

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants.

_____/

**RECEIVER'S RESPONSE TO NON-PARTY SUMMITBRIDGE NATIONAL
INVESTMENTS VI LLC'S MOTION FOR LEAVE OF COURT FROM PRELIMINARY
INJUNCTION TO COMPLETE FORECLOSURE ACTION**

Jonathan E. Perlman, as Receiver (the "Receiver"), by and through undersigned counsel, files this Response (the "Response") to Non-Party Summitbridge National Investments VI LLC's ("Summitbridge") Motion for Leave of Court from Preliminary Injunctions to Complete Foreclosure (the "Motion") [ECF No. 299].

1. On September 30, 2018, Summitbridge filed its Motion seeking relief from this Court's Preliminary Injunction ("PI") to proceed with its on-going foreclosure action in state court (the "Foreclosure Action").
2. The Foreclosure Action does not seek relief from any of the Receivership entities. None of the Receivership entities are named as defendants in the Foreclosure Action.
3. Prior to filing the Motion, the Receiver indicated to Summitbridge that he did not believe that any stay imposed by the PI applied to the Foreclosure Action. *See Ex. A.*
4. As such, the Motion impermissibly seeks relief when there is no dispute as to whether the Foreclosure Action is stayed by the PI.

SERVICE LIST

Federal Trade Commission v. Jeremy Lee Marcus, et al.
USDC, SD Fla., Case No. 17-cv-60907-MORENO/SELTZER

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*Counsel for Defendant Jeremy Lee Marcus and Relief Defendants
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and Nantucket Cove of Illinois, LLC*

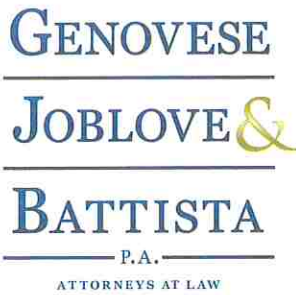
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Yisbet Segrea
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Via Electronic Mail

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Gregory M. Garno, Esq.
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September 18, 2018

Via E-Mail
nagnello@burr.com

Nicholas S. Agnello, Esq.
350 East Las Olas Blvd., Suite 1440
Ft. Lauderdale, FL 33301

Re: BB&T v. Tam Holdings, LLC, et al. ("Foreclosure Action")

Dear Mr. Agnello:

As you know, our firm represents Jonathan Perlman (the "Receiver") as the Court-appointed Receiver in *FTC v. Marcus, et al*, Case No. 17-60907-CIV-MORENO (the "Receivership Case"). It is our understanding that your firm represents the substituted plaintiff in the Foreclosure Action. We are writing to follow-up on our September 10, 2018 correspondence.

As we have discussed, the Court in the Receivership Case entered an order staying any and all actions against the entities where the Receiver was appointed. Titan Funding, LLC ("Titan Funding") a defendant in the Foreclosure Action, is not an entity under the control of the Receiver. Based upon Titan Funding not being a Receivership Entity, the Receiver agrees that he will not seek to stay the Foreclosure Action based upon the order staying actions against Receivership Entities or assets, if your client does not seek stay relief in the Receivership Case. If your client does file any motion seeking stay relief, then the Receiver reserves any and all objections to such a motion. In addition, the Receiver reserves any and all defenses to the Foreclosure Action.

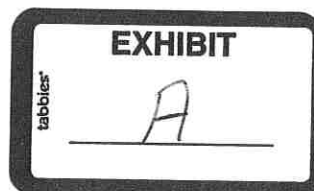
Please give me a call with any questions or comments.

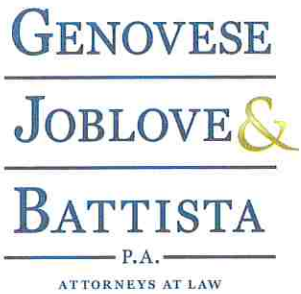
Sincerely,

A handwritten signature in blue ink, appearing to be "G. Garno", is written over the word "Sincerely,".

Gregory M. Garno, Esq.

cc: Plaintiffs
Receiver





Gregory M. Garno, Esq.
Telephone: 305.372-2475
E-Mail: ggarno@gjb-law.com

September 10, 2018

Via E-Mail
nagnello@burr.com

Nicholas S. Agnello, Esq.
350 East Las Olas Blvd., Suite 1440
Ft. Lauderdale, FL 33301

Re: BB&T v. Tam Holdings, LLC, et al. ("Foreclosure Action")

Dear Mr. Agnello:

Our Firm represents Jonathan Perlman (the "Receiver") as the Court-appointed Receiver in *FTC v. Marcus, et al*, Case No. 17-60907-CIV-MORENO (the "Receivership Case"). It is our understanding that your firm represents the substituted plaintiff in the Foreclosure Action.

As we have discussed, the Court in the Receivership Case entered an order staying any and all actions against the entities where the Receiver was appointed. Arguably, that stay would apply to the Foreclosure Action. However, the Receiver agrees that he will not seek to stay the Foreclosure Action based upon the order staying actions against Receivership Entities or assets, if your client does not seek stay relief in the Receivership Case. If your client does file any motion seeking stay relief, then the Receiver reserves any and all objections to such a motion. In addition, the Receiver reserves any and all defenses to the Foreclosure Action.

Please give me a call with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to be "Gregory M. Garno".

Gregory M. Garno, Esq.

cc: Plaintiffs
Receiver