

4 May 2024

Clerk's Office  
Southern District of Florida  
Wilkie D. Ferguson Jr. US Courthouse  
400 North Miami Avenue  
Miami, FL 33128

FILED BY <u>MC</u> D.C.
MAY 06 2024
ANGELA E. NOBLE CLERK U.S. DIST. CT. S. D. OF FLA. - MIAMI

**TO: Judge Ruiz, United States District Court, Southern District of Florida**

**RE: SEC v Complete Business Solutions Group Inc. et al  
Case No. 9:20-CV-81205-RAR**

**Our Objection to the Receiver's Motion/Recommendation to the Court**

*Specifically, we disagree with and object to the Net Investment methodology used by the Receiver to calculate/determine our claim in this case—until such time as Judge Ruiz rules on whether this is a Ponzi scheme. (In fact, we understood that the judge did rule earlier that this was not a Ponzi scheme.)*

Background / Our Rationale

My wife, Shelli, and I were investors in the ABFP-Investors Group – both as cash investors and IRA fund investors through CAMA. As such, our claims and objections were filed by us and by CAMA separately as required.

Our objections filed earlier by the required deadlines were made for the following reasons:

- We do NOT believe that the basis for distributing funds should be our “Net Investment” as defined by the Receiver in their Allowed Claim Amount calculation. We are seeking a distribution that is equal to our “Amount Invested.”

The amount distributed to us should NOT be reduced by the amount of interest that we received in connection with notes we initiated and closed with the fund prior to the SEC's lawsuit. All investments prior to the SEC's lawsuit involved separate individual notes where terms were met and settled. Each decision to secure a new note with new terms with a new investment was made separately. Amie Berlin from the SEC made this very clear to Judge Ruiz and the Receiver during the status conference on Monday, March 4, 2024.

To do otherwise, and for the Receiver to be consistent, it would require them to contact ALL investors in the fund—even those who were only active PRIOR TO the SEC's lawsuit—and collect from them all of the interest they received from their prior notes. Is the Receiver prepared to do this? Again, their logic (though absurd) would require this in the name of fairness.

- We do NOT believe that the amount we receive should be reduced by such reprehensible expenditures as the Receiver choosing to pay delinquent taxes on behalf of the criminals. This appalling suggestion was mentioned in the status conference with Judge Ruiz on November 29, 2023.

- Lastly, and more broadly, we object to the Receiver being paid from the funds that they recover. This setup only encourages the Receiver to drag this process on and on as they have done – all the while paying themselves with our money. Rather, the Receiver should be paid only from monies collected as fines and damages from the criminals and only after we as investors have received our settlements.

In summary, our position regarding the “Allowed Claim Amount calculation” is the same as that stated by Amie Berlin (SEC) in the status conference on March 4, 2024. And, if it is still possible, we would support the SEC taking over responsibility for this calculation and distribution process as proposed by Judge Ruiz in that status conference.

We will appreciate your acknowledgement of our response here.

Respectfully,



Mark & Shelli Nye  
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