

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 20-CIV-81205-RAR**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**COMPLETE BUSINESS SOLUTIONS
GROUP, INC. d/b/a PAR FUNDING, et al.,**

Defendants.

_____ /

**SECURED CHEHEBAR INVESTORS' MOTION FOR LEAVE TO FILE SUR-REPLY
TO RECEIVER'S REPLY TO CHEHEBAR'S RESPONSE IN OPPOSITION TO
MOTION TO (1) APPROVE PROPOSED PLAN OF DISTRIBUTION AND (2)
AUTHORIZE FIRST INTERIM DISTRIBUTION**

GEMJ Chehebar GRAT LLC, Albert Shehebar, Albert Chehebar, Isaac Shehebar, Isaac Shehebar 2008 AIJJ Grantor Retained Annuity Trust, Michael Chehebar, Ezra Shehebar, Ezra Chehebar, Ezra Shehebar LLC, Cherie Chehebar, Josef Chehebar, Steven Chehebar, Joyce Chehebar (collectively the “Secured Chehebar Investors” or “SCIs”), pursuant to Local Rule 7.1(c), respectfully move for leave to file a sur-reply to the Receiver’s Reply to the SCIs’ Response in Opposition to the Receiver’s Motion to (1) Approve Proposed Plan of Distribution and (2) Authorize First Interim Distribution [ECF No. 2049] (the “Reply”).

Memorandum of Law

Local Rule 7.1(c) provides that a party must obtain leave of court to file a sur-reply. The SCIs submit that leave is warranted because the Receiver’s Reply raises new arguments regarding the applicability of the “freeze” rule from the bankruptcy context, the SCIs’ actual and/or constructive notice of the Court’s Initial Receivership Order, the necessity of contempt proceedings, and the validity of the liens filed by Albert Vagnozzi on behalf of the Exchange Offering Investors.

Because the SCIs are not parties to these proceedings, they filed a Response to the Receiver’s Motion which set forth arguments that were not raised or briefed in the Receiver’s original Motion. The Receiver’s Reply therefore presents arguments which, under normal circumstances, the SCIs would be able to file a reply to address. Here, the SCIs only seek leave to file a sur-reply that addresses arguments raised in the Receiver’s Reply, not to reassert arguments that have already made. Because of the unique procedural posture of the original Motion, the sur-reply the SCIs seek leave to file is more akin to a typical reply.

WHEREFORE, the SCIs request this Court grant them leave to file a sur-reply, not to exceed ten (10) pages, on or before October 4, 2024.

Certification Regarding Pre-Filing Conference

I HEREBY CERTIFY that pursuant to Local Rule 7.1(a)(3), I conferred with counsel for the Receiver in a good faith effort to resolve the issues raised in this Motion. The Receiver takes no position on the relief requested herein.

Dated: September 30, 2024

Respectfully submitted,

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**COMPLETE BUSINESS SOLUTIONS
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Defendants.

**PROPOSED ORDER GRANTING THE SECURED CHEHEBAR INVESTORS'
MOTION FOR LEAVE TO FILE SUR-REPLY**

THIS CASE comes before the Court upon the Secured Chehebar Investors' Motion for Leave to File Sur-Reply to Receiver's Reply to Chehebars' Response in Opposition to Motion to (1) Approve Proposed Plan of Distribution and (2) Authorize First Interim Distribution (the "Motion"). The Court having carefully reviewed the Motion and the record in this matter, it is hereby:

ORDERED AND AD JUDGED as follows:

1. The Secured Chehebar Investors' Motion is **GRANTED**.
2. On or before October 4, 2024, the Secured Chehebar Investors may file a sur-reply not to exceed ten (10) pages in length.

DONE AND ORDERED in Miami, Florida, this ____ day of _____, 2024.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of record