

**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 RESPONSE TO J. BRIAN FERGUSON'S MOTION
TO INTERVENE AND LIFT THE LITIGATION INJUNCTION**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (the "Receiver") of the Receivership Entities, through his undersigned counsel, files this Response to J. Brian Ferguson's Motion to Intervene and Lift the Litigation Injunction (the "Motion") [ECF No. 1687] and states:

**THE COURT SHOULD DENY THE MOTION WITHOUT
PREJUDICE BASED UPON THE AGREEMENT OF THE PARTIES**

On August 30, 2023, J. Brian Ferguson, in his capacity as the bankruptcy trustee for the estate of Gregory Houser and Debra Collins-Houser ("Movant"), filed the Motion and requested the Court to modify the Litigation Injunction in the Court's Amended Order Appointing Receiver dated August 13, 2020 [ECF No. 141]. Movant was seeking an order lifting the Litigation Injunction to allow him to pursue certain claims (the "Claims") in a matter pending as case number 5:23-bk-70664 in the United States Bankruptcy Court for the Western District of Arkansas.

Since the filing of the Motion, the Movant and the Receiver have resolved the Claims on terms agreeable to both sides (the "Agreement"). As a term of the Agreement, Movant agreed to forgo continued pursuit of the Motion to afford the parties the opportunity to memorialize and carry out the terms of the Agreement. Under the Agreement, the Movant retains the right to re-file

the Motion at a later date if certain conditions relating to the treatment of secured claims in the Houser's bankruptcy are not satisfied.

As reflected in the email correspondence attached hereto as Exhibit 1, Movant agrees to the denial of the Motion without prejudice.

WHEREFORE, Ryan K. Stumphauzer, as Court-Appointed Receiver, by and through his undersigned counsel, respectfully requests that, based upon the agreement of the parties, this Honorable Court deny J. Brian Ferguson's Motion to Intervene and Lift the Litigation Injunction and enter the proposed order attached as Exhibit 2.

Dated: September 8, 2023

Respectfully Submitted,

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By: /s/ Timothy A. Kolaya
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By: /s/ Gaetan J. Alfano
GAETAN J. ALFANO
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(Admitted Pro Hac Vice)

Co-Counsel for Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 8, 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”

From: [James Baxter](#)
To: [John W. Kettering](#)
Cc: [Brian Ferguson](#); [Gaetan J. Alfano](#); [Timothy Kolaya](#)
Subject: Re: Response in Opposition to Motion to Intervene (Houser//CBSG)
Date: Thursday, September 7, 2023 6:27:37 PM
Attachments: [image023199.png](#)
[image224975.png](#)

You don't often get email from james.baxter@baxterlawpllc.com. [Learn why this is important](#)

Yes, this works.

Thanks,
J.R.

On Thu, Sep 7, 2023 at 2:58 PM John W. Kettering <JK@pietragallo.com> wrote:

Attorney Baxter,


Following up on our previous conversations, I have attached a draft Response in Opposition to J. Brian Ferguson's Motion to Intervene in case 9:20-cv-81205. In accordance with our discussions, I'm confirming your consent, as an attorney for J. Brain Ferguson, to our filing of the attached response to deny the motion to intervene without prejudice. After we file the attached, we can work to memorialize the terms of the settlement agreement.

Please let me know of any concerns.

Thanks

John

John W. Kettering, Esquire
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[7 West State Street, Suite 100](#)
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Exhibit “2”

**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.

_____/

**[PROPOSED] ORDER DENYING J. BRIAN FERGUSON'S
MOTION TO INTERVENE AND LIFT THE LITIGATION INJUNCTION**

THIS CAUSE comes before the Court upon Movant J. Brian Ferguson's Motion to Intervene and Lift the Litigation Injunction [ECF No. 1687] (the "Motion"), filed on August 30, 2023. The Court has reviewed the Motion and the Receiver's Response to the Motion [ECF No. ___], and acknowledges that the parties have agreed to the relief provided for in this Order. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Motion is **DENIED WITHOUT PREJUDICE**.

DONE AND ORDERED in Miami, Florida, this ___ day of September, 2023.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record