

No. 22-13412-B

**In the United States Court of Appeals
for the Eleventh Circuit**

ELEANOR FISHER AND TAMMY FU, IN THEIR CAPACITY AS FOREIGN
REPRESENTATIVES OF RELIEF DEFENDANT, TCA GLOBAL CREDIT
FUND, LTD.

Petitioners/Appellants

v.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Appellee

On Appeal from the United States District Court
for the Southern District of Florida

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF AND
APPENDIX OF APPELLANTS, ELEANOR FISHER AND TAMMY FU, IN THEIR
CAPACITY AS FOREIGN REPRESENTATIVES OF RELIEF DEFENDANT, TCA GLOBAL
CREDIT FUND, LTD.'S**

Mark D. Bloom
John R. Dodd
Baker & McKenzie LLP
1111 Brickell Avenue, Suite 1700
Miami, Florida 33131
mark.bloom@bakermckenzie.com
john.dodd@bakermckenzie.com
Telephone: (305) 789-8900
Counsel for Appellants

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Eleventh Circuit Rule 26.1, the following is a list of all persons and entities known to Appellants, Eleanor Fisher and Tammy Fu, in their capacity as Foreign Representatives of Relief Defendant, TCA Global Credit Fund, Ltd., to have an interest in the outcome of this appeal:

Altonaga, Cecilia M., United States District Judge

Avila, Rodriguez, Hernandez, Mena & Ferri, Attorneys for Respondent, Ocean Bank
AW Exports Pty Ltd, Claimant

Baker & McKenzie LLP, Attorneys for Appellant

Banque Pictet & CIE S.A., Petitioner in Cayman Islands Liquidation Proceeding

Bast Amron LLP, Attorneys for Armand Zohari, Tritium Fund, Hsueh-Feng Tseng,
and Fide Funds Growth

Bast, Jeffrey P., Attorney for Armand Zohari, Tritium Fund, Hsueh-Feng Tseng, and
Fide Funds Growth

Batista, Paul J., Attorney for Jonathan E. Perlman, Receiver

Benjamin, Todd, Claimant

Bloom, Mark D., Attorney for Appellants

Blum, W. Barry, Attorney for Jonathan E. Perlman, Receiver

Bradylyons, Morgan, Attorney for Securities and Exchange Commission

Broxom, Warwick, Claimant

Cahill Gordon & Reindel LLP, Attorneys for Credit Suisse

Claritas, LLC, Cayman Islands Counsel for Appellants

Clearstream Banking S.A., Limited Objector

Credit Suisse, Limited Objector

Cuccia II, Richard A., Attorney for Paycation Travel, Inc., Xstream Travel, Inc. and

David Manning

Cuccia Wilson, PLLC, Attorneys for Paycation Travel, Inc., Xstream Travel, Inc.

and David Manning

Dodd, John R., Attorney for Appellant

Dorchak, Joshua, Attorney for Clearstream Banking S.A.

EY Cayman Ltd.

Fide Funds Growth

Fisher, Eleanor, Foreign Representative of Relief Defendant TCA Global Credit
Fund, Ltd.

Fu, Tammy, Foreign Representative of Relief Defendant TCA Global Credit Fund,
Ltd.

Fulton, Andrew, IV, Attorney for Lease Corporation of America

Garno, Gregory M., Attorney for Jonathan E. Perlman, Receiver

Genovese, Joblove & Battista, P.A. Attorneys for Jonathan E. Perlman, Receiver

Genovese, John H., Attorney for Jonathan E. Perlman, Receiver

Hall, Jason, Attorney for Credit Suisse

Hill, Ezekiel, Attorney for Securities and Exchange Commission

Kaplan Saunders Valente & Beninati, LLP, Attorneys for AW Exports Pty Ltd,
Warwick Broxom, and Jonathan James Kaufman

Kaufman, Jonathan James, Claimant

Kellogg, Jason Kenneth, Attorney for Todd Benjamin International, Ltd. and Todd
Benjamin

Kelley & Fulton, P.A., Attorneys for Claimant, Lease Corporation of America

Lease Corporation of America, Claimant

Leggett, Jaime B., Attorney for Armand Zohari, Tritium Fund, Hsueh-Feng Tseng,
and Fide Funds Growth

Levine Kellogg Lehman Schneider & Grossman, Counsel for Todd Benjamin
International, Ltd. and Todd Benjamin

McIntosh, Elizabeth G., Attorney for Jonathan E. Perlman, Receiver

Moot, Stephanie N., Attorney for Securities and Exchange Commission

Mora, Martha Rose, Attorney for Respondent, Ocean Bank

Morgan, Lewis & Bockius LLP, Attorneys for Clearstream Banking S.A.

Ocean Bank, Non-Party Respondent

Paycation Travel, Inc., Claimant

Pearson, Katharine Lucy Bladen, Cayman Island Attorney for Appellants

Perlman, Jonathan, E., Receiver

Roldan Cora, Javier A., Attorney for Clearstream Banking S.A.

TCA Fund Management Group Corp., Defendant, Receivership Entity

TCA Global Credit Fund GP, Ltd., Defendant, Receivership Entity

TCA Global Credit Fund, L.P., Defendant, Receivership Entity

TCA Global Credit Fund, Ltd., Defendant

TCA Global Credit Master Fund, L.P., Defendant

TCA Global Lending Corp.

Tritium Fund, Claimant

Tseng, Hsueh-Feng, Claimant

Todd Benjamin International, Ltd., Claimant

U.S. Securities and Exchange Commission, Plaintiff

Valente, Charles A., Attorney for AW Exports Pty Ltd, Warwick Broxom, and

Jonathan James Kaufman

van de Linde, Peter, Claimant

Verges, Teresa, Attorney for Securities and Exchange Commission

Xstream Travel, Inc., Claimant

Zohari, Armand, Claimant

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Appellants, Eleanor Fisher and Tammy Fu, in their capacity as Foreign Representatives of Relief Defendant, TCA Global Credit Fund, Ltd., state that, to the best of their knowledge based on the information in their possession, there is no parent corporation or any publicly held corporation that owns 10% or more of its stock.

ARGUMENT

Pursuant to Federal Rule of Appellate Procedure 31, and Eleventh Circuit Rule 31-2(d), Appellants, Eleanor Fisher and Tammy Fu, in their capacity as Foreign Representatives of Relief Defendant, TCA Global Credit Fund, Ltd. (collectively, “Appellants”), request a 14-day extension of time to file each their Initial Brief and Appendix in Support of their Initial Brief: through and including March 2, 2023, for their Initial Brief; and through and including March 9, 2023, for their Appendix. In support of this unopposed motion, Appellants state as follows.

1. This appeal arises out of the District Court’s August 4, 2022 Order granting the court-appointed Receiver’s Motion for Approval of Distribution Plan and First Interim Distribution, as amended by the District Court’s September 2, 2022 Order granting Appellants’ Motion to Alter or Amend pursuant to Federal Rule of Civil Procedure 59(e) Motion.

2. Appellants’ Initial Brief is presently due on February 16, 2023, and the Appendix on February 21, 2023.

3. Appellants require additional time to complete the Initial Brief and prepare the Appendix in Support.

4. Undersigned counsel are the attorneys with principal responsibility for the preparation of the Initial Brief and Appendix, and are heavily engaged with other active matters with proximate due dates.

5. Throughout the period of time since the present deadline for the filing of the Initial Brief was established by this Court, undersigned counsel have had a series of filing and other deadlines in active multi-party litigation pending before the United States Bankruptcy Court for the Southern District of Florida:

- a. *Stower and Robinson, as Foreign Representatives of Premier Assurance Group SPC LTD v. Lyncpay LLC et al.*, Adv. Pro. No. 22-02159-RAM (*In re Premier Assurance Group SPC LTD*, Case No. 20-230-RAM), and
- b. *Stower and Robinson, as Foreign Representatives of Premier Assurance Group SPC LTD v. Leonardo L. Cornide, et al.*, Adv. Pro. No. 22-02160-RAM (*In re Premier Assurance Group SPC LTD*, Case No. 20-230-RAM).

6. Additionally, the nature and importance of the cross-border insolvency issues presented in this appeal require substantial input from and coordination with the Cayman Islands-based clients and their counsel in the Cayman Islands liquidation proceeding relating to this appeal.

7. Barring unforeseeable circumstances, this Motion requesting an additional fourteen (14) days, through and including March 2, 2023, shall constitute Appellants' final request for enlargement of the time period for filing the Initial Brief.

8. This motion is made in good faith and not for the purpose of delay. No party, including the Appellees, will be prejudiced by the requested extension.

9. Counsel for both the Receiver and the SEC have indicated that they do not oppose the relief sought in the instant motion.

WHEREFORE, for good cause and compelling reasons having been shown, Appellants, Eleanor Fisher and Tammy Fu, in their capacity as Foreign Representatives of Relief Defendant, TCA Global Credit Fund, Ltd., respectfully request that this Court grant a 14-day extension of time for the filing of Appellants' Initial Brief through and including March 2, 2023, and for the Appendix in Support, through and including March 9, 2023.

Respectfully submitted this 8th day of February, 2023.

BAKER & MCKENZIE LLP
Attorneys for the Appellants
Sabadell Financial Center
1111 Brickell Ave., Suite 1700
Miami, Florida 33131
Telephone: (305) 789-8900
Facsimile: (305) 789-8953

By: /s/ Mark D. Bloom
Mark D. Bloom (Fla. Bar No. 303836)
John R. Dodd (Fla. Bar No. 38091)
Email: mark.bloom@bakermckenzie.com
john.dodd@bakermckenzie.com

**CERTIFICATE OF COMPLIANCE WITH
TYPEFACE AND TYPE-STYLE REQUIREMENTS**

I certify that this document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6).

/s/ Mark D. Bloom
Mark D. Bloom

CERTIFICATE OF SERVICE

I certify that on February 8th, 2023, I electronically filed the foregoing document with the Clerk of Court using CM/ECF, and entered the required information on the web-based CIP system on the Court's website. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties in the manner specified, either via transmission of 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/ Mark D. Bloom
Mark D. Bloom