

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.

**RECEIVER RYAN K. STUMPHAUZER’S REPLY IN FURTHER SUPPORT OF
HIS MOTION TO COMPEL PACIFIC LIFE’S COMPLIANCE WITH SUBPOENA**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities,¹ files this Reply in Further Support of His Motion to Compel Pacific Life’s Compliance

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 Multi-Strategy Investment Fund LP; ABFP Multi-Strategy Fund 2 LP; MK Corporate Debt Investment Company LLC; 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; LM Property Management LLC; and ALB Management, LLC; and the receivership also includes the properties located at 107 Quayside Dr., Jupiter FL 33477 and 2413 Roma Drive, Philadelphia, PA 19145.

with Subpoena [ECF No. 1655] (the “Motion”). Non-Party Pacific Life Insurance Company’s (“Pacific Life”) Response in Opposition to the Receiver’s Motion to Compel Compliance with Subpoena [ECF No. 1968] (the “Response”) errs in multiple respects. For instance, the Response improperly seeks to punish the Receiver’s multiple attempts to resolve the instant discovery issue without court intervention. It also overlooks Pacific Life’s role in frustrating the Receiver’s discovery efforts for months by ignoring communications relating to submitting this dispute to the Court for resolution. Finally, the Response does not acknowledge Pacific Life’s continuing failure to submit a legally sufficient written response to the subpoena. Proper consideration of these factors requires the Court to grant the Receiver’s Motion.

A. Pacific Life Intentionally Frustrated the Receiver’s Good Faith Efforts to Resolve the Dispute.

The Response deliberately omits Pacific Life’s months-long effort to frustrate the Receiver’s attempts to resolve the discovery dispute. The Receiver’s conduct is proper and timely considering Pacific Life’s obstruction. Moreover, Pacific Life’s failure to cooperate provides good cause for the Court to extend any applicable deadlines.

Pacific Life’s delay tactics began from the start. While initially unresponsive, Pacific Life ultimately accepted service of the August 24, 2022 subpoena on September 9, 2022. *See Ex. 1.* On September 14, 2022, Pacific Life requested an extension of the time to respond. In an effort to cooperate, the Receiver agreed to the request on the same day. *See Ex. 2.*

On September 26, 2022, Pacific Life unilaterally altered the scope of the subpoena. *See Ex. 3.* As issued, the subpoena compels Pacific Life to provide responsive documents between January 1, 2020, and July 1, 2021: a mere 18-month window. The Receiver specifically targeted this period to capture Pacific Life’s modifications to its business practices in response to the COVID-19

pandemic.² Pacific Life, without court approval or the Receiver's consent, stated that it would only provide documents between October 29, 2020, to April 1, 2021. The Receiver responded the next day rejecting Pacific Life's improper modification to the timeframe. *See* Ex. 3.

Pacific Life produced a single document responsive to the subpoena on October 7, 2022. *See* Ex. 4. Contrary to Fed. R. Civ. P. 45(d)(2)(B), it did not provide written objections to the subpoena. *Id.* The deadline to submit written objections expired on October 11, 2022. To date, Pacific Life has yet to provide written objections stating a legal basis for withholding documents or unilaterally altering the scope of the subpoena.

The Receiver sought to resolve the various issues with Pacific Life's production prior to court intervention. This included multiple correspondence identifying (i) Pacific Life's failure to provide written objections; (ii) its improper restriction on scope, and (iii) the single document production. Pacific Life substantively rejected the Receiver's good faith efforts. *See* Ex. 5.

Given this conduct, on January 9, 2023, the Receiver informed Pacific Life that he intended to bring this discovery dispute to the Court's attention. *See* Ex. 6. Although this discovery dispute involves a third-party subpoena, which is not subject to the specific discovery dispute procedures set forth in Section III(B) of the Standing Discovery Order for Magistrate Judge Bruce Reinhart, the Receiver proposed to Pacific Life that the parties should submit a Joint Discovery Memorandum to Judge Reinhart to address this relatively straight-forward dispute. *See* Standing Discovery Order for Magistrate Judge Bruce Reinhart § III(B) (available at <https://www.flsd.uscourts.gov/sites/flsd/files/Reinhart%20SDO.pdf>). Pacific Life said it would review the draft, but it ultimately refused to engage with the Receiver in a meet-and-confer process

² The CDC identified the first United States case of COVID-19 on January 20, 2020. *See* <https://www.cdc.gov/museum/timeline/covid19.html>.

in a genuine effort to resolve this discovery dispute. Indeed, despite multiple follow-up attempts by the Receiver to address the matter, Pacific Life continued to obstruct the Receiver's efforts to resolve this issue in a streamlined process without engaging in a more costly discovery motion process. *See* Ex. 7. Finally, on May 16, 2023, nearly **five-months** after being informed of the Receiver's intention to submit this discovery dispute to the Court, Pacific Life stated it would not respond to the Receiver's request. *See* Ex. 8. It also refused any effort to submit anything on its own behalf. Given Pacific Life's obstruction, the Receiver ultimately filed the Motion.

Pacific Life's argument that the Motion is untimely is flawed, given Pacific Life's conduct. As articulated above, Pacific Life deliberately delayed the Receiver's attempt to resolve the dispute. This includes Pacific Life's refusal to address its unilateral limitation of the subpoena. Pacific Life similarly rejected its obligation to provide written objections under Fed. R. Civ. P. 45(d)(2)(B). Finally, Pacific Life delayed the Receiver's attempts to submit the matter to the Court by five months through its refusal to engage in a joint discovery memorandum.

The Receiver acted timely in light of Pacific Life's conduct. As provided by Judge Augustin-Birch, "[j]udges of this District have determined in some cases that, under the particular facts, an ongoing attempt to resolve a discovery dispute without the Court's intervention constituted good cause under the Local Rule for a delay in presenting the dispute to the Court." *Oppedisano v. Olive*, No. 0:22-MC-61884, 2022 WL 17084191, at *3 (S.D. Fla. Nov. 18, 2022) (citing *Wright v. Greensky Mgmt. Co.*, No. 20-CV-62441, 2022 WL 1908826, at *4 (S.D. Fla. June 3, 2022); *Ctr. for Individual Rts. v. Chevaldina*, No. 16-20905-CIV, 2017 WL 5905191, at *3 (S.D. Fla. Nov. 29, 2017)). The Local Rules allow for submission of discovery disputes beyond a twenty-eight-day period when "good cause" exists. *See* S.D. Fla. L.R. 26.1(g)(2)(B). Pacific Life's deliberate obstruction, coupled with the Receiver's efforts to minimize the expenditure of

receivership resources to address and resolve what should have been a simple discovery issue, is the legitimate reason for any delay and unquestionably constitutes “good cause.” *Id.*; *see also Sierra Equity Grp. v. White Oak Equity Partners, LLC*, 672 F. Supp. 2d 1369, 1371 (S.D. Fla. 2009) (providing that “good cause” standard under Fed. R. Civ. P. 26(c) questions whether there is “sound basis or legitimate need”).

The Receiver diligently sought to resolve the matter without court intervention, and was guided by the Court’s consistent message to the Receiver to preserve receivership resources when attempting to resolve disputes with parties and third-parties. Pacific Life, on the other hand, refused to cooperate with the Receiver’s multiple requests to submit this dispute to the Court for resolution. Accordingly, there is more than good cause supporting the Receiver’s filing of the Motion and submission of this discovery dispute to the Court for resolution at this time.

B. Pacific Life Unilaterally and Without Justification Limited the Scope of the Receiver’s Subpoena.

The Response incorrectly asserts that the Motion seeks to compel the production of documents that do not exist. *See* Response p. 9 (claiming the Receiver is “unhappy” regarding the single page production). To the contrary, the Motion seeks to compel Pacific Life to comply with the properly-issued subpoena and its obligations under Rule 45.

As detailed above, the subpoena commanded Pacific Life to provide responsive documents between January 1, 2020, and July 1, 2021. The 18-month time frame is reasonable. The Receiver also narrowly tailored the scope of this discovery request to capture Pacific Life’s actions during the onset of COVID-19. Pacific Life improperly, and unilaterally, rejected this timeframe and substituted its preferred terms. A subpoena may only be modified by consent or a court order following a timely written objection. *See* Fed. R. Civ. P. 45(c)(3). The Receiver did not consent to the change in scope. Pacific Life never sought to limit scope through timely objections or a motion

to quash. Pacific Life, therefore, failed to comply with the subpoena. This necessitated the Receiver's Motion. Accordingly, Pacific Life waived its right and ability to object to the scope of or requests within the subpoena. *See, e.g., Sun Cap. Partners, Inc. v. Twin City Fire Ins. Co.*, No. 12-CIV-81397, 2016 WL 1658765, at *4 (S.D. Fla. Apr. 26, 2016) (noting that “[f]ailure to timely file a written objection to a subpoena will generally result in waiver of the right to object to enforcement of the subpoena”); *Whatley v. World Fuel Servs. Corp.*, No. 20-20993-MC, 2020 WL 2616209, at *3 (S.D. Fla. May 22, 2020) (finding the defendant waived the right to object to the subpoena because the “failure to serve written objections to a subpoena within the time specified by Rule [45(d)(2)(B)] typically constitutes a waiver of such objection, as does failing to file a timely motion to quash”).

Pacific Life's actions hindered the Receiver's ability to assess the probability of whether other relevant documents exist. Pacific Life did not provide a written, enumerated, response to the subpoena. It also did not provide enumerated objections. Rather, it provided a single document, with no explanation of how this production of a single document is responsive to each of the subpoena's seven document requests. The response also lacks a verification that Pacific Life conducted a search. It only contains an affidavit stating that Pacific Life maintained this single document in the ordinary course. Put another way, the Receiver cannot specifically identify what documents remain outstanding given Pacific Life's failure to provide a formal response. Pacific Life contends that its informal email communication stating that it has no other documents is sufficient. But the Federal Rules of Civil Procedure demand more. *See* Fed. R. Civ. P. 45(d)(2)(b) (requiring written objections); Fed. R. Civ. P. 45(e)(2) (written objection of privilege or work product). If Pacific Life maintains that it created only a single document over 18 months to address

the impacts of this global pandemic on its business practices, it must respond to the subpoena accurately to allow the Receiver to take necessary action.

CONCLUSION

For the foregoing reasons, the Receiver respectfully requests that the Court grant his motion and compel Pacific Life to comply fully with the subpoena served upon it by the Receiver.

Dated: September 16, 2023

Respectfully Submitted,

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

By: /s/ Timothy A. Kolaya
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**PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP**
1818 Market Street, Suite 3402
Philadelphia, PA 19103
Telephone: (215) 320-6200

By: /s/ Douglas K. Rosenblum
GAETAN J. ALFANO
Pennsylvania Bar No. 32971
(Admitted Pro Hac Vice)
GJA@Pietragallo.com
DOUGLAS K. ROSENBLUM
Pennsylvania Bar No. 90989
(Admitted Pro Hac Vice)
DKR@Pietragallo.com

Co-Counsel for the Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 16, 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”

John W. Kettering

From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Friday, September 9, 2022 5:47 PM
To: John W. Kettering; Douglas K. Rosenblum
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Yes, I will accept service on behalf of Pacific Life. We may need you to define "state and local" as well. Once we start reviewing this in more detail, we'll let you know. Thanks, Kari

Confidential

From: John W. Kettering <JK@Pietragallo.com>
Sent: Friday, September 9, 2022 2:15 PM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

[External Email]

Ms. Turigliatto –


Thank you for the email and for taking the time to respond. While I had wanted to ask you personally on the phone, it doesn't sound like the schedules are not going to align for me to do so in a timely manner. As such, I'll simply ask by email.

As you recall we represent the Ryan K. Stumphauzer as the Receiver for ABFP Multi-Strategy Investment Fund L.P. As part of the Receiver's court appointed obligation to investigate claims, marshal estate assets, and recover receivership funds, a subpoena directed to Pacific Life has been issued. A copy of the subpoena is attached. We'd respectfully request that you accept service of the subpoena on behalf of Pacific Life to save the Receivership from the time and expense of personal service. We appreciate your good faith cooperation on the issue,

Please advise whether you are able to accept service.

Thank you

John

John W. Kettering, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
7 West State Street, Suite 100
Sharon, PA 16146
Office: 724-981-1397 Ext: 1609 | Fax: (724) 981-1398
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From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Friday, September 9, 2022 5:03 PM
To: John W. Kettering <JK@Pietragallo.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Hi Mr. Kettering. I am not available for a call until Thursday or Friday next week. If there is a time you are available on those days, we'll see what we can schedule. Thanks, Kari

Confidential

From: John W. Kettering <JK@Pietragallo.com>
Sent: Thursday, September 8, 2022 6:37 AM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

[External Email]


Ms. Turigliatto:

Following up on this. Is there a time today or tomorrow for a brief discussion? As I mentioned, there have been developments in the Receivership case that we wanted to discuss with you. We're attempting to cooperate on the matter and hope that you have an opportunity for a call.

Thanks

John

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From: John W. Kettering <JK@Pietragallo.com>
Sent: Tuesday, September 6, 2022 12:05 PM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Ms. Turigliatto:

I hope that all is well. I wanted to follow up on some of the conversations that we had last year, including some written correspondences, relating to Pacific Life Policy VF51528720 issued to Marshall M. Gelfand. There's been an update that we wanted to discuss and make you aware. Do you have time for a brief call on the matter sometime in the next day or so for a brief discussion? We'd appreciate the time.

Thanks

John

John W. Kettering, Esquire


Pietragallo Gordon Alfano Bosick & Raspanti, LLP

7 West State Street, Suite 100

Sharon, PA 16146

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From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Friday, December 17, 2021 12:21 PM
To: Douglas K. Rosenblum <DKR@Pietragallo.com>
Cc: John W. Kettering <JK@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Thank you. Yes, we are in receipt of your letter referenced below. Pacific Life's position has not changed. Enjoy the holidays. Kari

Pacific Life - Confidential

From: Douglas K. Rosenblum <DKR@Pietragallo.com>
Sent: Tuesday, December 14, 2021 12:10 PM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: John W. Kettering <JK@Pietragallo.com>
Subject: FW: CBSG Receivership and Pacific Life Policy VF51528720

[External Email]

Good afternoon, Ms. Turigliatto. I write to confirm that you received the attached letter. I look forward to hearing from you.

Many thanks and happy holidays.
Doug Rosenblum

Douglas K. Rosenblum, Esquire, Certified Fraud Examiner

Pietragallo Gordon Alfano Bosick & Raspanti, LLP
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From: John W. Kettering <JK@Pietragallo.com>
Sent: Wednesday, November 24, 2021 10:47 AM
To: Kari.Turigliatto@PacificLife.com
Cc: Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: CBSG Receivership and Pacific Life Policy VF51528720

Ms. Turigliatto:

Attached please find correspondence from Doug Rosenblum relating to policy VF51528720 issued to Marshall M. Gelfand. A hard copy has been placed in the mail to your address this afternoon. Please feel free to contact Doug if you have any questions.

Thank you

John

John W. Kettering, Esquire

Office: 724-981-1397 Ext: 1609
Fax: (724) 981-1398

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Exhibit “2”

John W. Kettering

From: Douglas K. Rosenblum
Sent: Wednesday, September 14, 2022 1:1 PM
To: Kanu, Daniel
c: Gaetan J. Alfano; receiver@parfundingreceivership.com; t. olaya@sfla.com; John W. Kettering
Subject: RE: COMPLETE BUSINESS SOLUTIONS GROUP, INC. Subpoena to Pacific Life

We agree with the extension until October 11th.
Please be sure to send the responsive documents to:
dkr@pietragallo.com and jk@pietragallo.com.

Thank you.

Doug Rosenblum

M

(he/him)

Office: (215) 988-1464
Fax: (215) 754-5179

From: Kanu, Daniel <Daniel.Kanu@PacificLife.com>
Sent: Wednesday, September 14, 2022 12:48 PM
To: tkolaya@sflaw.com
Cc: Gaetan J. Alfano <GJA@Pietragallo.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>; receiver@parfundingreceivership.com
Subject: COMPLETE BUSINESS SOLUTIONS GROUP, INC. - Subpoena to Pacific Life
Importance: High

Good Morning,

Pacific Life is in receipt of the attached subpoena and needs to request an extension until October 11th to afford our compliance team ample time to respond – at your soonest convenience, please respond to this email indicating whether you are agreeable to the extension.

Sincerely,

Daniel Kanu

OGC Operations Analyst II
Office of the General Counsel Shared Services
Phone: 949 219-7060
www.pacificlife.com
Pacific Life Insurance Company



Proud to be named one of the 2022 World's Most Ethical Companies® by the Ethisphere Institute.

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Exhibit “3”

John W. Kettering

From: John W. Kettering
Sent: Tuesday, September 27, 2022 1:00 PM
To: Turigliatto, Kari; Douglas K. Rosenblum
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Ms. Turigliatto –

Thank you for the email. In a good faith effort to cooperate, we'd agree to limit subpoena response s to those applicable under California law.


We disagree, however, that October 29, 2020, is the beginning of the applicable time period. The subpoena seeks policy changes made in response to the COVID-19 pandemic which started in earnest in March 2020. The subpoena's January 1, 2020, start date is narrowly tailored to capture Pacific Life's standards both prior to the pandemic as well as the changes to the standards throughout the pandemic. Moreover, the fact that Mr. Gelfand's policy was in place as of January 1, 2020, further supports the relevance of January 1st as the proper starting point

Please let me know if you disagree with the above.

Thanks

John

John W. Kettering, Esquire

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From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Monday, September 26, 2022 2:52 PM
To: John W. Kettering <JK@Pietragallo.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Mr. Kettering:

We have reviewed the subpoena, and believe our responses need to be appropriately limited to policies issued in California, as that was the state in which the policy insuring Mr. Gelfand was issued. Likewise, we believe the time

period needs to be from October 29, 2020 date notice of lapse sent to ABFP Multi Strategy through April 1, 2021 date of Mr. Gelfand's passing . Please let me know if you agree.

Thanks, Kari

From: John W. Kettering <JK@Pietragallo.com>
Sent: Friday, September 9, 2022 3:15 PM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: Re: CBSG Receivership and Pacific Life Policy VF51528720

[External Email]

Thank you Ms. Turigliatto. I appreciate the cooperation. We d be happy to assist on this side in clarifying anything or assisting how we can.

Thanks


John

John W. Kettering, Esquire

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From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Friday, September 9, 2022 5:46:44 PM
To: John W. Kettering <JK@Pietragallo.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Yes, I will accept service on behalf of Pacific Life. We may need you to define "state and local" as well. Once we start reviewing this in more detail, we'll let you know. Thanks, Kari

Confidential

From: John W. Kettering <JK@Pietragallo.com>
Sent: Friday, September 9, 2022 2:15 PM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

[External Email]

Ms. Turigliatto –

Thank you for the email and for taking the time to respond. While I had wanted to ask you personally on the phone, it doesn't sound like the schedules are not going to align for me to do so in a timely manner. As such, I'll simply ask by email.

As you recall we represent the Ryan K. Stumphauzer as the Receiver for ABFP Multi-Strategy Investment Fund L.P. As part of the Receiver's court appointed obligation to investigate claims, marshal estate assets, and recover receivership funds, a subpoena directed to Pacific Life has been issued. A copy of the subpoena is attached. We'd respectfully request that you accept service of the subpoena on behalf of Pacific Life to save the Receivership from the time and expense of personal service. We appreciate your good faith cooperation on the issue,

Please advise whether you are able to accept service.

Thank you

John

John W. Kettering, Esquire

7700 Ardmore Road
Fairfax, VA 22031
Phone: 703-261-1616

Office: 724-981-1979 x: 169 Fax: (724) 981-1988

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From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>

Sent: Friday, September 9, 2022 5:03 PM

To: John W. Kettering <JK@Pietragallo.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>

Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Hi Mr. Kettering. I am not available for a call until Thursday or Friday next week. If there is a time you are available on those days, we'll see what we can schedule. Thanks, Kari

Confidential

From: John W. Kettering <JK@Pietragallo.com>

Sent: Thursday, September 8, 2022 6:37 AM

To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>

Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

[External Email]

Ms. Turigliatto:

Following up on this. Is there a time today or tomorrow for a brief discussion? As I mentioned, there have been developments in the Receivership case that we wanted to discuss with you. We're attempting to cooperate on the matter and hope that you have an opportunity for a call.

Thanks

John

John W. Kettering, Esquire

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Office: 724-981-1 97 x : 16 9 Fax: (724) 981-1 98

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From: John W. Kettering <JK@Pietragallo.com>

Sent: Tuesday, September 6, 2022 12:05 PM

To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>; Douglas K. Rosenblum <DKR@Pietragallo.com>

Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Ms. Turigliatto:

I hope that all is well. I wanted to follow up on some of the conversations that we had last year, including some written correspondences, relating to Pacific Life Policy VF51528720 issued to Marshall M. Gelfand. There's been an update that we wanted to discuss and make you aware. Do you have time for a brief call on the matter sometime in the next day or so for a brief discussion? We'd appreciate the time.

Thanks

John

John W. Kettering, Esquire

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From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Friday, December 17, 2021 12:21 PM
To: Douglas K. Rosenblum <DKR@Pietragallo.com>
Cc: John W. Kettering <JK@Pietragallo.com>
Subject: RE: CBSG Receivership and Pacific Life Policy VF51528720

Thank you. Yes, we are in receipt of your letter referenced below. Pacific Life's position has not changed. Enjoy the holidays. Kari

Pacific Life - Confidential

From: Douglas K. Rosenblum <DKR@Pietragallo.com>
Sent: Tuesday, December 14, 2021 12:10 PM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: John W. Kettering <JK@Pietragallo.com>
Subject: FW: CBSG Receivership and Pacific Life Policy VF51528720

[External Email]

Good afternoon, Ms. Turigliatto. I write to confirm that you received the attached letter. I look forward to hearing from you.

Many thanks and happy holidays.
Doug Rosenblum

Douglas K. Rosenblum, Esquire, Certified Fraud Examiner

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Office: (215) 988-1464 Fax: (215) 754-5179
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From: John W. Kettering <JK@Pietragallo.com>
Sent: Wednesday, November 24, 2021 10:47 AM
To: Kari.Turigliatto@PacificLife.com

Cc: Douglas K. Rosenblum <DKR@Pietragallo.com>

Subject: CBSG Receivership and Pacific Life Policy VF51528720

Ms. Turigliatto:

Attached please find correspondence from Doug Rosenblum relating to policy VF51528720 issued to Marshall M. Gelfand. A hard copy has been placed in the mail to your address this afternoon. Please feel free to contact Doug if you have any questions.

Thank you

John

John W. Kettering, Esquire

Office: 724-981-1 97 x : 16 9

Fax: (724) 981-1 98

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all of its attachments.

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Exhibit “4”



Sharese Colquitt
Corporate Paralegal
(949) 219-3105
Sharese.Colquitt@PacificLife.com

October 6, 2022

Via E-mail Only

John W. Kettering, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
7 West State Street, Suite 100
Sharon, PA 16146
jk@pietragallo.com

Re: **CBSG Receivership**
Policy VF51528720

In response to your subpoena and previously communicated by Kari Turigliatto, attached is the responsive document and Custodian's Affidavit for the above-named matter.

Please contact me if you have any questions.

Thank you,

Sharese Colquitt
Corporate
Paralegal



Custodian of Records Affidavit

**Matter Name: CBSG Receivership
Policy VF51528720**

I certify that I am a custodian of the records for Pacific Life & Annuity Company ("Pacific Life") and swear that the matters stated in this affidavit are true to the best of my information, knowledge, and belief:

- Records Located:** Enclosed are true and correct copies the relevant records described in the subpoena. These copies were prepared by Pacific Life personnel in the ordinary course of business and are identified below under Additional Information or on the attachment. No record has been withheld except as noted below under Additional Information or on the attachment.
- Email Search:** Pacific Life is in the process of searching its email repositories for emails responsive to this subpoena. Any responsive, non-privileged emails will be provided to you under separate affidavit as soon as they are available and Pacific Life has received payment from you.
- No Email Search:** Pacific Life has not searched its email repositories pursuant to this subpoena. Please refer to Pacific Life's acknowledgement letter, which was sent to you after Pacific Life received the subpoena.
- Records Destroyed:** Records responsive to this subpoena existed at one time but were destroyed in the normal course of business in accordance with the Pacific Life's standard destruction schedule and copies are not available.
- No Records:** A thorough record search based on the information furnished in the subpoena by you to Pacific Life has been conducted. No relevant records that are responsive to the subpoena were located.
- Additional Information:**

Dated: October 6, 2022

Sharese Colquitt, Paralegal

SPECIAL REPORT



DATE: April 14, 2020
TO: Life Insurance Producers, Broker General Agencies, Management, and Office Administrators
SUBJECT: COVID-19 Disaster Relief (All States)

Category	
<input type="checkbox"/>	Administration
<input checked="" type="checkbox"/>	Compliance
<input type="checkbox"/>	Marketing
<input type="checkbox"/>	Product
<input type="checkbox"/>	Risk Selection
<input type="checkbox"/>	Miscellaneous

COVID-19 Disaster Relief (All States)

During these uncertain times, Pacific Life understands that paying life insurance premium(s) may be challenging. We want to assist policyholders impacted by the COVID-19 pandemic and its economic impact by providing options to maintain their coverage.

As a result, we are offering an extension of the grace period and policy coverage for an additional 60 days, or longer if required by the guidelines in the policyowner's state. A notification of the options will be included with each *Notice of Required Premium* (grace notice).

Policyowners may continue to pay the grace premium shown on their original grace notice or they may reach out to Pacific Life directly to take advantage of the additional extension and acquire the new payment amount and due date.

Life Insurance Producers, Broker General Agencies, Management and Office Administrators are encouraged to reach out to clients in affected areas to inform them of this accommodation. Please also take into consideration that your clients may receive delayed notices related to their policy due to delivery service in affected areas.

Our customer service representatives are available to assist you.

- For Pacific Life policies that have policy numbers beginning with "2L," please call 844-276-0193 from 9:00 AM – 8:00 PM ET.
- For all other Pacific Life policies, please call 800-347-7787 from 5:00 AM – 5:00 PM PT.

Pacific Life is a product provider. It is not a fiduciary and therefore does not give advice or make recommendations regarding insurance or investment products.



Pacific Life Insurance Company
(800) 800-7681 • www.PacificLife.com

Pacific Life & Annuity Company
(888) 595-6996 • www.PacificLife.com

Pacific Life refers to Pacific Life Insurance Company and its affiliates, including Pacific Life & Annuity Company. Insurance products are issued by Pacific Life Insurance Company in all states except New York and in New York by Pacific Life & Annuity Company. Product/material availability and features may vary by state. Each insurance company is solely responsible for the financial obligations accruing under the products it issues. Insurance products and their guarantees, including optional benefits and any crediting rates, are backed by the financial strength and claims-paying ability of the issuing insurance company. Look to the strength of the life insurance company with regard to such guarantees as these guarantees are not backed by the broker-dealer, insurance agency, or their affiliates from which products are purchased. Neither these entities nor their representatives make any representation or assurance regarding the claims-paying ability of the life insurance company.

Pacific Life's Home Office is located in Newport Beach, CA.

BT-49357-00 4/20

Exhibit “5”

John W. Kettering

From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Monday, October 1, 2022 7:01 PM
To: John W. Kettering
c: Douglas K. Rosenblum; Colquitt, Sharese
Subject: RE: CBSG Receivership Subpoena
Attachment: CBSG Receivership and Pacific Life Policy VF51528720

Dear Mr. Kettering:

In response to your letter dated October 14, 2022, I believe Pacific Life has responded to the subpoena by providing responsive documents. I sent you the attached email dated October 4, 2022, as a courtesy, explaining that Pacific Life did not have documents with the exception of the bulletin responsive to the subpoena, which you never acknowledged.

As you recall, you agreed that Pacific Life's response would only address COVID 19 guidelines for California. We provided the bulletin, which we believe is generally responsive to items 1 and 2 in the subpoena. For items 3, 4, 5, 6 which is duplicative of 5, and 7, Pacific Life does not have any responsive documents.

Thanks, Kari

Attorney-Client External

From: John W. Kettering <JK@Pietragallo.com>
Sent: Friday, October 14, 2022 11:30 AM
To: Colquitt, Sharese <Sharese.Colquitt@PacificLife.com>; Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: RE: CBSG Receivership Subpoena

[External Email]

Ms. Turigliatto –

Attached please find correspondence relating to the email below. A hard copy of the original has been placed in the mail as well.

Thank you

John

John W. Kettering, Esquire


Pietragallo Gordon Alfano Bosick & Raspanti, LLP

7 West State Street, Suite 100

Sharon, PA 16146

Office: 724-981-1397 Ext: 1609 | Fax: (724) 981-1398

JK@Pietragallo.com | [BIO](#) | [vCard](#)

Connect with me on LinkedIn: 



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From: Colquitt, Sharese <Sharese.Colquitt@PacifiLife.com>
Sent: Friday, October 7, 2022 3:56 PM
To: John W. Kettering <JK@Pietragallo.com>
Cc: Douglas K. Rosenblum <DKR@Pietragallo.com>
Subject: CBSG Receivership Subpoena

Re: **CBSG Receivership
Policy VF51528720**

Dear Mr. Kettering:

In response to your subpoena and previously communicated by Kari Turigliatto, attached please find: responsive document, Custodian’s Affidavit, and Response Letter for the above-named matter.

Please contact me if you have any questions.

Thank you,

Sharese
Sharese Colquitt
Paralegal
Corporate Law Department

 **PACIFIC LIFE**
700 Newport Center Drive | Newport Beach, CA | 92660-6397
Phone: 949.219.3105 | Fax: 949.219.3706
Sharese.Colquitt@PacifiLife.com

Attorney-Client External

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Exhibit “6”

John W. Kettering

From: Douglas K. Rosenblum
Sent: Monday, January 9, 2023 11: 5 M
To: Turigliatto, Kari
c: John W. Kettering; Timothy Kolaya
Subject: Receivership Subpoena
Attachment : Proposed Joint Discovery Memorandum re Pacific Life 794 22.1 .doc

Good morning, Ms. Turigliatto. I hope this e-mail finds you well and that you enjoyed the holiday season.

I write to circle back to you on the correspondence between our firm, on behalf the court-appointed Receiver, and Pacific Life regarding a subpoena we served. I'm certain you will recall this concerns the Gelfand policy.

We plan to bring this discovery dispute before the assigned Magistrate Judge in the Southern District of Florida, Judge Bruce Reinhart. The Court's procedures require correspondence requesting a time for the conference which will be conducted virtually, as well as a joint memorandum of the parties framing the issue. Attached please find a draft memorandum for your consideration. Please confirm receipt and let me know whether you have any proposed changes. We can accomplish this over e-mail, or we can set up a call to discuss at your convenience. We should also confer on the best day and time for our conference before the Court.

Thank you.

Doug Rosenblum

M
Office: (215) 988-1464
M i e: (61) 6 8-2988
Fax: (215) 754-5179

(he/him)

Exhibit “7”

John W. Kettering

From: John W. Kettering
Sent: Wednesday, May 10, 2023 9:40 AM
To: Douglas K. Rosenblum; Turigliatto, Kari
c: Timothy Kolaya
Subject: RE: Receivership Subpoena
Attachment: Proposed Joint Discovery Memorandum re Pacific Life 794 22.1 .doc

Ms. Turigliatto -


The Receiver is continuing actions with regards to claims held by the Receivership Estate. As you recall, we reached out in January with a draft discovery memorandum concerning the Gelfand policy. To date we have not received a response on the discovery memorandum. I've attached it again for reference.

Please let us know whether you have any comments on the attached document. We'd be happy to arrange a call to discuss if you'd prefer.

Thank you

John

John W. Kettering, Esquire

1000 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: (202) 638-1614 Fax: (202) 638-1618
Office: 724-981-1979 x: 169 Fax: (724) 981-1988
www.jwkettering.com
LinkedIn: 



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From: Douglas K. Rosenblum <DKR@Pietragallo.com>
Sent: Wednesday, February 8, 2023 5:30 PM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: John W. Kettering <JK@Pietragallo.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: RE: Receivership Subpoena

Ms. Turigliatto:
I write to follow up on your below email. Have you had an opportunity to consider our proposed submission?

Many thanks,
Doug Rosenblum

Douglas K. Rosenblum, Esquire (he/him)

Office: (215) 988-1464
M i e: (61) 6 8-2988
Fax: (215) 754-5179

From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Friday, January 20, 2023 7:48 PM
To: Douglas K. Rosenblum <DKR@Pietragallo.com>
Cc: John W. Kettering <JK@Pietragallo.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: RE: Receivership Subpoena

I'll look at this. I don't believe you or Mr. Kettering have ever responded to my emails of October 4, 2022 or October 31, 2022, in addition to others. Kari

Attorney-Client External

From: Douglas K. Rosenblum <DKR@Pietragallo.com>
Sent: Tuesday, January 17, 2023 6:08 AM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: John W. Kettering <JK@Pietragallo.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: RE: Receivership Subpoena

External Email

Good morning, Ms. Turigliatto. I write to follow up on the below message and attached draft. Please contact me at your earliest convenience.

Many thanks,
Doug Rosenblum

Douglas K. Rosenblum, Esquire, Certified Fraud Examiner (he/him)

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hi ade hia 191
Office: (215) 988-1464 Fax: (215) 754-5179
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From: Douglas K. Rosenblum <DKR@Pietragallo.com>
Sent: Monday, January 9, 2023 11:35 AM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: John W. Kettering <JK@Pietragallo.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: Receivership Subpoena

Good morning, Ms. Turigliatto. I hope this e-mail finds you well and that you enjoyed the holiday season.

I write to circle back to you on the correspondence between our firm, on behalf the court-appointed Receiver, and Pacific Life regarding a subpoena we served. I'm certain you will recall this concerns the Gelfand policy.

We plan to bring this discovery dispute before the assigned Magistrate Judge in the Southern District of Florida, Judge Bruce Reinhart. The Court's procedures require correspondence requesting a time for the conference which will be conducted virtually, as well as a joint memorandum of the parties framing the issue. Attached please find a draft memorandum for your consideration. Please confirm receipt and let me know whether you have any proposed changes. We can accomplish this over e-mail, or we can set up a call to discuss at your convenience. We should also confer on the best day and time for our conference before the Court.

Thank you.

Doug Rosenblum

Douglas K. Rosenblum, Esquire, Certified Fraud Examiner (he/him)

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1818 Mar e ree i e 4 2
hi ade hia 191
Office: (215) 988-1464 Fax: (215) 754-5179
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Exhibit “8”

John W. Kettering

From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Tuesday, May 1 , 202 4:08 PM
To: John W. Kettering; Douglas K. Rosenblum
c: Timothy Kolaya
Subject: RE: Receivership Subpoena

Pacific Life will not provide comments, nor agree to file the memorandum. Thanks, Kari

Attorney-Client External

From: John W. Kettering <JK@Pietragallo.com>
Sent: Wednesday, May 10, 2023 6:40 AM
To: Douglas K. Rosenblum <DKR@Pietragallo.com>; Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: Timothy Kolaya <tkolaya@sknlaw.com>
Subject: RE: Receivership Subpoena


External Email
Ms. Turigliatto -

The Receiver is continuing actions with regards to claims held by the Receivership Estate. As you recall, we reached out in January with a draft discovery memorandum concerning the Gelfand policy. To date we have not received a response on the discovery memorandum. I've attached it again for reference.

Please let us know whether you have any comments on the attached document. We'd be happy to arrange a call to discuss if you'd prefer.

Thank you

John

John W. Kettering, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
7 West State Street, Suite 100
Sharon, PA 16146
Office: 724-981-1397 Ext: 1609 | Fax: (724) 981-1398
JK@Pietragallo.com | [BIO](#) | [vCard](#)
Connect with me on LinkedIn: 



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From: Douglas K. Rosenblum <DKR@Pietragallo.com>
Sent: Wednesday, February 8, 2023 5:30 PM

To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: John W. Kettering <JK@Pietragallo.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: RE: Receivership Subpoena

Ms. Turigliatto:

I write to follow up on your below email. Have you had an opportunity to consider our proposed submission?

Many thanks,
Doug Rosenblum

Douglas K. Rosenblum, Esquire (he him)

Office: (215) 988-1464
Mobile: (610) 608-2988
Fax: (215) 754-5179

From: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Sent: Friday, January 20, 2023 7:48 PM
To: Douglas K. Rosenblum <DKR@Pietragallo.com>
Cc: John W. Kettering <JK@Pietragallo.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: RE: Receivership Subpoena

I'll look at this. I don't believe you or Mr. Kettering have ever responded to my emails of October 4, 2022 or October 31, 2022, in addition to others. Kari

Attorney-Client External

From: Douglas K. Rosenblum <DKR@Pietragallo.com>
Sent: Tuesday, January 17, 2023 6:08 AM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: John W. Kettering <JK@Pietragallo.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: RE: Receivership Subpoena

External Email

Good morning, Ms. Turigliatto. I write to follow up on the below message and attached draft. Please contact me at your earliest convenience.

Many thanks,
Doug Rosenblum

Douglas K. Rosenblum, Esquire, Certified Fraud Examiner (he him)

Pietragallo Gordon Alfano Bosick & Raspanti, LLP
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From: Douglas K. Rosenblum <DKR@Pietragallo.com>
Sent: Monday, January 9, 2023 11:35 AM
To: Turigliatto, Kari <Kari.Turigliatto@PacificLife.com>
Cc: John W. Kettering <JK@Pietragallo.com>; Timothy Kolaya <tkolaya@sknlaw.com>
Subject: Receivership Subpoena

Good morning, Ms. Turigliatto. I hope this e-mail finds you well and that you enjoyed the holiday season.

I write to circle back to you on the correspondence between our firm, on behalf the court-appointed Receiver, and Pacific Life regarding a subpoena we served. I'm certain you will recall this concerns the Gelfand policy.

We plan to bring this discovery dispute before the assigned Magistrate Judge in the Southern District of Florida, Judge Bruce Reinhart. The Court's procedures require correspondence requesting a time for the conference which will be conducted virtually, as well as a joint memorandum of the parties framing the issue. Attached please find a draft memorandum for your consideration. Please confirm receipt and let me know whether you have any proposed changes. We can accomplish this over e-mail, or we can set up a call to discuss at your convenience. We should also confer on the best day and time for our conference before the Court.

Thank you.

Doug Rosenblum

Douglas K. Rosenblum, Esquire, Certified Fraud Examiner (he him)
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
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Philadelphia, PA 19103
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