried unsuccessfully before and has no place in this proceeding.

Second, the Litigation Stay in the Amended Order Appointing Receiver (paragraphs 32- 33, ECF 141) remains in place. The relief from the Stay provided by the Receivership Court extends only to claims by your clients against Eckert Seamans and/or John W. Pauciulo (ECF 1398). It does not authorize discovery of or claims against the Receiver or Receivership Entities.

Finally, the Court has issued an Order Setting Briefing Schedule on the Receiver's Motion to Reimpose Litigation Stay Against Eckert Seamans and/or John W. Pauciulo (ECF 1601). Similarly, nothing in that Order permits discovery of the

Receiver or Receivership Entities, or discovery of the proposed settlement with Eckert.

The Receiver does not want to incur further fees in addressing this matter. Accordingly, please withdraw the subpoena, in writing, by 12 noon tomorrow. Otherwise, the Receiver will be compelled to move for a protective order and, in doing so, seek all appropriate relief from the Receivership Court.

See Ex. 2. Instead of withdrawing the subpoena or providing a legal basis for the deposition of Receiver's counsel, Mr. Haines replied to Mr. Alfano by "doubling down" and insisting that the deposition proceed absent a Motion by the Receiver and an Order by this Court:

I'm not convinced you are the arbiter of "improper" Is that like filing a motion that is untrue?

I have seen no Motion or Order. Until such time as I see the Order the deposition is on.

Id. In a continued good faith attempt to resolve this discovery issue, Mr. Alfano emailed Mr. Haines the following:

I have provided you with the reasons why the deposition is improper. You have not refuted them but instead are compelling the Receiver to expend Receivership resources to seek the Court's intervention. This is an ill-advised strategy.

Id. Still failing to provide any legal justification for the deposition of the Receiver's counsel, Mr. Haines responded to Mr. Alfano's email by stating:

How about this...you start telling me the truth about what is going on...provide me with the agreement reached with JAMS...explain what your legal authority is in meddling with the malpractice actions, and I will consider your position.

Id. As of the date and time the Receiver is filing this Motion, Mr. Haines has yet to withdraw the subpoena for the deposition of Receiver's counsel.

MEMORANDUM OF LAW

I. Legal Standard

"Court appointed receivers act as arms of the court and are entitled to share the appointing judge's absolute immunity provided that the challenged actions are taken in good faith and within

the scope of the authority granted to the receiver.” *Davis*, 70 F.3d 367, 373 (5th Cir. 1995). Such judicial immunity “extends to protection from discovery, not just from suit.” *FTC ex rel. Yost v. Educare Centre Servs., Inc.*, EP 19-CV-196-KC, 2020 WL 4334765, at *1 (W.D. Tex. May 26, 2020) (quashing subpoena served on receiver).

Federal Rule of Civil Procedure 26 provides that the Court may, for good cause shown, enter an Order to protect a party or person from discovery that causes “annoyance, embarrassment, oppression, or undue burden.” Under Federal Rule of Civil Procedure 45(d)(3), a Court may quash or modify a subpoena that imposes an undue burden on the subpoena recipient. A subpoena served on a receiver should be quashed where it subjects the receiver “to discovery risks impugning her integrity and good-faith decision-making because the subpoena implicates her quasi-judicial functions.” *Educare Centre Servs.*, 2020 WL 4334765, at *1 (W.D. Tex. May 26, 2020) (citing *Gary W. v. Louisiana Dep’t of Health & Human Resources*, 861 F.2d 1366, 1369 (5th Cir. 1988)); *see also Coleman v. Schwarzenegger*, Case No. CIV S-90-0520, 2007 WL 4276554, at *1 (N.D. Cal. Nov. 29, 2007) (granting protective order precluding deposition of receiver where “the Receiver and his staff ‘shall have the status of officers and agents of this Court’”) (quoting *Plata v. Schwarzenegger*, Case No. C01-1351 TEH, 2005 WL 2932253, at *1 (N.D. Cal. Oct. 3, 2005)).

II. The Subpoena should be quashed and a protective order should be entered.

The Subpoena serves no proper purpose. This is not the first instance of a party attempting to depose the Receiver, despite the Court’s Amended Receivership Order expanding the Receiver’s authority and judicial functions. On the evening of August 13, 2020, the Court entered its Amended Receivership Order expanding the scope of the receivership. (ECF No. 141). Following the entry of that Order, the Defendants made clear to the Receiver they opposed his requests for the Defendants to cooperate and provide the Receiver with information regarding the Receivership

Entities, denying his requests for interviews and, instead, insisting that they interview him. The very next day, Friday, August 14, 2020, Defendant LME 2017 Family Trust served a subpoena on the Receiver for a deposition on the very next business day, Monday, August 17, 2020.

The Receiver filed an Expedited Motion to Quash Friday Afternoon Subpoena and for Protective Order on August 15, 2020. (ECF No. 156). The Receiver argued that the Subpoena served no proper purpose and that the Amended Receivership Order established the Receiver has judicial immunity, extending to protection from discovery, not just suit. *Id.* On that same day, the Court entered an order quashing the subpoena and granting the Receiver's request for a protective order. (ECF No. 157).

Similar to the August 2020 subpoena to depose the Receiver, the Subpoena at issue came at the eleventh hour on a Friday, with Mr. Haines failing to provide any justification for the deposition. The circumstances of the Receiver's judicial immunity have not changed since the Court entered its Amended Receivership Order. As such, Mr. Haines' attempted deposition of the Receiver's counsel is improper under the Amended Receivership Order.

The Subpoena is further improper because the Litigation Stay enjoining actions against the Receiver remains in place. (ECF No. 141, ¶¶ 32-33). The Litigation Stay was lifted for the *Parker* matter only "insofar as the parties have not named or will not seek to join as a party any Receivership Entity." (ECF 1398, ¶ 1). The relief from the Stay provided by the Receivership Court extends only to select actions against Eckert Seamans and/or John Pauciulo. *Id.* Moreover, the relief from Stay does not authorize discovery of or claims against the Receiver or any of the Receivership Entities.

Finally, the Order Setting Briefing Schedule on the Receiver's Motion to Reimpose Litigation Stay Against Eckert Seamans and/or John W. Pauciulo does not permit any discovery

of the Receiver or the Receivership Entities. (ECF 1601). Nor does it allow discovery of the Receiver's proposed settlement with Eckert Seamans. *Id.* In response to the numerous legal grounds the Receiver identified for why such a deposition is improper, Mr. Haines has offered no legal support for why he should be allowed to proceed with taking this deposition. *See* Ex. 2. It is simply harassment, attempted intimidation of the Receiver and his counsel, and a blatant circumvention of the Court's orderly process to consider the proposed settlement. Frankly, counsel's obdurate insistence on this deposition, in derogation of this Court's Orders, underscores the need for the reimposition of the broad Litigation Stay over litigation involving Eckert Seamans and John Pauciulo that the Receiver has requested.

III. The Receiver is entitled to his reasonable expenses, including attorneys' fees.

Federal Rule of Civil Procedure 37(5)(A) provides that, if a motion for a protective order is granted, "the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion . . . to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees." In considering whether to award attorneys' fees, a court must consider if:

- (i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;
- (ii) the opposing party's nondisclosure, response, or objection was substantially justified; or
- (iii) other circumstances make an award of expenses unjust.

Fed. R. Civ. P. 37(5)(A)(i)-(iii). In this instance, the Receiver attempted to make a good faith effort to have Plaintiffs' counsel in the Parker Case withdraw the subpoena prior to filing this motion. *See* Ex. 2. Plaintiffs' counsel refused, yet provided no legal basis for his refusal. Because of Plaintiffs' counsel's refusal, the Receiver was forced to incur expenses to file this motion. As such,

it is proper to award Receiver the reasonable expenses he and his counsel have incurred in filing this motion, including attorneys' fees.

CONCLUSION

For the foregoing reasons, the Receiver respectfully requests that the Court enter an Order quashing the Subpoena and protecting the Receiver from discovery, awarding the Receiver the attorneys' fees he has incurred in filing this Motion, and granting such other and further relief as the Court deems just and proper. A proposed Order granting this relief is attached as Exhibit 3.

CERTIFICATION REGARDING PRE-FILING CONFERENCE

The undersigned counsel has conferred with Clifford Haines, Esq., counsel for Plaintiffs in *Parker, et al. v. Pauciulo, et al.*, Case No. 210502334 (Phila Ct. Com. Pl. 2021), regarding the relief sought in this motion; Mr. Haines has indicated that he opposes the requested relief.

Dated: June 26, 2023

Respectfully Submitted,

**STUMPHAUZER KOLAYA
NADLER & SLOMAN, PLLC**
Two South Biscayne Blvd., Suite 1600
Miami, FL 33131
(305) 614-1400 (Telephone)

By: /s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA
Florida Bar No. 056140
tkolaya@sknlaw.com

Co-Counsel for Receiver

**PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP**

1818 Market Street, Suite 3402
Philadelphia, PA 19103
(215) 320-6200 (Telephone)

By: /s/ Gaetan J. Alfano
GAETAN J. ALFANO
Pennsylvania Bar No. 32971
(Admitted Pro Hac Vice)
GJA@Pietragallo.com

Co-Counsel for Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 26, 2023, 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”



In the matter of:

Court of Common Pleas

PARKER ETAL VS PAUCULO ETAL

December Term, Yr. 20

No. 00892

Subpoena

To: Gaetan J. Alfano

(Name of Witness)

(Nombre del Testigo)

1. YOU ARE ORDERED BY THE COURT TO COME TO *(El tribunal le ordena que venga a)*
Haines & Associates 1339 Chestnut Street, 5th Fl., AT PHILADELPHIA, PENNSYLVANIA ON *(En Filadelfia)*
Pensilvania el July 03, 2023, AT *(a las)* 09:30 O'CLOCK A.M., TO
TESTIFY ON BEHALF OF *(para atestiguar a favor de)* PARKER DEAN IN THE
ABOVE CASE, AND TO REMAIN UNTIL EXCUSED *(en el caso arriba mencionado y permanecer hasta que le autoricen irse)*.

2. AND BRING WITH YOU THE FOLLOWING *(Y traer con usted lo siguiente)*:

Notice

If you fail to attend or to produce the documents or things required by the subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

Aviso

Si usted falla en comparecer o producir los documentos o cosas requeridas por esta cita, usted estara sujeto a las sanciones autorizadas por la regla 234.5 de las reglas de procedimiento civil de Pensilvania incluyendo pero no limitado a los costos, remuneracion de abogados y encarcelamiento.



INQUIRIES CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO *(Las preguntas que tenga acerca de esta Citacion deben ser dirigidas a)*:

ISSUED BY:

Clifford E. Haines

(Attorney)

(Abogado/Abogada)

Address *(Direccion)*:

Haines & Assoc.
1339 Chestnut St, 5th Floor

Philadelphia, PA 19107

Telephone No. *(No. de Telefono)*:

215 215-2200

Attorney ID # *(Abogado ID#)*:

BY THE COURT *(Por El Tribunal)*:

Eric Feder

Deputy Court Administrator *(Administrador del Tribunal Adjunto)*

Director, Office of Judicial Records *(Director de la Oficina de Registros Judiciales)*

PRO

(Clerk)

(Escribano)

You may contact the Office of Judicial Records to verify that this subpoena was issued by the Philadelphia County Court of Common Pleas.

Phone: (215) 686-6652 or Email: OJRCivil@courts.phila.gov



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

In the matter of:

Court of Common Pleas

December Term, Yr. 20

PARKER ETAL VS PAUCULO ETAL

No. 00892

Return of Service

On the _____ day of _____, Yr. _____,
I, _____, served with the foregoing subpoena by (described
method of service):

I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date

Signature

Name of Witness

Name of person Served

Exhibit “2”

From: [Clifford Haines](#)
To: [Gaetan J. Alfano](#)
Cc: [Dubow, Jay A.](#); [Katie Recker](#); [Weir, Walter](#); [George Bochetto](#); [Haines & Associates](#); [Timothy Kolaya](#); [Weir, Walter](#)
Subject: RE: Subpoena for Deposition
Date: Monday, June 26, 2023 8:39:54 AM
Attachments: [image001.png](#)

How about this...you start telling me the truth about what is going on...provide me with the agreement reached with JAMS...explain what your legal authority is in meddling with the malpractice actions, and I will consider your position.

From: Gaetan J. Alfano <GJA@Pietragallo.com>
Sent: Monday, June 26, 2023 8:30 AM
To: Clifford Haines <chains@haines-law.com>
Cc: Dubow, Jay A. <Jay.Dubow@troutman.com>; Katie Recker <cmrecker@welshrecker.com>; Weir, Walter <wweir@weirpartners.com>; George Bochetto <gbochetto@bochettoandlentz.com>; Haines & Associates <haineslaw@haines-law.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: RE: Subpoena for Deposition

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I have provided you with the reasons why the deposition is improper. You have not refuted them but instead are compelling the Receiver to expend Receivership resources to seek the Court's intervention. This is an ill-advised strategy.

Gaetan J. Alfano, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
1818 Market Street, Suite 3402
Philadelphia, PA 19103
Office: (215) 988-1441 | Fax: (215) 754-5181
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From: Clifford Haines <chains@haines-law.com>
Sent: Monday, June 26, 2023 8:24 AM
To: Gaetan J. Alfano <GJA@Pietragallo.com>
Cc: Dubow, Jay A. <Jay.Dubow@troutman.com>; Katie Recker <cmrecker@welshrecker.com>; Weir,

Walter <wweir@weirpartners.com>; George Bochetto <gbochetto@bochettoandlantz.com>; Haines & Associates <haineslaw@haines-law.com>; Timothy Kolaya <tkolaya@sknlaw.com>

Subject: RE: Subpoena for Deposition

I'm not convinced you are the arbiter of "improper" Is that like filing a motion that is untrue? I have seen no Motion or Order. Until such time as I see the Order the deposition is on.

From: Gaetan J. Alfano <GJA@Pietragallo.com>

Sent: Sunday, June 25, 2023 1:23 PM

To: Clifford Haines <chaines@haines-law.com>

Cc: Dubow, Jay A. <Jay.Dubow@troutman.com>; Katie Recker <cmrecker@welshrecker.com>; Weir, Walter <wweir@weirpartners.com>; George Bochetto <gbochetto@bochettoandlantz.com>; Haines & Associates <haineslaw@haines-law.com>; Timothy Kolaya <tkolaya@sknlaw.com>

Subject: RE: Subpoena for Deposition

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cliff,

On Friday, June 23rd at approximately 3.30pm, my office received a subpoena for my deposition.

It is improper and should be withdrawn.

First, the Receiver has judicial immunity, which extends to protection from discovery, not just suit. See Receiver, Ryan K. Stumphauzer's Expedited Motion to Quash Friday Afternoon Subpoena and For Protective Order (ECF 156) and the Receivership Court's corresponding Order (ECF 157). This tactic has been tried unsuccessfully before and has no place in this proceeding.

Second, the Litigation Stay in the Amended Order Appointing Receiver (paragraphs 32- 33, ECF 141) remains in place. The relief from the Stay provided by the Receivership Court extends only to claims by your clients against Eckert Seamans and/or John W. Pauciulo (ECF 1398). It does not authorize discovery of or claims against the Receiver or Receivership Entities.

Finally, the Court has issued an Order Setting Briefing Schedule on the Receiver's Motion to Reimpose Litigation Stay Against Eckert Seamans and/or John W. Pauciulo (ECF 1601). Similarly, nothing in that Order permits discovery of the Receiver or Receivership Entities, or discovery of the proposed settlement with Eckert.

The Receiver does not want to incur further fees in addressing this matter. Accordingly, please withdraw the subpoena, in writing, by 12 noon tomorrow. Otherwise, the Receiver will be compelled to move for a protective order and, in doing so, seek all appropriate relief from the Receivership Court.

Thank you.

Gaetan

Gaetan J. Alfano, Esquire

Pietragallo Gordon Alfano Bosick & Raspanti, LLP
1818 Market Street, Suite 3402
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Office: (215) 988-1441 | Fax: (215) 754-5181
GJA@Pietragallo.com | [BIO](#) | [vCard](#)



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From: Clifford Haines <chaines@haines-law.com>

Sent: Friday, June 23, 2023 11:39 AM

To: Gaetan J. Alfano <GJA@Pietragallo.com>

Cc: Dubow, Jay A. <Jay.Dubow@troutman.com>; Katie Recker <cmrecker@welshrecker.com>; Weir, Walter <wweir@weirpartners.com>; George Bochetto <gbochetto@bochettoandlentz.com>; Haines & Associates <haineslaw@haines-law.com>

Subject: Subpoena for Deposition

We are issuing today, a subpoena for your deposition on Monday, July 3, 2023. It will be conducted in person and video taped .

Exhibit “3”

**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.

**ORDER GRANTING RECEIVER'S EXPEDITED MOTION TO
QUASH JULY 23, 2023 SUBPOENA AND FOR PROTECTIVE ORDER**

THIS CAUSE comes before the Court on the Receiver's Expedited Motion to Quash July 23, 2023 Subpoena and for Protective Order [ECF No. _____] (the "Motion"). The Receiver has made a sufficient and proper showing in support of the relief requested in the Motion. Accordingly, for the reasons stated in the Motion, it is hereby

ORDERED AND ADJUDGED that the Motion is **GRANTED**. The Subpoena Duces Tecum served on the Receiver on June 23, 2023 is **QUASHED**. The Receiver's request for the entry of a protective order is **GRANTED**. Plaintiffs in the case of *Parker, et al. v. Pauciulo, et al.*, Case No. 210502334 (Phila Ct. Com. Pl. 2021) and their counsel, Clifford Haines, Esq., are not permitted to take any discovery of the Court-appointed Receiver or his counsel, absent the entry of an order from this Court, which will only be entered upon the showing of good cause.

Pursuant to Fed. R. Civ. P. 26(c) and 37(a)(5), Plaintiffs in the case of *Parker, et al. v. Pauciulo, et al.*, Case No. 210502334 (Phila Ct. Com. Pl. 2021) and their counsel, Clifford Haines, Esq., shall pay the Receiver his reasonable expenses incurred in making the Motion, including

attorneys' fees, in an amount to be determined by the Court. The Receiver is **INSTRUCTED** to file a notice with the billing records detailing the time his counsel incurred in filing this Motion, by no later than [INSERT DATE]. Thereafter, the Court will enter a subsequent order determining the amount of attorneys' fees and costs to be paid to the Receiver pursuant to this Order.

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

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record