

**No. 22-13412-B**

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

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

*Appellants,*

v.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

*Appellee.*

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

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**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF OF  
APPELLANTS, ELEANOR FISHER AND TAMMY FU, IN THEIR CAPACITY AS FOREIGN  
REPRESENTATIVES OF RELIEF DEFENDANT, TCA GLOBAL CREDIT FUND, LTD.  
(IN OFFICIAL LIQUIDATION)**

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**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. (in Official Liquidation), 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 Winding Up 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 Legal Limited, 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., Former Attorneys for Jonathan E. Perlman,

Receiver<sup>1</sup>

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

Hall, Jason, Attorney for Credit Suisse

Harneys, Cayman Islands Counsel for Appellants

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

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<sup>1</sup> Genovese, Joblove & Battista, P.A. was acquired by Venable, LLP.

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 Islands 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

Venable, LLP, Attorneys for Jonathan E. Perlman, Receiver

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 21-day extension of time to file their Reply Brief through and including July 28, 2023. 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’ Reply Brief is presently due on July 7, 2023.

3. Appellants require additional time to complete the Reply Brief, which combines Appellants’ replies to the arguments raised in both the SEC’s Answer Brief and the Receiver’s Answer Brief into one omnibus brief.

4. Undersigned counsel are the attorneys with principal responsibility for the preparation of the Reply Brief, 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 Reply Brief was established by this Court, undersigned counsel have had a series of filing and other deadlines, and appearances in active and contentious litigation pending before the United States District and Bankruptcy Courts for the Central District of California and United States Bankruptcy Court for the Southern District of Florida, including:

- a. *Vitaly Ivanovich Smagin v. Ashot Yegiazaryan*, U.S. District Court, Central District of California Case No. 2:14-cv-09764-RGK-PLAx;
- b. *In re Vitaly Ivanovich Smagin*, U.S. Bankruptcy Court, Central District of California Case No. 2:21-bk-15342-BB;
- c. *Stower and Robinson, as Foreign Representatives of Premier Assurance Group SPC LTD v. Lyncpay LLC et al.*, U.S. Bankruptcy Court, S.D. Florida Adv. Pro. No. 22-02159-RAM (*In re Premier Assurance Group SPC LTD*, Case No. 20-230-RAM); and
- d. *Stower and Robinson, as Foreign Representatives of Premier Assurance Group SPC LTD v. Leonardo L. Cornide, et al.*, U.S. Bankruptcy Court, S.D. Florida Adv. Pro. No. 22-02160-RAM

(*In re Premier Assurance Group SPC LTD*, Case No. 20-230-RAM).

6. Undersigned counsel also have had multiple instances of work-related domestic and foreign travel in the time since the existing Reply Brief deadline was set by the Court.

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

8. Barring unforeseeable circumstances, this Motion requesting an additional twenty-one (21) days, through and including July 28, 2023, shall constitute Appellants' final request for enlargement of the time period for filing the Reply Brief.

9. Oral argument has not yet been set in this matter.

10. 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.

11. Counsel for both Appellees 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 21-day extension of time for the filing of Appellants' Reply Brief through and including July 28, 2023.

Respectfully submitted this 30th day of June, 2023.

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By: /s/ Mark D. Bloom  
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**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 June 30, 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