

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 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. 1620] ("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 is improper because the Litigation Stay enjoining actions against the Receiver remains in place. [ECF No. 141] ¶¶ 32–33. The relief from Stay provided by the Court only extends to select actions against Eckert Seamans and/or John Pauciulo, and does not authorize discovery from or claims against the Receiver, or any of the Receivership Entities. *See* [ECF No. 1398] ¶ 1. Accordingly, the Subpoena Duces Tecum served on the Receiver on June 23, 2023 is hereby **QUASHED**. *See 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). The Receiver's request for the entry of a protective order is hereby **GRANTED**. *Coleman v. Schwarzenegger*, No. CIV S-

90-0520, 2007 WL 4276554, at *1 (N.D. Cal. Nov. 29, 2007) (granting protective order of receiver). Plaintiffs in the case of *Parker, et al. v. Pauciulo, et al.*, Case No. 210502334 (Phila Ct. Com. Pl. 2021) and their counsel 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 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 July 5, 2023. 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 27th day of June, 2023.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE