

**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 FOR DEFENDANT LISA MCELHONE TO SHOW CAUSE
WHY SHE SHOULD NOT BE HELD IN CONTEMPT**

THIS CAUSE comes before the Court upon Plaintiff’s Motion for an Order to Show Cause Why Defendant Lisa McElhone Should Not be Held in Civil Contempt (“Motion”), [ECF No. 1729], filed on October 20, 2023. The Court having reviewed the Motion and the record in this matter, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED that the Motion is **GRANTED** as set forth herein.

A party may initiate contempt proceedings by filing a motion requesting the court to issue an order to show cause why a party should not be held in civil contempt. *Newman v. State of Ala.*, 683 F.2d 1312, 1318 (11th Cir. 1982). “If the court finds that the conduct as alleged would violate the prior order, it enters an order requiring [the party] to show cause why [the party] should not be held in contempt and conducts a hearing on the matter.” *Mercer v. Mitchell*, 908 F.2d 763, 768 (11th Cir. 1990).

The Court’s Amended Final Judgment as to Defendants Lisa McElhone and Joseph Laforte, [ECF No. 1451], required Defendant Lisa McElhone (“Defendant”) to disgorge \$153,224,738.24 and pay a civil penalty of \$21,850,000. Plaintiff argues that Defendant has failed to fully satisfy the Amended Final Judgment and provides the declaration of Assistant Chief

Litigation Counsel Michael Roessner in support. Mot. at 3. Plaintiff further maintains that Defendant is violating the Amended Final Judgment based on the representations she made in her Motion to Modify the Asset Freeze Order [DE 230] to Permit Defendant Lisa McElhone to Use Limited Funds Held in Bank Accounts Which Are Not Within the Receivership Estate to Pay Her Attorney Fees (“Motion to Modify”), [ECF No. 1721]. Specifically, Plaintiff claims these representations show that Defendant “knows of assets that can be used to pay part of the judgment but wants to keep those assets out of the hands of the SEC and the Receiver” and she is therefore “not using ‘all reasonable efforts’ to comply with the Court’s Order.” Mot. at 6–7.

Considering the allegations and evidence presented by the SEC regarding Defendant Lisa McElhone’s noncompliance with the Court’s Amended Final Judgment, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Motion, [ECF No. 1729], is **GRANTED**.
2. Defendant Lisa McElhone shall show cause why she should not be held in civil contempt for violating the Amended Final Judgment, [ECF No. 1451], by filing a written response to Plaintiff’s Motion on or before **November 13, 2023**.
3. The Court will hold an in-person hearing on the Order to Show Cause on **November 27, 2023 at 10:30 A.M.**¹ The parties shall report to Courtroom 11-2, 11th Floor, at the Wilkie D. Ferguson, Jr. United States Courthouse, 400 North Miami Avenue, Miami, Florida 33128.

DONE AND ORDERED in Miami, Florida, this 23rd day of October, 2023.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

¹ This hearing shall be held contemporaneously with the related hearing on the Motion to Modify, [ECF No. 1721], which has also been set for November 27, 2023 at 10:30 A.M. per [ECF No. 1732].