

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 20-cv-81205-RUIZ

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants.

**NOTICE OF FILING AMENDED EXHIBIT 5 IN SUPPORT OF
RENEWED MOTION FOR APPROVAL OF ATTORNEYS' FUND**

Putative Class Counsel Levine Kellogg Lehman Schneider + Grossman LLP, Chimicles Schwartz Kriner & Donaldson-Smith LLP, Edelson Lechtzin LLP, and Silver Law Group (collectively, "**Class Counsel**") hereby file Amended Exhibit 5 (Silver Decl.) in support of the Renewed Motion for Approval of Attorneys' Fund [D.E. 999].

Dated: December 26, 2024

Respectfully submitted,

By: /s/ Jeffrey C. Schneider
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CERTIFICATE OF SERVICE

I certify that on December 26, 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 all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Jeffrey C. Schneider
Jeffrey C. Schneider

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants.

CASE NO. 20-CV-81205-RAR

**DECLARATION OF SCOTT L. SILVER IN SUPPORT OF
PLAINTIFFS' MOTION FOR AWARDS OF ATTORNEYS' FEES**

I, Scott L. Silver, declare under penalty of perjury of the laws of the United States as follows:

1. I submit this declaration in support of Plaintiffs' Motion for Awards of Attorneys' Fees and Expenses in the above-captioned action. I am a Managing Partner at Silver Law Group. I am a member in good standing of the Bars of the State of Florida and the State of New York. Silver Law Group served with co-counsel to the putative class on a contingency fee basis.

Scott L. Silver's Experience and Qualifications

2. Silver Law Group was formed in or about 2012. I was previously a managing partner in another law firm with a similar practice focus on Plaintiff securities and investment fraud cases, including stockbroker misconduct cases and

class action litigation primarily against third-party professionals for aiding Ponzi schemes. We also represent SEC whistleblowers before the SEC whistleblower office. Amongst other, accolades I have served as the Chair of the Securities & Financial Fraud Group and the American Association of Justice (AAJ) since 2014. My achievements have been recognized by Florida “Super Lawyers” for Securities Litigation in multiple years, I am rated “AV Preeminent” by Martindale-Hubbell, and in 2024 I received the PIABA Outstanding Service Award for my work on behalf of investors.

3. The attached **Exhibit A** is a true and correct copy of Silver Law Group’s firm resume highlighting our firm's experience in this area.

Work Performed By Silver Law Group

4. With respect to the instant litigation, I am the partner in charge of overseeing this case at Silver Law Group. In this role, we began investigating this case in or around early 2020. Our investigation of this matter began prior to the filing of the SEC’s enforcement action against Par Funding after receiving inquiries from investors about their legal rights. This investigation accelerated in late July 2020, after the filing of the SEC action, which culminated in the filing of the instant class action.

5. This investigation included reviewing the publicly available information concerning Dean Vagnozzi, A BetterFinancialPlan.com d/b/a A Better

Financial Plan, John W. Pauciulo, Eckert Seamans Cherin & Mellott, LLC, Complete Business Solutions Group, Inc. d/b/a Par Funding, and numerous unregistered securities offering documents from these and other affiliated entities in connection with the facts underlying the claims. This investigation included interviewing investors in merchant cash advance-backed securities sold by Dean Vagnozzi and others, A Better Financial Plan, and their affiliates, collecting documents from these investors, including private placement memoranda, promissory notes, limited partnership agreements, investors' account statements, SEC filings, marketing and promotional materials, government investigations and regulatory actions against Dean Vagnozzi and A Better Financial Plan, and court documents.

6. In addition to our investigation of the various merchant cash advance investments, we also reviewed and observed multiple court hearings, transcripts, and documents from the SEC's action against Par Funding and others and researched the law regarding claims against lawyers and law firms.

7. Throughout this litigation, I have regularly handled a steady stream of phone calls from clients and hundreds of other merchant cash advance investors seeking information about the status of the class actions and the Receivership, as well as the Par Funding claims process. Silver Law Group has participated in multiple strategy calls, mediation, reviewed pleadings, and analyzed discovery.

8. Silver Law Group prepared for and attended the mediation at JAMS in New York and a subsequent mediation in Florida. Additionally, we have reviewed and edited the settlement papers and other pleadings in this matter.

The Proposed Settlement Is Fair, Reasonable, And Adequate

9. As Counsel for Plaintiffs, I agreed to the proposed Settlement with an understanding of the strengths and weaknesses of Plaintiffs' claims. This understanding is based on: (1) the Rule 12(b)(6) motion practice undertaken by the Parties; (2) investigation and research including a review of publicly available information concerning the A Better Financial Plan and related entities; (3) the likelihood that Plaintiffs would prevail on their claims; (4) the range of possible recovery; (5) the substantial complexity, expense, and duration of litigation necessary to prosecute this action through trial, post-trial motions, and likely appeals, and the significant uncertainties in predicting the outcome of such complex litigation; and (6) Defendants' determination to fight and contest every aspect of the case. Having undertaken this analysis, I have concluded that the Settlement is fair, reasonable, and adequate, and should be presented to the Court for approval.

10. If the Settlement is not approved, a substantial amount of work will need to be completed, including completion of fact and expert discovery, class certification, dispositive motion practice, designation of witnesses and exhibits, preparation of pre-trial memoranda and proposed findings of fact and conclusions of

law, presentation of witnesses and evidence at trial, and, depending on the trial court's ruling on the merits, briefing of the losing party's almost-certain appeal.

11. I believe that Plaintiffs' claims are strong but recognize that those claims are subject to potential defenses and counterarguments.

12. In considering whether to recommend a settlement to Plaintiffs, I primarily considered the strengths and weaknesses of the case without regard to Defendants' ability to pay the full amount of a greater judgment.

Silver Law Group's Lodestar and Expenses

13. The hourly fees Silver Law Group typically charges for its attorneys range from \$500 to \$850 per hour, which are the same rates that we would charge hourly fee-paying clients.

Reported Hours and Lodestar
Inception through December 20, 2024

Timekeeper	Hours	Rates	Total Lodestar
Scott L. Silver (SC)	225.8	\$850	\$191,930.00
Ryan Schwamm (A)	57.8	\$500	\$28,900.00
Grand Total	283.60	--	\$220,830.00

P = Partner
SC = Senior Counsel
A = Associate
CA = Contract Attorney

14. Silver Law Group has also expended \$1,428.00 in necessary expenses in the litigation of this matter as set forth in detail in the table below:

Expenses Incurred

Inception through December 20, 2024

Expense Category	Amount Incurred
Travel	\$1,488.00
TOTAL EXPENSES	\$1, 488.00

15. The expenses that we seek to recover in class action cases are the same types of expenses that we charge hourly fee-paying clients. Class Counsel expects to incur certain additional costs in this case until the settlement proceeds are fully distributed to Class Members.

The foregoing is true and correct to the best of my knowledge and belief.

Executed this 20th day of December 2024, in Coral Springs, Florida.

/s/Scott L. Silver

SCOTT L. SILVER

EXHIBIT A



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SILVER LAW GROUP - www.securitiesfraudattorneys.com

Silver Law Group (“SLG”) is a securities and investment fraud law firm. SLG is nationally recognized for representing investors in investment fraud cases in securities arbitration and class action litigation. We have substantial experience representing victims of Ponzi schemes and other investment frauds before various tribunals. Scott Silver, the founding shareholder of SLG, is a passionate investor advocate and a recognized specialist in the area. Amongst other honors, Scott Silver serves as the Chairman of the Securities and Financial Fraud Group of the American Association of Justice, a Super Lawyer by the Super Lawyers’ rating network, Legal Elite by Florida Trend’s magazine, and Top Securities Attorney by South Florida Legal Guide. Scott Silver is also AV-rated by Martindale-Hubbell, the highest rating by this independent peer ratings company recognizing superior lawyer abilities and the highest grade for ethics.

Scott Silver is a regular speaker at law schools, legal conventions, and industry events. Amongst other publications, Scott Silver has written a securities arbitration primer and an SEC whistleblower primer which have been published and used by others to understand these practice areas.

Securities and Investment Fraud Class Actions

The following is a list of securities and investment fraud cases in which the firm or one or more of its attorneys are or have been involved at this or prior law firms:

- *Billitteri v. Securities America*, Case No. 3:09-cv-01568 (U.S. Dist. Ct. – Northern District of Texas) and *In re Medical Capital Broker Dealer Securities Litig.*, MDL No. 2145 (JPML 2009) – Scott Silver served as counsel to large group of investors relating to two Ponzi schemes sold by Securities America resulting in a \$70 million settlement for investors with pending arbitrations.
- *In re Woodbridge Investments Litigation (Comerica Bank)*, Case No. 18-cv-00103 (U.S. Dist. Ct. – Northern District of California) – Class Action against bank relating to an alleged \$1.2 billion Ponzi scheme operated by Woodbridge Holdings resulting in substantial settlement for investors.
- *Camenisch, et al. v. Umpqua Bank*, Case No. 20-cv-05905 (U.S. Dist. Ct. – Northern District of California) – Class Action against bank relating to an alleged billion-dollar Ponzi scheme. Currently pending.

- *Quintana v. Morgan Stanley*, Case No. 05-cv-21401 (U.S. Dist. Ct. – Southern District of Florida) – Class Action complaint relating to alleged improper destruction of records by major Wall Street firm.
- *Schorrig v. IBM Credit Union, et al.*, Case No. 09-cv-80973 (U.S. Dist. Ct. – Southern District of Florida) – Class Action brought under the Florida Securities and Investor Protection Act involving the sale of securities by an unlicensed dealer.
- *Cifuentes, et al. v. Regions Bank*, Case No. 11-cv-23455 (U.S. Dist. Ct. – Southern District of Florida) – Negligence claim against bank resulting in settlement for Ponzi scheme victims.
- *Bautista vs. Wells Fargo Bank, N. A.* CASE NO. 0:21-cv-61749 Southern District of Florida) – Which resulted in a 26.25 million retirement for investor victims.
- *Liu v. Project Investors, Inc., et al.*, Case No. 16-cv-80060 (U.S. Dist. Ct. – Southern District of Florida) – Class Action against Florida-based cryptocurrency exchange and its CEO for fraud resulting in settlement for investors.

FINRA Arbitration Claims:

- *In re: Samco Financial Services* (FINRA) – The Firm represented over 50 investors in multiple securities fraud arbitrations involving mortgage-backed securities. Scott Silver briefed, argued, and prevailed on the motions to dismiss. Investor losses exceeded \$12 million. Scott Silver obtained a favorable settlement for all investors.
- *Casper v. Axiom Capital*, FINRA Case No. 07-00624 – Our attorneys represented a group of investors collectively awarded in excess of \$2 million in compensatory damages plus attorney’s fees and punitive damages.
- *Farmer v. Anthony Fareri, et al.*, FINRA Case No. 06-01103 – our attorneys represented an elderly investor who was awarded compensatory damages of \$1.13 million plus attorney’s fees and punitive damages.
- Puerto Rico bond litigation – Silver Law Group represented over 100 investors obtaining over \$10 million in awards and settlements alleging securities fraud over the sale of Puerto Rico bonds.

State and Federal Court Non-Class Action Securities Cases:

SLG routinely represents individual investors in state and federal court litigation.

- *Round v. Natural Diamonds Investment Co., et al.*, Case No. 18-cv-81151 (U.S. Dist. Ct. – Southern District of Florida) – Counsel to Plaintiff in alleged diamond investment fraud scheme.
- *Shave v. Stanford Financial Group, Inc.*, Case No. 07-cv-60749 (U.S. Dist. Ct. – Southern District of Florida) – Counsel to Plaintiff in alleged numismatic investment coin scheme.
- *Sandler, et al. v. Janney Montgomery*, Case No. 06-cv-21502 (U.S. Dist. Ct. – Southern District of Florida) – Counsel to Plaintiff in motion to confirm FINRA arbitration award.

- *Rosenthal Collins Group, LLC v. Ford Kennelly*, Case No. 07-cv-01421 (U.S. Dist. Ct. – Northern District of Illinois) – Counsel to investor in motion to confirm NFA arbitration award.
- *Ilich v. Howard*, Case No. 19-cv-00554 (U.S. Dist. Ct. – Northern District of Florida) – Counsel to investor in alleged real estate Ponzi scheme.
- *Smith v. Carlton Asset Management, et al.*, Case No. 07-cv-80464 (U.S. Dist. Ct. – Southern District of Florida) – Counsel to investor in alleged precious metals fraud.
- *Bates, et al. v. World PMX*, Case No. 13-cv-61138 (U.S. Dist. Ct. – Southern District of Florida) – Counsel to investor in alleged precious metals scam.
- *Tandi Partners Limited v. CRL Management LLC, et al.*, Case No. 13-cv-23900 (U.S. Dist. Ct. – Southern District of Florida) – Counsel for investor in claims for breach of fiduciary duty against investment advisory firm.
- *Smigiel Foundation v. Tradedesk Capital LLC, et al.*, Case No. 14-cv-81605 (U.S. Dist. Ct. – Southern District of Florida) – Counsel for not-for-profit corporation in lawsuit against investment advisory firm for breach of fiduciary duty.
- *Holland v. Worth Group, Inc., et al.*, Case No. 18-cv-80318 (U.S. Dist. Ct. – Southern District of Florida) – Counsel to elderly investor in claims against precious metal firm for breach of fiduciary duty.
- *Belesis, et al. v. Lowery*, Case No. 15-cv-02633 (U.S. Dist. Ct. – Southern District of New York) – Counsel to investor to confirm FINRA arbitration award including punitive damages.
- *UBS Financial Services, Inc., et al. v. Bounty Gain*, Case No. 50-2018-CA-006079 (Broward Cir. Ct.) and Case No. 14-cv-81603 (U.S. Dist. Ct. – Southern District of Florida) – Counsel to investor in claims against company for conspiracy to defraud.

SEC Whistleblower Practice:

SLG represented a former financial advisor who reported against a large Wall Street firm resulting in a \$1.8 million SEC Whistleblower award in 2019.

Receivership Practice:

SLG frequently works with SEC, CFTC, and bankruptcy receivers to help recover money for investors who are victims of Ponzi schemes such as:

- *Soneet Kapila, as Ch. 7 Trustee v. ODL Securities, Inc., et al.*, Case No. 11-cv-2725 (U.S. Bankruptcy Ct. – Southern District of Florida)
- *James D. Sallah, as Receiver for OM Global Investment Fund, LLC v. BGT Consulting, LLC*, Case No. 16-cv-81483 (U.S. Dist. Ct. – Southern District of Florida)
- *Goldberg, et al. v. D&E Communications, Inc., et al.*, Case No. 11-cv-22177 (U.S. Dist. Ct. – Southern District of Florida)
- *SEC v. Natural Diamonds Investment Co., et al.*, Case No. 19-cv-80633 (U.S. Dist. Ct. – Southern District of Florida)

Silver Law Group Team

SLG is a boutique law firm dedicated to representing investors in securities and investment fraud claims. Nationally recognized for our securities arbitration practice, SLG routinely represents victims of Ponzi schemes, elder financial abuse, and investment frauds in cases before the state and federal courts and many arbitration forums including FINRA, National Futures Association (“NFA”), and the American Arbitration Association (“AAA”).

Scott Silver has been recognized by multiple legal publications including Super Lawyers, Legal Elite and South Florida Legal Guide as a top securities lawyer. Scott Silver serves as the Chairman of the Securities and Financial Fraud group of the American Association of Justice (“AAJ”) and is an active member of the Public Investors Advocate Bar Association (“PIABA”). Scott Silver has spoken at multiple industry events and law schools relating to securities and investment fraud cases.

In 2009, the Daily Business Review awarded Scott Silver its most Effective Lawyer in securities litigation for his work representing a group of investors defrauded in a series of private placements. SLG has represented hundreds of investors in stockbroker misconduct cases and has represented SEC receivers in multiple cases. In 2020, Scott Silver represented a former Wall Street broker in an SEC whistleblower matter which resulted in a \$1.8 million recovery.