

**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.

**RECEIVER’S UNOPPOSED MOTION TO CONSOLIDATE AND RETITLE
RECEIVERSHIP BANK ACCOUNTS**

Jonathan E. Perlman, Esq., court-appointed receiver (the “Receiver”) over the Receivership Entities,¹ by and through undersigned counsel, hereby files this Motion to Consolidate and Retitle Receivership Bank Accounts (the “Motion”) and states as follows:

1. On May 11, 2020, the Securities and Exchange Commission (“SEC”) filed its Complaint for Injunctive Relief against TCA Fund Management Group, Corp., TCA Global Credit Fund GP, LTD., (“Receivership Defendants”), and TCA Global Credit Fund, LP, TCA Global Credit Fund, LTD., and TCA Global Credit Master Fund, LP (“Relief Defendants”) (collectively, the “Defendants”) [ECF No. 1] and a Motion for Appointment of Receiver [ECF No. 3].

2. That same day, this Court granted the SEC’s Motion for Appointment of Receiver and appointed Jonathan E. Perlman, Esq., of the Genovese Joblove & Battista, P.A. law firm (“GJB”), as permanent Receiver over the Receivership Entities (the “Appointment Order”) [ECF No. 5]. On December 22, 2022, this Court entered an order authorizing the substitution of Venable

¹ All terms not specifically defined herein have the meaning ascribed to them in the SEC’s Motion for Appointment of Receiver [ECF No. 3] and the Court’s Appointment Order [ECF No. 5], and the Court’s First Expansion Order [ECF No. 16].

LLP, which the lawyers of GJB, including the Receiver, joined effective January 1, 2023, as Counsel for the Receiver. [ECF Nos. 324, 325].

3. The Appointment Order provides that “[f]or each of the Receivership Entities, the Receiver shall establish one or more custodial accounts at a federally insured bank to receive and hold all cash equivalent Receivership Property (the “Receivership Funds”). [*Id.* at ¶ 29].

4. Moreover, “[t]he Receiver’s deposit account shall be titled, together with the name of the action:

- A. Receiver’s Account, Estate of TCA Fund Management Group Corp.
- B. Receiver’s Account, Estate of TCA Global Credit Fund GP, Ltd.
- C. Receiver’s Account, Estate of TCA Global Credit Fund, LP
- D. Receiver’s Account, Estate of TCA Global Credit Fund, Ltd.
- E. Receiver’s Account, Estate of TCA Global Credit Master Fund, LP.”

[*Id.* at ¶ 30].

5. Paragraph 35 of the Appointment Order states that “[t]he Receiver shall take all steps necessary to enable the Receivership Funds to obtain and maintain the status of a taxable ‘Settlement Fund,’ within the meaning of Section 468B of the Internal Revenue Code and of the regulations, when applicable.” [*Id.* at ¶ 35].

6. As directed by the Appointment Order, the Receiver established receivership accounts with the above titling (even though one of the entities had no cash).

7. In order to comply with this Court’s directive that the Receivership Funds be maintained as a taxable “Settlement Fund” under Section 468B of the Internal Revenue Code (aka “Qualified Settlement Fund”), the Receiver, in consultation with his tax professionals, has determined that it is in the best interests of the Receivership Estate for tax benefit purposes to

CASE NO. 20-CIV-21964-CMA

consolidate accounts under the name “TCA Global Credit Qualified Settlement Fund” or the like, which will be maintained under an Employer Identification Number the Receiver previously obtained from the Internal Revenue Service for this purpose.

8. Accordingly, the Receiver seeks the Court’s approval to consolidate and deposit the monies currently held in the Receivership accounts into account(s) titled “TCA Global Credit Qualified Settlement Fund” or the like, all of which will use the Employer Identification Number established for this purpose.

WHEREFORE, Receiver, Jonathan E. Perlman, by and through undersigned counsel, respectfully requests that this Honorable Court grant the Motion, including authorizing the Receiver (1) to consolidate or deposit the monies currently held in the Receivership accounts into account(s) titled “TCA Global Credit Qualified Settlement Fund” or the like, (2) to use the Employer Identification Number obtained for this purpose for the accounts and tax filing purposes as the Receiver and his professionals deem appropriate, and (3) for such other relief as this Court deems just and proper.

S.D. Fla. L.R. 7.1(A)(3) CERTIFICATE OF CONFERENCE

Undersigned counsel hereby certifies that counsel for the Receiver, Elizabeth G. McIntosh, conferred with counsel for the SEC, Stephanie Moot, on April 4, 2023, regarding the requested relief and is authorized to represent that the SEC has no objection to the relief requested herein.

VENABLE LLP
Attorneys for Jonathan E. Perlman, Receiver
100 Southeast 2nd Street, Suite 4400
Miami, Florida 33131
Telephone: (305) 349-2300
Facsimile: (305) 349-2310

By: /s/Elizabeth G. McIntosh
Elizabeth G. McIntosh, Esq.
Florida Bar No. 1011555
egmcintosh@venable.com

CASE NO. 20-CIV-21964-CMA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via CM/ECF Notification to all parties and notification of such filing to all CM/ECF participants in this case on the 4th day of April, 2023.

/s/ Elizabeth G. McIntosh

Elizabeth G. McIntosh, Esq.

SERVICE LIST

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

Paul Joseph Battista, Esq.
pjbattista@venable.com
Michael A Friedman, Esq.
mafriedman@venable.com
Gregory M. Garno, Esq.
gmgarno@venable.com
John H. Genovese, Esq.
jhgenovese@venable.com
Brett M. Halsey, Esq.
bmhalsey@venable.com
Heather L. Harmon, Esq.
hlharmon@venable.com
Eric Jacobs, Esq.
edjacobs@venable.com
Elizabeth G. McIntosh, Esq.
egmcintosh@venable.com
Jonathan Perlman, Esq.
jeperlman@venable.com
Venable LLP
100 Southeast 2nd Street, Suite 4400
Miami, Florida 33131
*Attorneys for Jonathan E. Perlman,
Receiver*

Andrew O. Schiff, Esq.
schiffa@sec.gov
Stephanie N. Moot, Esq.
moots@sec.gov
801 Brickell Avenue, Suite 1950
Miami, Florida 33131
*Attorneys for Plaintiff Securities and
Exchange Commission*

James J. Webb, Esq.
jwebb@mitrani.com
Mitrani, Rynor, Adamsky & Toland, P.A.
1200 Weston Road, PH
Weston, FL 33326
*Attorneys for Interested Parties Krystal
Lazares-Scaretta, Robert A. Scaretta and
American Gold Rush, LLC*

Andrew Fulton , IV, Esq.
andrew@kelleylawoffice.com

Brian S. Dervishi, Esq.
bdervishi@wdpalaw.com

Craig Vincent Rasile
crasile@mwe.com

Gerald Edward Greenberg, Esq.
ggreenberg@gsgpa.com

Gregg Alan Steinman
gsteinman@sflp.law

Mark David Bloom, Esq.
mark.bloom@bakermckenzie.com

Martha Rosa Mora, Esq.
mmora@arhmf.com

Michael David Heidt, Esq.
mheidt@aol.com

**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.

**ORDER GRANTING RECEIVER'S UNOPPOSED MOTION TO CONSOLIDATE AND
RETITLE RECEIVERSHIP BANK ACCOUNTS**

THIS CAUSE, having come before the Court upon Jonathan E. Perlman, as court-appointed Receiver's (the "Receiver"), Motion to Consolidate and Retitle Receivership Bank Accounts (the "Motion"), and the Court having reviewed the file and the pleadings, being informed that the relief sought therein is unopposed, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that:

1. The Motion is **GRANTED**.
2. The Receiver is authorized to consolidate or deposit the monies currently held in the Receivership accounts into account(s) titled "TCA Global Credit Qualified Settlement Fund" or the like.
3. The Receiver is authorized to use the Employer Identification Number obtained for this purpose for the accounts and tax filing purposes as the Receiver and his professionals deem appropriate.

DONE AND ORDERED, in chambers at Miami, Florida, this ___ day of April, 2023.

HONORABLE CECILIA M. ALTONAGA
United States District Judge