

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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**RECEIVER, JONATHAN E. PERLMAN'S, MOTION FOR AUTHORIZATION TO PAY  
EXISTING RECEIVERSHIP ENTITY CONSULTANTS IN THE ORDINARY COURSE**

COMES NOW, Jonathan E. Perlman, Esq., Court-Appointed Receiver (“Receiver”) of the Receivership Entities,<sup>1</sup> by and through undersigned counsel hereby files this Motion for Authorization to Pay Existing Receivership Entity Consultants in the Ordinary Course (“Motion”) and accordingly 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, “Defendants”). [ECF No. 1].

2. The SEC also filed an Expedited Motion for Appointment of Receiver. [ECF No. 3].

3. On the same day, the Court granted the motion and appointed Jonathan E. Perlman,

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<sup>1</sup> 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].

Esq., of the law firm Genovese Joblove & Battista, P.A. (“GJB”), as permanent Receiver over the Receivership Entities [ECF No. 5] (“Appointment Order”).

4. Pursuant to the Appointment Order, the Receiver is empowered to, among other things, “use Receivership Property for the benefit of the Receivership Estates, making payments and disbursements and incurring expenses as may be necessary or advisable in the ordinary course of business in discharging the Receiver’s duties” and “engage and employ persons in Receiver’s discretion to assist Receiver in carrying out Receiver’s duties and responsibilities...” *Id.* at § II ¶¶ 5.E & F.

5. Prior to the Receiver’s appointment, TCA Fund Management Group Corp. (“FMGC”) entered into several contractual agreements with certain independent contractors to provide management and consulting services to support the ongoing business operations of FMGC.

6. The Receiver and his consultants believe that it is in the best interests of the Receivership Estate to continue paying in the ordinary course the following individuals for their services rendered on behalf of the Receivership Entities’ ongoing business operations.

7. The Receiver seeks approval to pay the consulting fees for the following persons and entities (the “Consultants”) on the basis listed below:

- a. Miriam Cunningham provides Human Resource services to the Receivership Entities and charges an hourly rate of \$75 per hour to coordinate benefits and payroll processing for the remaining employees. Miriam Cunningham has outstanding invoices for June 2020 totaling \$1,200.
- b. IronOak Defense, Inc. historically provides all the information and technology solutions and services for the Receivership Entities and provides the employees with helpdesk support services. IronOak Defense, Inc. has outstanding invoices for

the May 12-31 and June 1-30, 2020 period in the amount of: \$5,225.55. Between \$4,400 and \$4,800 are ongoing expenses for the maintenance of IT services.

- c. Manuel Ocaranza, through Oaken Solutions, LLC, provides consulting services to FMGC's business operations on an hourly basis. The agreed upon rate is \$90 per hour. Manuel Ocaranza has outstanding invoices for the May 12-31 and June 1-30, 2020 period in the amount of: \$2,221.
- d. Dennis McIntosh provides consulting services to FMGC's business operations on an hourly basis. His current rate is \$150 per hour. Dennis McIntosh has outstanding invoices for the May 12-31 and June 1-30, 2020 period in the amount of: \$10,350.

8. As detailed above, the Consultants have outstanding invoices for services rendered for the months of May and June totaling \$18,996.55 in support the ongoing business operations of the Receivership Entities.

9. The Receiver has determined that the Consultants' services are needed for an additional period of time during the transition and that the agreements and prior invoices accurately and fairly reflect the value of the work performed on behalf of the Receivership Entities.

10. In order to facilitate the orderly transition of the ongoing business operations of the Receivership Entities, the Receiver requests that the continuing agreements between FMGC and the Consultants be approved on a *nunc pro tunc* basis as of May 11, 2020, and until such a time as the Receiver, in his discretion, terminates or amends the agreements.

WHEREFORE, Receiver, Jonathan E. Perlman, by and through his undersigned counsel respectfully requests that this Honorable Court grant the Motion to approve the contractual agreements with the Consultants and authorize the Receiver to continue pay their existing and future invoices in the ordinary course of business from the Receivership funds. A proposed order

for the Court's consideration is attached as Exhibit A.

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

I, Irina Sadovnic, Esq., hereby certify that counsel for the Receiver conferred with counsel for the SEC on July 22, 2020, via email regarding the requested relief and they authorized the Receiver to represent that the SEC does not oppose the relief sought.

GENOVESE JOBLOVE & BATTISTA, P.A.  
*Attorneys for Jonathan E. Perlman, Receiver*  
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By: /s/ Irina R. Sadovnic  
Irina R. Sadovnic, Esq., FBN 124502  
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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 22nd day of July, 2020.

By: /s/ Irina R. Sadovnic  
Irina R. Sadovnic, Esq.

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**[PROPOSED] ORDER GRANTING RECEIVER, JONATHAN E. PERLMAN'S,  
MOTION TO FOR AUTHORIZATION TO PAY EXISTING RECEIVERSHIP ENTITY  
CONSULTANTS IN THE ORDINARY COURSE**

THIS CAUSE, having come before the Court upon Jonathan E. Perlman, as Court-Appointed Receiver's ("Receiver") Motion for Authorization to Pay Existing Receivership Entity Consultants in the Ordinary Course ("Motion") [ECF No. \_\_]. The Court, having considered the Motion and being duly advised in the premises, it is ORDERED AND ADJUDGED that:

The Motion is GRANTED. The Receiver is authorized to make the payments listed in the Motion and to continue to make such payments in the ordinary course.

DONE AND ORDERED, in chambers at Miami, Florida, this \_\_ day of July, 2020.

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**CECILIA M. ALTONAGA**  
UNITED STATES DISTRICT JUDGE  
DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF FLORIDA