

**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.

**RECEIVER’S RESPONSE IN OPPOSITION
TO NON-PARTY BILL BROMLEY’S MOTION TO INTERVENE
AND OBJECTION TO MOTION TO SUPPLEMENT DISTRIBUTION MOTION**

Ryan K. Stumphauzer, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities,¹ by and through his undersigned counsel, files this Response in Opposition to Non-Party

¹ The “Receivership Entities” are Complete Business Solutions Group, Inc. d/b/a Par Funding (“CBSG”); 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

Bill Bromley’s Motion to Intervene and Objection [ECF No. 2075] (the “Motion to Intervene”) to the Receivers’ Motion to Supplement [ECF No. 2047] (the “Motion to Supplement”) his Motion to (1) Approve Proposed Plan of Distribution and (2) Authorize First Interim Distribution [ECF No. 2014] (the “Distribution Motion”), and states:

The Motion to Intervene should be denied for four separate reasons.

First, Mr. Bromley did not confer with the Receiver prior to filing the Motion to Intervene. As such, the Motion to Intervene should be denied as non-compliant with Local Rule 7.1(a)(2).

Second, the Motion to Intervene should be denied because it is moot. Mr. Bromley is an investor in one or more of the Receivership Entities, and his claim was addressed in the Motion to Supplement. The Court entered a briefing Order stating the following:

Any claimants whose claims are impacted by the Motion to Supplement are permitted to file a response to the Motion to Supplement of no more than ten (10) pages on or before October 7, 2024

[ECF No. 2048 ¶ 1]. In other words, the Court expressly permitted claimants like Mr. Bromley to respond to the Motion to Supplement without seeking leave to intervene.

Third, Mr. Bromley’s Motion to Intervene (and related opposition to the Motion to Supplement) is untimely under the Court’s briefing Order on the Motion to Supplement [ECF No. 2048], which required any claimants who opposed the motion to file their responses “**on or before October 7, 2024.**” [ECF No. 2048 ¶ 1] (emphasis in original). Mr. Bromley, as with all other investors who submitted claims in the receivership, was able to monitor the Receiver’s website—where all pertinent court filings have been posted—and take appropriate action to protect or enforce any rights regarding his claims in this receivership. Mr. Bromley is filing this Motion to

LLC; and ALB Management, LLC; and the receivership also includes the property located at 107 Quayside Dr., Jupiter FL 33477.

Intervene more than two months after the deadline. Mr. Bromley's failure to act promptly in protecting his interests does not excuse his late filing.

Fourth, and finally, Mr. Bromley's purported substantive objections to the Motion to Supplement are without merit, including those offered in support of his objection to treatment of his claim as a Class 8 claim, and which are nearly identical to those Mr. Bromley previously filed. *See* [ECF No. 2060]. Specifically, Mr. Bromley argues that the Receiver has not established that Mr. Bromley engaged in "unfair conduct" or "impropriety" so as to support the subordination of his claim to the claims of other investors. [ECF No. 2075 at 5]. However, as this Court has previously concluded, an insider designation is supported in circumstances where a claimant was compensated for recruiting additional investors, regardless of their knowledge of or involvement in the underlying fraud scheme. *See Securities and Exchange Commission v. Pension Fund of Am. L.C.*, 377 Fed. Appx. 957, 963 (11th Cir. 2010). Thus, the Receiver has identified more than sufficient evidence to support a determination that Mr. Bromley was an "insider." Accordingly, Mr. Bromley's claim, which was submitted by CamaPlan on his behalf, is properly characterized as a Class 8 claim.

WHEREFORE, the Receiver requests that the Court grant his Distribution Motion, including the relief detailed in the Motion to Supplement.

Dated: December 13, 2024

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 13, 2024, 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