

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

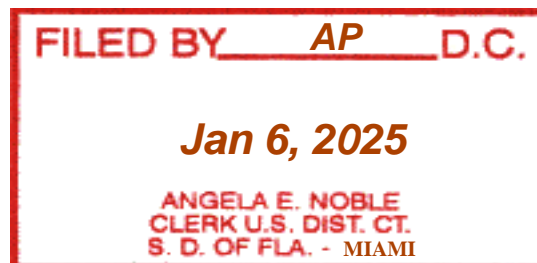
ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call.uscourts.gov

January 06, 2025

Clerk - Southern District of Florida
U.S. District Court
400 N MIAMI AVE
MIAMI, FL 33128-1810



Appeal Number: 24-12350-JJ
Case Style: Radiant Images, Inc., et al v. Ryan K. Stumphauzer
District Court Docket No: 9:20-cv-81205-RAR

A copy of this letter, and the judgment form if noted above, but not a copy of the court's decision, is also being forwarded to counsel and pro se parties. A copy of the court's decision was previously forwarded to counsel and pro se parties on the date it was issued.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Enclosure(s)

MDT-1 Letter Issuing Mandate

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12350

SECURITIES AND EXCHANGE COMMISSION,
et al.,

Plaintiffs,

RADIANT IMAGES, INC.,
GIANE WOLFE,
TOURMAPPERS NORTH AMERICA, LLC,
JULIE PAULA KATZ,
KARA DIPIETRO, et al.,

Interested Parties-Appellants,

versus

COMPLETE BUSINESS SOLUTIONS GROUP, INC.,
d.b.a. Par Funding, et al.,

Defendants,

2

24-12350

19 COUNTRY DRIVE, LLC, et al.,

Respondents,

JACK TERZI,

Claimant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:20-cv-81205-RAR

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: November 14, 2024

For the Court: DAVID J. SMITH, Clerk of Court

ISSUED AS MANDATE: January 6, 2025

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12350

Non-Argument Calendar

SECURITIES AND EXCHANGE COMMISSION,
et al.,

Plaintiffs,

RADIANT IMAGES, INC.,
GIANE WOLFE,
TOURMAPPERS NORTH AMERICA, LLC,
JULIE PAULA KATZ,
KARA DIPIETRO, et al.,

Interested Parties-Appellants,

versus

COMPLETE BUSINESS SOLUTIONS GROUP, INC.,
d.b.a. Par Funding, et al.,

Defendants,

2

Opinion of the Court

24-12350

19 COUNTRY DRIVE, LLC, et al.,

Respondents,

JACK TERZI,

Claimant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:20-cv-81205-RAR

Before BRANCH, GRANT, and LAGOA, Circuit Judges.

PER CURIAM:

Upon review of the record and the parties' responses to the jurisdictional questions, we conclude that we lack jurisdiction over this appeal because it is not taken from a final or otherwise appealable order. The appellants appeal from the district court's June 26, 2024 order granting the Receiver's motion to approve proposed treatment of claims.

The appellants primarily argue that the court's order is appealable under 28 U.S.C. § 1292(a)(2). *See* 28 U.S.C. § 1292(a)(2) (providing for appeals from "[i]nterlocutory orders appointing receivers, or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property"). However, we have interpreted § 1292(a)(2)

24-12350

Opinion of the Court

3

as allowing immediate appeals from district court orders that do one or more of the following: (1) appoint receivers; (2) refuse to wind up receiverships; and (3) refuse to take steps to accomplish the purposes of winding up receiverships. *See Sec. & Exch. Comm'n v. Complete Bus. Sols. Grp., Inc.*, 44 F.4th 1326, 1331 (11th Cir. 2022). The district court's June 26 order does not appoint a receiver, refuse to wind up a receivership, or refuse to take steps to accomplish the purposes of winding up a receivership. Rather, by approving the Receiver's treatment of claims, addressing objections to the Receiver's treatment of claims, and directing the Receiver to prepare and file a motion to approve a distribution plan, the June 26 order affirmatively takes steps *toward* the resolution and winding up of the receivership.

Additionally, the district court's June 26 order is not an injunction-related order appealable under 28 U.S.C. § 1292(a)(1), because it did not grant injunctive relief or otherwise address a request for injunctive relief. *See* 28 U.S.C. § 1292(a)(1). Moreover, the appellants have not shown that the June 26 order "might have a serious, perhaps irreparable, consequence, and that [it] can be effectively challenged only by immediate appeal." *See Positano Place at Naples I Condo. Ass'n v. Empire Indemnity Ins. Co.*, 84 F.4th 1241, 1249 (11th Cir. 2023) (explaining that an interlocutory order that does not explicitly address a request for injunctive relief may also be appealed under § 1292(a)(1) if, among other things, the appellant shows that the order "might have a serious, perhaps irreparable, consequence, and that [it] can be effectively challenged only by immediate appeal"). For the same reason, the court's June 26 order is not immediately appealable under the collateral order doctrine.

4

Opinion of the Court

24-12350

See Plaintiff A v. Schair, 744 F.3d 1247, 1253 (11th Cir. 2014) (noting that, to be appealable under the collateral order doctrine, an order must, among other things, “be effectively unreviewable on appeal from a final judgment”).

Accordingly, this appeal is DISMISSED for lack of jurisdiction.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call.uscourts.gov

November 14, 2024

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 24-12350-JJ
Case Style: Radiant Images, Inc., et al v. Ryan K. Stumphauzer
District Court Docket No: 9:20-cv-81205-RAR

Opinion Issued

Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP 36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing

The time for filing a petition for panel rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing is timely only if received in the clerk's office within the time specified in the rules. **A petition for rehearing must include a Certificate of Interested Persons and a copy of the opinion sought to be reheard.** See 11th Cir. R. 35-5(k) and 40-1.

Costs

No costs are taxed.

Bill of Costs

If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at www.call.uscourts.gov. For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees

The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335-6167 or

cja_evoucher@call.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

OPIN-1 Ntc of Issuance of Opinion