

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

CASE NO. 20-CIV-21964-CMA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TCA FUND MANAGEMENT GROUP
CORP., *et al.*,

Defendants.

NOTICE OF COMPLIANCE

Pursuant to the Court's Order Granting Motion to Compel Production of Documents from Non-Party, American Express Company ("AMEX") [ECF No. 125], the Receiver, Jonathan E. Perlman, by and through undersigned counsel, gives notice and files an affidavit of the reasonable fees and costs incurred attached hereto as Exhibit A and submits a proposed order awarding same attached as Exhibit B.

Respectfully submitted,

GENOVESE JOBLOVE & BATTISTA, P.A.

Attorneys for Jonathan E. Perlman, Receiver

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By: /s/ Michael A. Friedman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via CM/ECF Notification and/or U.S. Mail to all parties and notification of such filing to all CM/ECF participants in this case on the 11th day of May, 2021.

By: /s/ Michael A. Friedman
Michael A. Friedman, Esq.
Florida Bar No. 71828
Email: mfriedman@gjb-law.com

SERVICE LIST

Securities and Exchange Commission v. TCA Fund Management Group Corp., et al.
Case No. 20-Civ-21964-CMA

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Via U.S. Mail/Email

American Express
Attn: Subpoena Response Unit
43 Butterfield Circle
El Paso, TX 79906
amexsru@aexp.com

American Express Company
CT Corporation System, Registered Agent
1200 South Pine Island Road
Plantation, FL 33324

American Express Company
World Financial Center
200 Vesey Street
New York, NY 10285

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 20-CIV-21964-CMA**

SECURITIES AND EXCHANGE
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**DECLARATION OF ATTORNEY MICHAEL A. FRIEDMAN IN SUPPORT OF
RECEIVER'S AWARD OF FEES PURSUANT TO COURT ORDER**

MICHAEL A. FRIEDMAN submits this declaration pursuant to the Court's Order [DE 125] granting the Receiver, Jonathan E. Perlman's, *Motion to Compel Production of Documents from Non-Party, American Express Company* [DE 124] (the "Motion"), and says:

1. I am a partner at the law firm of Genovese Joblove & Battista, P.A. ("GJB"), and, in that capacity, I oversaw and supervised the preparation and filing of the Motion, which sought to compel American Express Company ("AMEX") to produce documents pursuant to a subpoena, along with an award of attorney's fees and costs incurred bringing the Motion against AMEX.
2. I am a member in good standing of the Florida Bar and a member of the Federal Bar for the United States District Court for the Southern District of Florida, and I am otherwise qualified to practice before this Court.
3. I make this declaration based on my personal knowledge, my review of GJB's books and records (including those identified below and attached to this declaration), and discussions with my colleagues at GJB.

4. The Court's Order determined that the Receiver is entitled to an award of reasonable fees and costs incurred bringing the Motion.

5. Attached as "Exhibit 1" to this Declaration is an excerpt from GJB's time records for this matter. Exhibit 1 shows time entries totaling 10.00 hours and \$2,338.00 in fees for services provided in preparing, filing, serving, and otherwise prosecuting the Motion, including the preparation, submission, and service of the Order.

6. The hourly rates charged for this matter are consistent with the hourly rates GJB bills to its clients in other similar matters. This Court has approved and awarded fees under these rates in this and other matters, as have other courts within and outside of this district in comparable matters involving GJB and other counsel of like reputation and experience.

Declaration Pursuant to 28 U.S.C. §1746

Pursuant to Section 1746, Title 28, of the United States Code, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of May in the State of Florida.

/s/ Michael A. Friedman
MICHAEL A. FRIEDMAN

EXHIBIT 1

GENOVESE JOBLOVE & BATTISTA, P.A.

JONATHAN PERLMAN, RECEIVER- TCA FUND-
TCA GLOBAL RECEIVERSHIP
CLIENT: 12455

SUMMARY OF FEES RELATED TO MOTION TO COMPEL DOCUMENTS FROM
AMERICAN EXPRESS COMPANY

<u>Date</u>	<u>Lawyer</u>	<u>Work Description</u>	<u>Time</u>	<u>Rate</u>	<u>Value</u>
04/27/21	CBH	E-mail correspondence with M. Friedman regarding motion to compel AMEX, send copies of subpoena and correspondence	0.60	100.00	60.00
04/27/21	MAF	Email regarding AMEX motion to compel	0.10	340.00	34.00
04/27/21	JPB	Research appropriate remedy for failure to comply with subpoena (motion to show cause versus motion to compel, review firm forms related to the same, draft and revise Motion to compel production of documents and proposed order related to the same	2.90	265.00	768.50
04/29/21	CBH	Attention to e-mail correspondence with M. Friedman and J. Bado regarding motion to compel documents	0.30	100.00	30.00
04/30/21	CBH	Final edits to, preparation and filing of motion to compel documents from AMEX; conference with M. Friedman and J. Bado regarding same	0.60	100.00	60.00
04/30/21	MAF	Review and revise draft motion to compel as to AMEX (.3); conference with JPB, IRS, CBH regarding same (.3)	0.60	340.00	204.00
04/30/21	IRS	Conference re: AMEX motion to compel subpoena responses (.3); review motion to compel AMEX (.2)	0.50	265.00	132.50
04/30/21	JPB	Further draft and revise Motion to compel production of documents from AMEX	2.20	265.00	583.00
05/03/21	CBH	Attention to proposed order on motion to compel Documents from AMEX; final preparation and submittal of order	0.40	100.00	40.00

05/03/21	MAF	Review and revise draft proposed order on AMEX motion to compel and email with group regarding the same	0.20	340.00	68.00
05/04/21	GMG	Review order to compel re Amex (.2);	0.20	340.00	170.00
05/04/21	CBH	Receipt and review of order on motion to compel AMEX to produce documents; calendar deadlines; service of order and file notice of service; conference with M. Friedman regarding same	0.60	100.00	60.00
05/04/21	MAF	Conference with CBH and emails with group regarding order on motion to compel		(no charge)	
05/05/21	GMG	Call with AMEX re subpoena compliance	0.20	340.00	68.00
05/06/21	CBH	Receipt and review of documents from AMEX; Attention to download; conference M. Friedman regarding same	0.60	100.00	60.00
05/06/21	MAF	Conference with CBH regarding documents produced from AMEX		(no charge)	
TOTAL:			10.00	\$2,338.00	

EXHIBIT B

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CASE NO. 20-CIV-21964-CMA**

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Defendants.

ORDER AWARDING FEES

THIS MATTER came before the Court on the Motion to Compel Production of Documents from Non-Party, American Express Company [DE 124] (the “Motion”), and upon the Court’s Order [DE 125], which (i) granted the Motion, (ii) determined that the Receiver was entitled to an award of reasonable attorney’s fees and costs incurred bringing the Motion, and (iii) ordered the Receiver to submit an affidavit of the reasonable fees and costs incurred and to submit a proposed order awarding the same. The Receiver complied with the Order by submitting an affidavit and proposed order under a Notice of Compliance [DE ____]. The Court having considered the Notice of Compliance and the attachments thereto and being otherwise fully advised, it is:

ORDERED AND ADJUDGED as follows:

1. For services rendered in connection with the Motion by Receiver’s counsel, Genovese Joblove & Battista, P.A., the Court awards the Receiver \$2,338.00 in fees against American Express Company.
2. American Express shall pay the fee award within ten (10) days of this Order.

3. The Court reserves ruling on whether additional sanctions are warranted.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this _____ day
of _____, 2021.

CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: All counsel of record