### UNITED DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:20-cv-21964-CMA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

TCA FUND MANAGEMENT GROUP CORP., and TCA GLOBAL CREDIT FUND GP, LTD.,

Defendants, and

TCA GLOBAL CREDIT FUND, LP, TCA GLOBAL CREDIT FUND, LTD, and TCA GLOBAL CREDIT MASTER FUND, LP,

Relief Defendants.

## RECEIVER'S NOTICE OF FILING DECLARATION OF JONATHAN E. PERLMAN IN COMPLIANCE WITH THIS COURT'S AUGUST 31, 2023 ORDER

Jonathan E. Perlman, Esq., court-appointed Receiver (the "Receiver") over Defendants TCA Fund Management Group Corp. and TCA Global Credit Fund GP, Ltd., and Relief Defendants TCA Global Credit Fund, LP, TCA Global Credit Fund, Ltd., and TCA Global Credit Master Fund, LP (collectively the "Receivership Entities"), by and through undersigned counsel, files the attached Declaration of Jonathan E. Perlman in compliance with this Court's August 31, 2023 Order on Receiver's Motion for (i) Approval of Settlement among Receiver, Class Plaintiffs, and the Former Officers and Directors; (ii) Approval of Form, Content, and Manner of Notice of Settlement and Bar Order; (iii) Entry of Bar Order; and (iv) Scheduling a Hearing; with Incorporated Memorandum of Law. [DE 371].

Respectfully submitted,

Jonathan E. Perlman, Esq. Florida Bar No. 773328 <u>iperlman@venable.com</u> Receiver for the Receivership Entities

-and-

VENABLE LLP *Attorneys for Jonathan E. Perlman, Receiver* 100 Southeast 2nd Street, Suite 4400 Miami, Florida 33131

By: /s/Elizabeth G. McIntosh
Gregory M. Garno, Esq., FBN 87505
ggarno@venable.com
Elizabeth G. McIntosh, Esq., FBN 101155
emcintosh@venable.com

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that 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 on all counsel of record identified on the attached Service List via transmission of Notices of Electronic Filing generated by CM/ECF this 20th day of October, 2023.

/s/Elizabeth G. McIntosh
Attorney

#### **SERVICE LIST**

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

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#### 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.,

1	Defendants.	
		/

#### DECLARATION OF JONATHAN E. PERLMAN, ESQ.

The undersigned, Jonathan E. Perlman, as Receiver, declares under penalty of perjury as follows:

- 1. My name is Jonathan Perlman, I am over the age of 18, and competent to make this Declaration in compliance with Section 2(c) of this Court's Order (the "Order") [ECF No. 371] on the Receiver's Motion for (i) Approval of Settlement among Receiver, Class Plaintiffs, and Former Officers and Directors; (ii) Approval of Form, Content, and Manner of Notice of Settlement and Bar Order; (iii) Entry of Bar Order; and (iv) Scheduling a Hearing; with Incorporated Memorandum of Law [ECF No. 369] (the "Settlement Motion").1
- 2. I have personal knowledge of the matters stated in this Declaration, and if called as a witness I could and would testify to such matters.
- 3. I am a partner at Venable, LLP and was appointed by this Court as Receiver over TCA Fund Management Group Corp., TCA Global Credit Fund GP, Ltd., TCA Global Credit Fund, LP, TCA Global Credit Fund, LP, TCA Global Credit Fund, LP, and TCA Global

<sup>&</sup>lt;sup>1</sup> All terms not specifically defined herein have the meaning ascribed to them in the Settlement Motion.

Lending Corp. (collectively, the "Receivership Entities").

- 4. In connection with the Settlement Motion, my counsel filed a motion seeking this Court to approve the form, content, and notice of the settlement reached with the Receiver, the former officers and directors for the Receivership Entities, and putative class representatives Todd Benjamin International, Ltd. and Todd Benjamin (the "Class Plaintiffs"). The Order approved the form and content of the Notice of Settlement and Bar Order (the "Notice"). See [ECF No. 369-3]. The Order further directed that I provide, within ten (10) days, notice of the proposed settlement and hearing set on the Settlement Motion for October 25, 2023 by electronic mail and/or U.S. Mail to:
  - i. all counsel who have appeared of record in the SEC Action and all parties who have appeared in the SEC Action who are not represented by counsel;
  - ii. all counsel who are known by the Receiver to have appeared of record in (1) the Class Action or (2) in any legal proceeding or arbitration commenced by or on behalf of any of the Receivership Entities or any individual investor or putative class of investors seeking relief against any person or entity relating in any manner to the Receivership Entities or the subject matter of the SEC Action or the Class Action;
  - iii. all known investors in each and every one of the Receivership Entities;
  - iv. all known non-investor creditors of each and every one of the Receivership Entities that submitted a claim form;
  - v. all creditors of any Receivership Entity to whom the Receiver has previously sent a claim form; and
  - vi. the former owners, officers, directors, and senior management employees of the Receivership Entities identified in Exhibit "E" [ECF No. 369-5] to the Motion.

[ECF No. 371 at 2(a)].

5. The Order further directed that the Notice be published in the Wall Street Journal and on the Receivership website (<a href="www.tcafundreceivership.com">www.tcafundreceivership.com</a>) no later than ten (10) days after entry of the Order. [*Id.* at 2(b)].

- 6. Pursuant to Section 2(c) of the Order, my professionals and I complied with the August 31, 2023 Order, and we have maintained records confirming same.
- 7. My professionals served the Notice on all counsel who have appeared of record in the SEC Action and all parties who have appeared in the SEC Action who are not represented by counsel. Specifically, the Notice was sent by email on September 7, 2023, to all counsel and all parties who have appeared of record in the SEC Action.
- 8. My professionals also served the Notice on all counsel who are known by the Receiver to have appeared of record in (1) the Class Action or (2) in any legal proceeding or arbitration commenced by or on behalf of any of the Receivership Entities or any individual investor or putative class of investors seeking relief against any person or entity relating in any manner to the Receivership Entities or the subject matter of the SEC Action or the Class Action, as follows:
  - a. The Notice was sent by email on September 7, 2023, to all counsel in the Class Action.
  - b. The Notice was sent by email on September 7, 2023, to all counsel in *TCA Global Credit Master Fund, L.P. v. Preferred Secured Agents, Inc. d/b/a Sprockets Retail*, Broward County CACE 15-000552 (18);
  - c. The Notice was sent by email on September 7, 2023, to all counsel in *TCA Global Credit Master Fund*, *L.P. v. Paycation Travel, Inc., Montbriar Inc., et al.*, Broward County CACE 16-019532 (02);
  - d. The Notice was sent by email on September 7, 2023, to all counsel in *Big Rhino Corp. v. TCA Global Credit Master Fund*, Arizona CV2017-003585;
  - e. The Notice was sent by email on September 7, 2023, to all counsel in *TCA Global Credit Master Fund*, *L.P. v. American Gold Rush*, et al., Broward County CACE 17-021221 (03);
  - f. The Notice was sent by email on September 7, 2023, to all counsel in *Intelligent Highway Solutions, Inc. v. TCA Global Credit Master Fund, L.P. v. Cresent Construction Company, Inc., Philip Kirkland, and William D. Jones*, Broward County CACE 18-000934 (02);

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- g. The Notice was sent by email on September 7, 2023, to all counsel in *TCA Global Credit Master Fund, L.P. v. Medytox Solutions, Inc., Health Technology Solutions, Inc., f/k/a Medytox Information Technology, Inc., et al.*, Broward County CACE-18-018385 (21);
- h. The Notice was sent by email on September 7, 2023, to all counsel in *TCA 4675 NW 103 Avenue Sunrise, LLC vs. RZNK 2 LLC, et al.*, Broward County CACE 18-019377 (09);
- i. The Notice was sent by email on September 7, 2023, to all counsel in *TCA Global Credit Master Fund, L.P. v. Keith Eric Petron, Broward Collision Truck and Auto Repair Center, LLC, et al.*, Broward County CACE 18-24831 (14);
- j. The Notice was sent by email on September 7, 2023, to all counsel in TCA Global Credit Master Fund, L.P. v. Groupe Mercator Transport US, Inc., 8894132 Canada, Inc., 8895791 Canada, Inc., Broward County CACE 19-000406 (14);
- k. The Notice was sent by email on September 7, 2023, to all counsel in *Alliance Holdco v. TCA Broward Collision, LLC*, Broward County COSO 19-4553 (61);
- 1. The Notice was sent by email on September 7, 2023, to all counsel in *Atlantic Southern v. Broward Collision, Inc., et al.*, Broward County CACE 19-14792 (3);
- m. The Notice was sent by email on September 7, 2023, to all counsel in *Alliance Holdco v. TCA Broward Collision, LLC*, Broward County CACE 19-20581 (13);
- n. The Notice was sent by email on September 7, 2023, to all counsel in *Alliance Holdco v. TCA Broward Collision, LLC, et al.*, Broward County CACE 20-1309 (09);
- o. The Notice was sent by email on September 7, 2023, to all counsel in *Lease Corp.* v. TCA Broward Collision, et al., Broward County CACE 20-4385 (21);
- p. The Notice was sent by email on September 7, 2023, to counsel for TCA as Creditor to Australia Worldwide and Pieface Australia;
- q. Counsel in *TCA Global Credit Master Fund, L.P. v. Roswell Jeep Eagle, Inc., d/b/a The Pre-Owned Jeep Store*, Fulton County, GA 2015-CV-268155, was served with the Notice by email on September 7, 2023, and by U.S. Mail on September 11, 2023;
- r. Counsel in TCA Global Credit Master Fund, L.P. v. Peak Peh, LLC d/b/a Peak Services, et al., Broward County CACE 17-004886 (05), was served with the Notice by U.S. mail on September 6, 2023, except Carl F. Schoeppl, who was

- served by email on September 7, 2023. The Notice sent to Peak Peh, LLC was returned to sender;
- s. In *TCA Global Credit Master Fund L.P. v. Lonnie Moss, Misty Moss, Renee Welch*, Fulton County, GA 2017-CV-297030, the Notice was sent by U.S. Mail to Misty and Lonnie Moss on September 6, 2023. Charles Jackson Cole, Charles Neil Kelley, Jr., and Dana B. Miles were served with the Notice via email on September 7, 2023. The Notice was additionally served on Molly M. Anderson, Lonnie Moss, and Misty Moss, via email, on September 11, 2023;
- t. In TCA Global Credit Master Fund, L.P. v. 1200 Wolcott St. of Waterbury LLC, Connecticut UWY-CV 18-6043552-S, the Notice was sent to Stokesbury, Shipman & Fingold, LLC and Thomas Kanasky, Jr. via U.S. Mail on September 6, 2023; Miguel A. Almodovar and Jeffrey B. Underweiser were served with the Notice via email on September 7, 2023;
- u. In Savings Bank of Danbury v. 1200 Wolcott St. of Waterbury, LLC, et al., Connecticut UWY-CV19-6046173-S, the Notice was sent to Stokesbury, Shipman & Fingold, LLC, Thomas Kanasky, Jr., and the United States Attorney's Connecticut office via U.S. Mail on September 6, 2023. The Notice was additionally sent to Barry Feigenbaum on September 7, 2023, by email.
- 9. My professionals served the Notice on all known investors in each and every one of the Receivership Entities, as follows:
  - a. The Notice was sent by U.S. Mail on September 6, 2023, to all investors, investor representatives, stakeholders, and interested parties whose email address is not known to the Receiver;
  - b. The Notice was sent to all known investors, investor representatives, stakeholders, and interested parties by email on September 7, 2023;

144 emails bounced back. On September 11, 2023, my professionals reviewed each bounced-back email to determine the reason for non-delivery. Emails bounced back for one of three reasons: (i) misspelled email address; (ii) network connectivity issues; or (iii) the email address was outdated and no longer in use. My team corrected the misspelled email addresses, found alternative email addresses for the outdated email addresses to the extent possible, and, to address network connectivity issues, resent the notice from <a href="mailto:TCAFundReceivership@Venable.com">TCAFundReceivership@Venable.com</a>, which uses a domain separate from <a href="mailto:receiver@tcafundreceivership.com">receiver@tcafundreceivership.com</a>.

Of the 144 bounced-back emails, my professionals found alternative email addresses for 45 investors and served the Notice on those alternative email addresses.

For 53 of the 144 bounced-back emails, my professionals were unable to find an alternative email address. However, my professionals were able to locate mailing addresses and the Notice was sent to those 53 addresses by U.S. Mail on September 11, 2023. Of those 53, seven were returned to sender.

My professionals were unable to find alternative email addresses or mailing addresses for 46 of the bounced-back emails. Additionally, of the 45 alternative email addresses my professionals were able to locate, 32 bounced back a second time.

In total, my professionals were able to obtain individual service of the Notice via email or U.S. Mail upon 59 of the 144 emails that initially bounced back.

- 10. My professionals served the Notice on all known non-investor creditors of each of the Receivership Entities that submitted a claim form to the Receiver, as follows:
  - a. On September 6, 2023, the Notice was sent by U.S. Mail to O'Brien Palmer, French Gerleman Electric Company, Vincent Primo on behalf of Primo Hot Tubs & Swim Spas, Inc., and Becker & Poliakoff, P.A. on behalf of Paycation Travel, Inc., Xstream Travel, Inc. and David Manning;
  - b. On September 7, 2023, the Notice was sent by email to Carnegie Fund Services S.A., AW Exports Pty LTD, Richard Scarrott, Underweiser & Underweiser LLP, Fox Rothschild, Stig Gjerlaug on behalf of BEAST Energy Services, Inc., Kenneth Perkins of Winston & Strawn on behalf of EdisonLearning Inc., and Cuccia Wilson, PLLC on behalf of Paycation Travel, Inc., Xstream Travel, Inc., and David Manning;
  - c. Copies of the Notice were additionally sent by U.S. Mail to Cuccia Wilson, PLLC and Carnegie Fund Services S.A. on September 11, 2023.
- 11. My professionals served the Notice on all creditors of any Receivership Entity to whom the Receiver has previously sent a claim form, as follows:
  - a. Excluding the creditors that submitted a claim form, the Notice was sent by U.S. Mail on September 6, 2023, to all potential creditors that received a claim form without an email address and whose mailing address is known by the Receiver;
  - b. For the other potential creditors that received a claim form, the Notice was sent by email on September 7, 2023.

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- 12. My professionals and those working with them served the Notice on all Former Owners, Officers, Directors, and Senior Management Employees of the Receivership Entities identified in Exhibit E [ECF No. 369-5] to the Motion.
  - a. On September 6, 2023, the Notice was sent by U.S. Mail to the addresses of 45 of the 51 former owners, officers, directors, and management employees of the Receivership Entities identified in Exhibit E [ECF No. 369-5];
  - b. With respect to the other six former owners, officers, directors, and management employees, the Notice was sent by U.S. Mail to four of the remaining six on September 7, 2023, and the fifth one on September 8, 2023;
  - c. Also on September 7, 2023, my team served the Notice via email on two of the above U.S. Mail recipients;
  - d. The one remaining individual identified in Exhibit E [ECF No. 369-5] was served by email on September 11, 2023;
  - e. Of the 51 individuals listed in Exhibit E [ECF No. 369-5] that were sent the Notice by U.S. Mail, seven were returned to sender.
- 13. My professionals published the Notice in the Wall Street Journal on September 8, 2023. See Exhibit A.
- 14. Lastly, my professionals published the Notice on the TCA Fund Receivership Website. Specifically, on September 6, 2023, the Notice, the Settlement Motion (with all exhibits) and the Order were uploaded to the Receiver's TCA Fund Receivership website's home page. *See*

#### Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct this day of October 2023.

Jonathan E. Perlman, Esq., Receiver

# Exhibit "A"



## Meta's Ad Blitz Proclaims Virtual Reality Already Here Focusing on the commercial aspects of the metaverse may open doors to less exciting but top tentially more lucrative uses of the technology, Kahn said. Previous metaverse-focused campaigns weren't unsuccessful, Meta executives said, adding that return on such investments aren't usually measured in unit sales but in metrics such as brand sentiment. The new strategy instead represents the next chapter in the story Meta has been trying to tell since it rebranded in 2021, Sherman said. "At the time, we articulated

Effort departs from previous sci-fi depictions of a fullfledged metaverse

By KATIE DEIGHTON

New ads from **Meta** Plat-forms replace earlier cam-paigns' visions of a futuristic

forms replace earlier cam-paigns' visions of a futuristic metaverse with scenes depict-ing virtual reality as a real, present-day and even prosaic technology.

In one video from the cam-paign, which is dubbed "The Impact is Real," welders prac-tice welding with virtual met-als, doctors rehearse surgeries on virtual eyeballs, and the English soccer player Marcus Rashford uses VR to stay con-nected to the pitch when re-covering from an injury.

Meta hopes the campaign, which is slated to run in the U.S. and Europe across televi-sion, podcasts, email newslet-tent and the properties of the con-pression virtual or virtual or virtual or real virtual or augmented real-ing virtual or augmented real-

ity, according to Rob Sherman, Meta's vice president overseeing policy at its Reality Labs unit. Internal research found that too many people still associate virtual reality purely with videogaming, Meta executives said.

But the campaign alos aims to remind executives, governments and general consumers ments and pela people see what our vision is, so they can anticipate it and participate."

The ads represent a change of tack in Meta's ongoing efforts to sell its grand vision of the metaverse to investors, governments, business customers and consumers, many of whom remain skeptical the company was wise to be it is valuation on a future society appetite for virtual and augmented reality technologies.

The campaign also comes a deal of the metaverse technologies.

"Meta's 2022 Super Bowl ad, which was released months after a placed its chips on the relative point of the peddle the metaverse through advertising.

Heat's 2022 Super Bowl ad, which was released months after a placed its chips on the relative point of the peddle the metaverse through advertising.

The ads represent a change of tack in Meta's noging effects, and the proposed in the proposed in the place of the metaverse to investors and lead possible and mate six and help people see what our vision is, so they can anticipate it and pleaf people see what our vision is, so they can always the possible and mate six and help people see what our vision is, so they can anticipate it and perfect the metaverse and the proposed its proposed in the propos

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THE HIGH COURT
COMMERCIAL
RECORD NO. 2023 NO. 26 COS
IN THE MATTER OF HORIZON THERAPEUTICS PLC AND IN THE MATTER OF SECTIONS 449 TO 454 OF THE COMPANIES ACT 2014

AND
IN THE MATTER OF THE COMPANIES ACT 2014
AND
IN THE MATTER OF THE IRISH TAXEOVER PANEL
ACT 1997

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#### Amazon's 'Thursday Night Football' Data

Nielsen to Exclude

Nielsen said it wouldn't in-clude viewership data for "Thursday Night Football"

clude viewership data for "Thursday Night Football" from Amazon.com's Prime Video streaming platform in its ratings reports for now, because the move wasn't approved by the independent because the move wasn't approved by the independent of the property of the property of the Marzon and the National Football League, which had lobbied Nielsen aggressively to include first-party data for "Thursday Night Football," and a win for other network that carry the NFL and fought against the change. Spokesmen for Amazon and the NFL declined to comment. 
"Our work with Nielsen on the integration of first party data sources into its national measurements is ongoing," said the Media Rating Coun tatandrais and becses Nielsen

measurements is ongoing, said the Media Rating Council, which sets measurement standard and blesses Nielsen did to the said of the said of

growing impact of streaming" and that measurement needed to evolve. It was to be the first time Nielsen would use a company's own data along with its independent research to publicly report ratings

ratings.

Networks including Disney's ESPN, Paramount Global's CBS and Fox all publicly expressed concern about Nielsen's plans to incorporate Amazon data after a Wall Street Journal article on the matter.

Amazon data after a Wall Street Journal article on the matter.

Nielsen, which is owned by Elliott Management, isn't closing the door on the concept, saying its goal is to continue moving forward in its plans to eventually incorporate first-party data and addressing the concerns raised by other networks.

The biggest issue for the networks was that Amazon's analysis of its own audience doesn't match viewing patterns from other networks. Specifically, Amazon has more co-viewing—the average number of people gathered around the television to watch a game—than other networks' average and more out-of-home viewing.

Network executives and more out-of-home viewing.

Network executives cently met for three hours with the Media Rating Council, according to a person fiscal.

cil, according to a person fa-miliar with the matter. "We remain committed to adhering to the MRC's mea-surement standards," Nielsen said Thursday.



#### **The Marketplace**

UNITED DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO.: 1:20-cv-21964-CMA

FUND MANAGEMENT GROUP CORP., and TCA GLOBAL CREDIT FUND 64°, LTD.,
Defendants, and
GLOBAL CREDIT FUND, LP, TCA GLOBAL CREDIT FUND, LTD, and TCA GLOBAL CREDIT MASTER FUND, LP,

NOTICE OF PROCEEDINGS TO APPROVE: (1) SETTLEMENT AMONG RECEIVER, CLASS PLAINTIFFS, FORMER OFFICERS AND DIRECTORS; AND (2) BAR ORDER

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Geogory M. Garno, Esq.
VENABLE, LLP.
100 S.E. Socond Street, 44th Floor
Miami, Florida 33131
Tcl: 385-349-2300
Email: gmgarno@venable.com
Coussel for the Receiver

iteven Jeffrey Brodie, Esq. ARLTON FIELDS

or preminantly approximate and the control and such delection must be made in (II) approximate actions according to the control for the contro

Hearing without further notice.

This matter may affect your rights. You may wish to consult an atterney.

Defined terms used but not defined in this Notice are more fully defined in the Settlement Agr proposed Bar Order attached as Exhibit 2 thereto.

#### Challenges Apple

Sherman said.

"At the time, we articulated an end state 10 to 15 years out of what we thought this technology would do to transform the way that people interact in our society," he said. "Two years out, what we wanted to do is use this moment to look at the progress that the ecosystem has made."

Watch a Video Scan this code for a video on tech CEOs' efforts to create a 'super app.'

Huawei

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China ordered officials at central government agencies not to use Apple's iPhones or bring them into the office. The iPhone maker has dominated China's high-end phone market in recent years after tough U.S. sanctions limited chip supplies, and Huawei earlier abandoned plans to make phones with 5G, a cellular standard that enables far speedier connections. Millions of smartphone users around so smartphone users around

standard that enables tar speedier connections. Millions of smartphone users around the world have upgraded their devices as so-called fifth general target and the standard their connections and other new potential uses.

Now Huawei is fighting back, releasing a new phone in China with 56-like speeds and capabilities. The initial batch of the phone—the Mate 60 Proprieed at \$960 for presale—sold out within hours. Other buyers have placed orders for delivery later. The early fervor suggests Huawei could reclaim buyers it lost in China to Apple, which is due to unweil its latest iPhone next week.

#### over \$600



"The government ban and the new Huawei phone will be material events for the iPhone," said Martin Yang, an analyst at investment firm Oppenheimer. "The two combined will drive more Android users to upgrade to the Huawei," or iPhone users going back to Huawei." Yang said Apple could lose 10 million iPhone shipments in 2022 According to Counterpoint Research, so that figure point Research, so that figure and the company in recent years has relied on high-end device sales for outsize growth and profitability.

Apple is expected to release the iPhone IS next week, and profitability.

It remained unclear exactive what prompted China to restrict iPhone use, but some analysts suggested that a similar action in Russia might have helped prompt Beijing.

Willet Horne use, but some analysts suggested that a similar action in Russia might have helped prompted Epipoles.

While the voice of the Huave is the product's boxes say "satellite complained to a state of the product is a s



A Mate 60 Pro phone being tried out at a Shanghai store

#### **AFFIDAVIT**

STATE OF NEW JERSEY

) ss:

CITY OF MONMOUTH JUNCTION, in the COUNTY OF MIDDLESEX )

I, Ian Martin, being duly sworn, depose and say that I am the Advertising Clerk of the Publisher of THE WALL STREET JOURNAL, a daily national newspaper of general circulation throughout the United States, and that the notice attached to this Affidavit has been regularly published in THE WALL STREET JOURNAL for National distribution for

1 insertion(s) on the following date(s):

SEP-08-2023;

ADVERTISER: Venable LLP, Counsel for the Receiver Jonathan E. Perlman.;

and that the foregoing statements are true and correct to the best of my knowledge.

Sworn to before me this

day of September 2023

**Notary Public** 

Keith Oechsner **NOTARY PUBLIC** State of New Jersey ID # 50106528 **Commission Expires** June 10, 2024

TECHNOLOGY



### Meta's Ad Blitz Proclaims Virtual Reality Already Here

Effort departs from previous sci-fi depictions of a fullfledged metaverse

By KATIE DEIGHTON

New ads from **Meta** Plat-forms replace earlier cam-paigns' visions of a futuristic

forms replace earlier cam-paigns' visions of a futuristic metaverse with scenes depict-ing virtual reality as a real, present-day and even prosaic technology.

In one video from the cam-paign, which is dubbed "The Impact is Real," welders prac-tice welding with virtual met-als, doctors rehearse surgeries on virtual eyeballs, and the English soccer player Marcus Rashford uses VR to stay con-nected to the pitch when re-covering from an injury.

Meta hopes the campaign, which is slated to run ine-tics, and durocts, email newslet-ers and print, will pique the interest of software develop-ers in various sectors who may not have considered us-ing virtual or augmented real-

ity, according to Rob Sherman, Meta's vice president overseeing policy at its Reality Labs unit. Internal research found that too many people still associate virtual reality purply with videogaming, Meta executives said.

But the campaign alos aims to remind executives, governments and general consumers ments and general consumers and consumers, main portant for us to be transparent and help people see what our vision is, so they can anticipate it and participate."

The ads represent a change of tack in Meta's ongoing efforts to sell its grand vision of the metaverse to investors, governments, business customers and consumers, many of whom remain skeptical the company was wise to be tirs valuation on a future society's appetite for virtual and augmented reality technologies.

The campaign also comes a definition of the metaverse technology that exist is a different to the proposed of the metaverse to investors. The company later that the particular than the proposed of the metaverse through advertising.

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THE HIGH COURT
COMMERCIAL
RECORD NO. 2023 NO. 26 COS
IN THE MATTER OF HORIZON THERAPEUTICS PLC

AND IN THE MATTER OF SECTIONS 449 TO 454 OF THE COMPANIES ACT 2014

AND
IN THE MATTER OF THE COMPANIES ACT 2014
AND
IN THE MATTER OF THE IRISH TAXEOVER PANEL
ACT 1997

IN THE MATTER OF THE BOOM TAXABOVER SHALL MOTION IN THE MOTION IN THE PRINCIPLE AND ADDRESS AND THE MOTION IN THE PRINCIPLE AND ADDRESS AND THE MOTION IN THE PRINCIPLE AND THE MOTION IN THE PRINCIPLE AND THE PRINCIPLE AND THE MOTION IN THE PRINCIPLE AND THE MOTION IN THE PRINCIPLE AND THE PRINCIPLE

Focusing on the commercial aspects of the metaverse may open doors to less exciting but top tentially more lucrative uses of the technology, Kahn said. Previous metaverse-focused campaigns weren't unsuccessful, Meta executives said, adding that return on such investments aren't usually measured in unit sales but in metrics such as brand sentiment. The new strategy instead represents the next chapter in the story Meta has been trying to tell since it rebranded in 2021, Sherman said.

"At the time, we articulated

Sherman said.
"At the time, we articulated an end state 10 to 15 years out of what we thought this technology would do to transform the way that people interact in our society," he said. "Two years out, what we wanted to do is use this moment to look at the progress that the ecosystem has made."

#### Watch a Video



Scan this code for a video on tech CEOs' efforts to create a 'super app.'

#### Nielsen to Exclude Amazon's 'Thursday Night Football' Data

Nielsen said it wouldn't in-clude viewership data for "Thursday Night Football"

clude viewership data for "Thursday Night Football" from Amazon.com's Prime Video streaming platform in its ratings reports for now, because the move wasn't approved by the independent because the move wasn't approved by the independent of the property of the property of the Marzon and the National Football League, which had lobbied Nielsen aggressively to include first-party data for "Thursday Night Football," and a win for other network that carry the NFL and fought against the change. Spokesmen for Amazon and the NFL declined to comment. 
"Our work with Nielsen on the integration of first party data sources into its national measurements is ongoing," said the Media Rating Coun tatandrais and becses Nielsen

measurements is ongoing, said the Media Rating Council, which sets measurement standard and blesses Nielsen did the set of the set o

growing impact of streaming" and that measurement needed to evolve. It was to be the first time Nielsen would use a company's own data along with its independent research to publicly report ratings

ratings.

Networks including Disney's ESPN, Paramount Global's CBS and Fox all publicly expressed concern about Nielsen's plans to incorporate Amazon data after a Wall Street Journal article on the matter.

Amazon data after a Wall Street Journal article on the matter.

Nielsen, which is owned by Elliott Management, isn't closing the door on the concept, saying its goal is to continue moving forward in its plans to eventually incorporate first-party data and addressing the concerns raised by other networks.

The biggest issue for the networks was that Amazon's analysis of its own audience doesn't match viewing patterns from other networks. Specifically, Amazon has more co-viewing—the average number of people gathered around the television to watch a game—than other networks' average and more out-of-home viewing.

Network executives and more out-of-home viewing.

Network executives cently met for three hours with the Media Rating Council, according to a person fiscal.

cil, according to a person fa-miliar with the matter. "We remain committed to adhering to the MRC's mea-surement standards," Nielsen said Thursday.



#### The Marketplace

UNITED DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO.: 1:20-cv-21964-CMA

FUND MANAGEMENT GROUP CORP., and TCA GLOBAL CREDIT FUND 64°, LTD.,
Defendants, and
GLOBAL CREDIT FUND, LP, TCA GLOBAL CREDIT FUND, LTD, and TCA GLOBAL CREDIT MASTER FUND, LP,

NOTICE OF PROCEEDINGS TO APPROVE: (1) SETTLEMENT AMONG RECEIVER, CLASS PLAINTIFFS, FORMER OFFICERS AND DIRECTORS; AND (2) BAR ORDER

BOILE OF PROCEEDINGS TO JAPONIC CLI STELLINEST AMONG RECIPER, CASS PLANITES.

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Geogory M. Garno, Esq.
VENABLE, LLP.
100 S.E. Socond Street, 44th Floor
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Tcl: 385-349-2300
Email: gmgarno@venable.com
Coussel for the Receiver

iteven Jeffrey Brodie, Esq. ARLTON FIELDS

or preminantly approximate and the control and such delection must be made in (II) approximate actions according to the control for the contro

Hearing without further notice.

This matter may affect your rights. You may wish to consult an atterney.

Defined terms used but not defined in this Notice are more fully defined in the Settlement Agr proposed Bar Order attached as Exhibit 2 thereto.

#### Huawei Challenges Apple

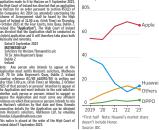
Continued from page B1 China ordered officials at cen-

China ordered officials at central government agencies not to use Apple's iPhones or bring them into the office. The iPhone maker has dominated China's high-end phone market in recent years after tough U.S. sanctions limited chip supplies, and Huawei earlier abandoned plans to make phones with 5G, a cellular standard that enables far speedier connections. Millions of smartphone users around so smartphone users around

standard that enables tar speedier connections. Millions of smartphone users around the world have upgraded their devices as so-called fifth general target and the standard their connections and other new potential uses.

Now Huawei is fighting back, releasing a new phone in China with 56-like speeds and capabilities. The initial batch of the phone—the Mate 60 Proprieed at \$960 for presale—sold out within hours. Other buyers have placed orders for delivery later. The early fervor suggests Huawei could reclaim buyers it lost in China to Apple, which is due to unweil its latest iPhone next week.

#### over \$600



"The government ban and the new Huswei phone will be material events for the Hohone," said Martin Yang, an analyst at investment firm Oppenheimer. "The two combined will drive more Android users to upgrade to the Huawei, or iPhone users going back to Huswei."

Yang said Apple could lose Ionilion iPhones in 2002, according to Counterpoint Research, so that figure in 2002, according to Counterpoint Research, so that figure in 2002, according to Counterpoint Research, so that figure in 2002, according to Counterpoint Research, so that figure in 2002, according to Counterpoint Research, so that figure in 2002, according to Counterpoint Seed to the seed to the counterpoint Research, so that figure in 2002, according to Counterpoint Research, so that figure in 2002, according to Counterpoint Research, so that figure in 2002, according to Counterpoint Ionical Seed Ionical S

technology.

While Huawei isn't calling its new device a 5G phone, tests by Chinese consumers and domestic testing agencies show it could reach a maximum download speed of 500 to 800 megabits a second. Such a speed would allow consumers to download a movie in high definition within a minute and far surpasses the speed limit of about 300 megabits a second for 4G networks.

Huawei has also highlighted features such as satellite communications that allow users to comect in areas without traditional mobile coverage, a calls—unlike Apple, which can only support messaging. The product's boxes say "satellite mobile terminal," instead of "digital mobile device," the phrase that was used for earlier phone products.

Industry watchers are debating how the Chinese telecom giant pulled off such a technological feat despite facing sanctions that restrict its access to U.S. chips and re-

technological feat despite fac-ing sanctions that restrict its access to U.S. chips and re-lated technologies. The pri-vately held Chinese company has stayed silent on the big-gest source of conjecture: the

phone's core processor and other key mobile chips. A state-owned newspaper touted the coming phone as the company's successful return to the 5G smartphone market.



A Mate 60 Pro phone being tried out at a Shanghai store

## Exhibit "B"

Subject:	Language for TCA website D&O settlement
From: Jim Zielinski < jim@zielins Date: Tuesday, Sep 05, 2023 at To: Prieto Ramos, Ally M. < AMP Subject: Re: Language for TCA v	11:24 PM <u>Prieto@venable.com</u> >
Caution: External Email	
Hi Ally,	
	nd live. Please let me know if you have any questions after you've had a chance to review. ase call or text 954.562.8865 any time after 8am, otherwise I will address emails asap.
Thank you	
Jim Zielinski Creative Director/Photographer	c (954) 562.8865 o (954) 532.3109 jim@zielinskicreative.com zielinskicreative.com zcprophoto.com
	Zielinski Creative Inc. 49 N Federal Highway #168 Pompano Beach, FL 33062

#### JONATHAN E. PERLMAN, RECEIVER

#### TCA FUND RECEIVERSHIP

United States District Court
Southern District of Florida
Case No. 20-CIV-21964-CIV-ALTONAGA/Goodman

DISTRICT COURT DOCUMENTS

APPELLATE COURT DOCUMENTS

**FAQs** 

#### WELCOME

This website has been created by the U.S. federal court-appointed receiver, Jonathan E. Perlman, Esq., the Receiver over TCA FUND MANAGEMENT GROUP CORP., TCA GLOBAL CREDIT FUND GP, Ltd., TCA GLOBAL CREDIT FUND, LP, TCA GLOBAL CREDIT FUND, Ltd., TCA GLOBAL CREDIT MASTER FUND, LP, and TCA GLOBAL LENDING CORP. to provide a source of information for investors and the public. We encourage interested persons to check the website frequently as it will be updated as new information is obtained.

You may also contact counsel for the Receiver Eric Jacobs, Jean-Pierre Bado or Elizabeth McIntosh of the law firm Genovese, Joblove & Battista, P.A., by using the contact information listed below.

#### TCA FUND RECEIVERSHIP

Jonathan E. Perlman, Esq. Receiver 100 SE 2nd Street, Suite 4400 Miami, Florida 33131

#### WEBSITE:

TCAFundReceivership.com

A final hearing on the Receiver's Motion to Approve: Settlement Among Receiver, Class Plaintiffs, Former Officer and Directors; and (2) Bar Order [ECF Nos. 369, 371] will take place before the Honorable Cecilia M. Altonaga, at the Wilkie D. Ferguson, Jr. United States Courthouse, 400 North Miami Avenue, Room 13-3, Miami, Florida, 33128, at 8:00 a.m. on Wednesday, October 25, 2023. At this time, the Court will consider final approval of the Settlement Agreement among the Receiver, the Class Plaintiffs, and the Former Officer and Directors, including the grant of releases and the issuance of the Bar Order. Any objection to the Settlement Agreement, the Motion. or any related matter, including, without limitation, entry of the Bar Order, must be filed, in writing, with the Court in the SEC Action, no later than Monday, September 25, 2023. For additional details and information, please see the Motion [ECF No. 369], Notice, and Order [ECF No. 371] below.

View Motion

view inolice

View Order

On May 11, 2020, the U.S. Securities and Exchange Commission ("SEC") filed a Complaint in the United States District Court for the Southern District of Florida. Securities and Exchange Commission v. TCA Fund Management Group Corp, et al., Case No. 20-CV-21964-CMA.

On May 11, 2020, U.S. District Court Judge Cecilia M. Altonaga appointed **Jonathan E. Perlman, Esq.,** a shareholder at Genovese, Joblove & Battista, P.A., to serve as Receiver over TCA Fund Management Group Corp. ("TCA"), TCA Global Credit Fund GP, Ltd. ("GP"), TCA Global Credit Fund, LP ("Feeder Fund LP"), TCA Global Credit Fund, Ltd. ("Feeder Fund Ltd."), TCA Global Credit Master Fund, LP ("Master Fund"), and TCA Global Lending Corp. ("Lending Corp.") (collectively referred to as the "Receivership Entities") and authorizing Mr. Perlman to take all actions to manage, maintain and/or wind-down the business operations of the Receivership Entities.

Complaint

#### RECENT DEVELOPMENTS

Receiver's Motion to Approve Settlement Agreement

#### View Motion

Notice of Proceedings to Approve (1) Settlement Among Receiver, Class Plaintiffs, Former Officers and Directors; and (2) Bar Order

#### View Notice

Order on Motion for Approval of Settlement

#### View Order

On June 30th the Receiver filed his Twelfth Quarterly Status Report

#### Twelfth Status Report

On February 13th the Receiver filed his Eleventh Quarterly Status Report

#### Eleventh Status Report

On November 29th the Receiver filed his Tenth Quarterly Status Report

#### Tenth Status Report

Order on Receiver's Motion for Approval of Creditor Distribution Plan

#### View Order

Receiver's Motion for Approval of Creditor Distribution Plan

View Motion

TOLL FREE:

1 (833) 984-1101 or Local: (305) 913-6731

#### FMAII ·

receiver@tcafund receivership.com Appointment Order

#### First Expansion Order

The Receiver filed his Motion for Approval of Distribution Plan and the First Interim Distribution Plan

#### Distribution Plan

On August 4, 2022, the Court entered an Order granting in part the Receiver's Distribution Plan. The Order overruled most objections and approved the Receiver's plan to distribute \$55.45 million to investors under a "rising tide" plan.

If objectors file an appeal, the distribution is likely to be delayed. Accordingly, the Receiver is unable to estimate when the distribution will be made at this time.

#### August 4 Order

On August 22, 2022, Receiver Jonathan E. Perlman filed his Motion for Approval of Creditor Distribution Plan and First Interim Distribution to Creditors (the "Motion"). [ECF No. 294]. The Motion outlines a Proposed Creditor Distribution Plan, along with a first interim distribution to creditors with allowed claims that would provide a 23.05% recovery for allowed claims. On August 25, 2022, the Court ordered that creditors having comments on the Proposed Creditor Distribution Plan's proposal to make distributions to creditors on a rising tide basis—on equal footing with defrauded investors-must file such comments with the Court and serve them on the Receiver at receiver@tcafundreceivership.com by September 26, 2022. All comments must also reference SEC v. TCA Fund Management, et al., 1:20-cv-21964-CMA.

Please continue to check back on this website for periodic updates and review the <u>Court Documents</u> page for a comprehensive listing of motions and orders issued by the Receivership Court.

On August 8, 2022, the Receiver filed his Ninth Quarterly Status Report

#### Ninth Status Report

On June 27, 2022, the Receiver filed his Sur-Sur-Reply in Further Support of Receiver's Motion For Approval of Distribution Plan

#### Sur-Sur-Reply

On June 9, 2022, the Receiver filed his Reply in Support of His Motion for Approval of Distribution Plan

#### Reply in Support of Motion

On June 9, 2022, the Receiver filed Declaration of Jennifer Colegate on Issues of Recognition

#### Declaration

On May 25, 2022, the Receiver filed his Eighth Quarterly Status Report

#### Eighth Status Report

On March 3, 2022 the Receiver filed Unopposed Motion to Approve Deadline

Motion to Approve Deadline

<u>District Court Documents</u> • <u>Appellate Court Documents</u> • <u>FAQs</u>