

**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.

**MOTION FOR ORDER TO SHOW CAUSE WHY THE RECIEVER HAS DELAYED
IN MAKING A DETERMINATION AS TO CAPITAL SOURCE 2000, INC.**

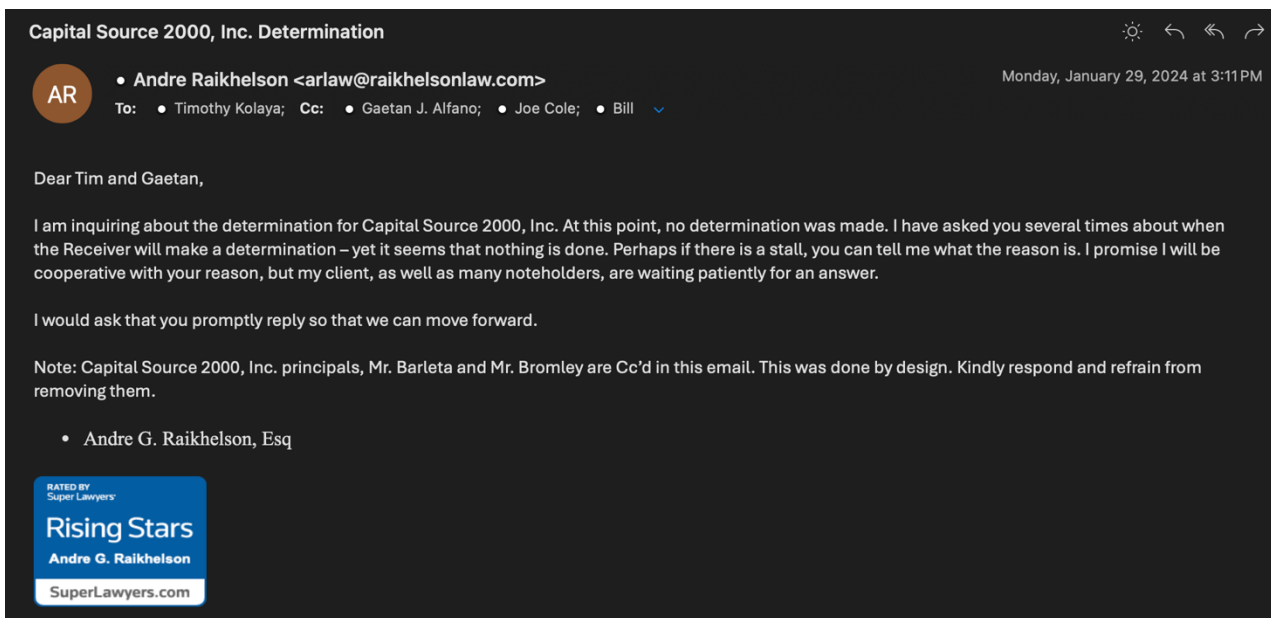
COMES NOW Joseph Cole Barleta, (“Cole”), by and through his undersigned counsel and pursuant to this Court’s inherent authority, seeks Court intervention because the Receiver in this case has failed in its most basic role as a Receiver, to expeditiously resolve claims made. Cole states the following in support:

PROCEDURAL MATTER

1. As a threshold matter, Cole believes this instant motion is best put forth by Capital Source 2000, Inc., who has sought intervention in this instant litigation. However, this Court denied Capital Source 2000, Inc.’s Motion to Intervene, and thus Capital Source has sought relief from the Eleventh Circuit to determine if it was proper to deny its ability to intervene.
2. Cole, in making this request from the Court to issue a Show Cause Order to the Receiver, in no way attempts to lend credence to a potential argument from any party, entity, or government that he is an alter ego of Capital Source. Cole seeks this instant relief solely because there is no other mechanism for the relief to be sought other than this instant filing.

PERTINENT FACTS

3. On December 19, 2023, Cole filed an “Expedited Motion For Order To Show Cause Why Receiver Should Not Be Held In Contempt Of Court Or Alternatively To Compel Determination as to Capital Source 2000, Inc”
4. The Court declined to hold the Receiver in Contempt of Court, but ordered the parties to meet and confer to resolve the issue as to the deadline for Capital Source to file objections to the Receiver’s determination.
5. Currently, it is almost March of 2024 as of the filing of this instant document, and still the Receiver has not made a determination as to Capital Source 2000, Inc.
6. Before filing this instant motion, Cole’s counsel met and conferred with Tim Kolaya and Gaetan Alfano. A copy of the email is submitted below.

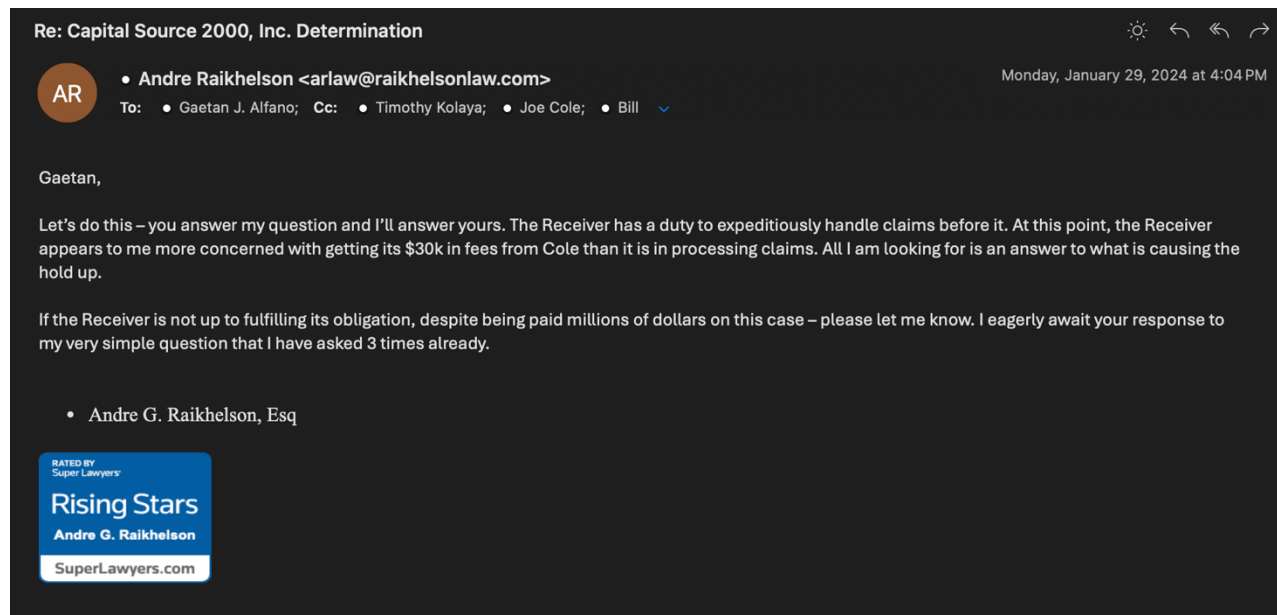


7. After a short back and forth as to Mr. Alfano intentionally deleting Cole and Bromley from the email chain, Mr. Alfano responded with the following:

On another note, where do we stand on the payment of Mr. Cole’s contempt? Is he willing to seek the Receivership Court’s permission and the SEC’s agreement to liquidate his real estate holdings, pay the fine, and then pay the remaining proceeds towards his judgment?

Please let me know.
Sent from my iPhone

8. On January 29, 2024, Undersigned sent the following response



9. Neither Mr. Alfano, nor Mr. Kolaya responded.

ULTIMATE REQUEST

10. Ultimately, Cole is seeking relief from this Court because a determination has not been made as to Capital Source, and the Receiver, nor his counsel, have provided any reason why there is a delay.

11. Although Cole and his counsel have their own theories, such as the delay being intentional to keep money out of the hands of Capital Source 2000, Inc., Cole reminds the Court of some well established facts: 1) There is no judgment as to Capital Source 2000, Inc. that is outstanding, 2) that Capital Source 2000, Inc. is not an alter ego of Cole, 3) there has never been any formal allegations to the effect that Capital Source 2000 is an alter ego of Cole, and 3) the money that is sought to be recovered is being used to pay noteholders.

12. This is even more vital because the Receiver has denied claims from individual noteholders,

yet is holding, not Cole's money, but Capital Source money hostage – failing to make a determination, and failing to explain why a determination has yet been made.

13. It should be noted that counsel's use of the word hostage is not hyperbolic. Undersigned knows of no other word to adequately describe what is happening here.

DATED: February 21, 2024

Respectfully submitted,

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/s/ Andre G. Raikhelson
Andre G. Raikhelson, Esq.
Bar Number: 123657

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all counsel of record through the CM/ECF system.