

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.

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**CLASS PLAINTIFFS' UNOPPOSED MOTION FOR RELIEF FROM  
RECEIVERSHIP STAY TO FILE AMENDED CLASS ACTION COMPLAINT**

Todd Benjamin International, Ltd. and Todd Benjamin (“Class Plaintiffs”), as Plaintiffs in *Todd Benjamin International Ltd. et al. v. TCA Fund Management Group Corp. et al.*, No. 1:20-cv-21808-SCOLA/Torres (S.D. Fla.) (the “Class Action”), move, on an unopposed basis, for an order confirming that Class Plaintiffs may file their Amended Complaint in the Class Action notwithstanding the litigation stay imposed by the Court’s May 11, 2020 Order Granting Motion for Appointment of Receiver (the “Receivership Order”). In support thereof, Class Plaintiffs state as follows:

1. Class Plaintiffs, individually and on behalf of a putative class of investors, filed the Class Action action on April 30, 2020, seeking damages and other relief against TCA Fund Management Group Corp., along with related entities, officers, and directors (collectively, the “TCA Defendants”), in connection with a scheme to improperly inflate the value of assets. (*See* Class Action at D.E. 1). The Class Action is pending before the Honorable Robert N. Scola, Jr.

2. Shortly thereafter, on May 11, 2020, this Court entered the Receivership Order appointing Jonathan E. Perlman as receiver (the “Receiver”) over TCA Fund Management Group

Corp., TCA Global Credit Fund GP, Ltd., TCA Global Credit Fund, LP, TCA Global Credit Fund, Ltd. and TCA Global Credit Master Fund, LP (the “Receivership Entities”). [D.E. 5]. Relevant here, the Receivership Order enjoins and stays claims against the Receivership Entities and their officers, directors, or managers.

3. As a result, on June 22, 2020, Class Plaintiffs and the Receiver submitted a joint motion to stay and administratively close the Class Action. (Class Action at D.E. 15). Class Plaintiffs acknowledged the effect of the Receivership Order and agreed that entry of an order staying and administratively closing the case was appropriate under the circumstances.

4. That same day, Judge Scola entered an Order Administratively Staying and Administratively Closing This Case (the “Class Action Stay Order”). (Class Action at D.E. 16).

In relevant part, the Stay Order contemplates revision to the stay upon changed circumstances:

In the event that Judge Altonaga’s stay is lifted in whole, or in relevant part, or additional parties are added to this case for which the stay would not apply, either party shall promptly notify the Court and seek an appropriate revision of this stay, if warranted.

(*Id.* at 2).

5. Since entry of the Class Action Stay Order, Class Plaintiffs have identified other entities and individuals responsible for the improper valuation scheme. Accordingly, Class Plaintiffs seek to amend their Complaint to bring claims against certain companies who are liable to the Class. Moreover, given the appointment of the Receiver, whose charge it is to preserve and maximize the assets of the Receivership Entities for the benefit of investors and creditors, and the continuing injunctive effect of the Receivership Order, Class Plaintiffs seek to drop their claims against the TCA Defendants without prejudice.

6. In connection with the Class Plaintiffs' amendment of claims in the Class Action, Class Plaintiffs' and the Receiver entered a Litigation Coordination Agreement, which has been approved by the Court. [D.E. 288].

7. Pursuant to that Agreement, Class Plaintiffs have shared with the Receiver drafts of their Amended Complaint and related filings. The Receiver approves of these filings and has confirmed that the proposed Amended Complaint does not implicate the litigation stay of the Receivership Order.

8. Indeed, the Class Plaintiffs' amendment sought would, as a practical matter, place their action beyond the scope of the Receivership Order because it would not assert claims against the Receivership Entities or their officers or directors.

9. However, given the prohibition against "continuing" or "taking any action, in connection with" lawsuits against the TCA Defendants, Class Plaintiffs seek confirmation that their motion to amend their Complaint is not construed as a violation of the Receivership Order.

10. Assuming this Court grants Class Plaintiffs the relief requested herein, Class Plaintiffs will petition the Court in the Class Action to lift the Class Action Stay Order.

11. For the foregoing reasons, Class Plaintiffs ask the Court for confirmation that their intended course of action does not run afoul of the Receivership Order.

12. **Local Rule 7.1(a)(3) Certification:** Counsel for Class Plaintiffs have conferred with the Receiver and the SEC regarding the relief requested herein. The Receiver and the SEC do not oppose such relief.

**WHEREFORE**, Class Plaintiffs respectfully request entry of an order confirming that amendment of their Complaint in the Class Action as described above is not violative of the Receivership Order and permitting them to proceed accordingly in the Class Action, along with such other relief the Court deems just and proper. A proposed order is attached as **Exhibit A**.

Date: August 24, 2022

Respectfully submitted,

**LEVINE KELLOGG LEHMAN  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on August 24, 2022, 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 or pro se parties identified via transmission or Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

*/s/ Jason Kellogg* \_\_\_\_\_  
JASON K. KELLOGG, P.A.

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**ORDER GRANTING CLASS PLAINTIFFS' UNOPPOSED MOTION FOR RELIEF  
FROM RECEIVERSHIP STAY TO FILE AMENDED CLASS ACTION COMPLAINT**

THIS CAUSE came before the Court on the Motion for Relief from Receivership Stay to File Amended Class Action Complaint (the "Motion") [D.E. \_\_\_] filed by Todd Benjamin International, Ltd. and Todd Benjamin ("Class Plaintiffs"), as Plaintiffs in *Todd Benjamin International Ltd. et al. v. TCA Fund Management Group Corp. et al.*, No. 1:20-cv-21808-SCOLA/Torres (S.D. Fla.) (the "Class Action"). The Court, having reviewed the Motion and record, being advised that the Receiver and the SEC do not oppose the requested relief, and being other duly advised in the premises, ORDERS and ADJUDGES as follows:

The Motion is GRANTED. Class Plaintiffs may seek amendment of their Complaint in the Class Action as described in the Motion, and such actions and the amended pleading are not violative of the Court's May 11, 2020 Order Granting Motion for Appointment of Receiver.

DONE AND ORDERED in Miami, Florida, this \_\_\_ day of August, 2022.

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CECILIA M. ALTONAGA  
UNITED STATES DISTRICT JUDGE