

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 20-CV-21964-Altonaga

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TCA FUND MANAGEMENT
GROUP, CORP.; *et. al.*

Defendants.

**RENEWED UNOPPOSED MOTION FOR ENLARGEMENT OF
TIME TO FILE RESPONSE IN OPPOSITION TO
RECEIVER'S CREDITOR CLAIM STATUS REPORT**

Creditors Paycation Travel, Inc., Xstream Travel, Inc., and David Manning (collectively the "Creditors"), through undersigned counsel and pursuant to Fed. R. Civ P. 6(b) and Local Rule 7.1(c) of this Court, move for entry of an Order extending the time within to file their Response to the Receiver's Creditor Claim Status Report by until April 14, 2023, and in support thereof, state as follows:

1. On May 11, 2020, the Securities and Exchange Commission ("SEC") filed a Complaint for Injunctive and Other Relief [ECF No. 1] (the "Complaint") in the United States District Court for the Southern District of Florida (the "Court") against Defendants FMGC and GP, and Relief Defendants Feeder Fund LP, Feeder Fund Ltd., and the Master Fund. The SEC also filed an Expedited Motion for Appointment of Receiver (the "Motion for Appointment"). [ECF No. 3].

2. Jonathan E. Perlman is the court-appointed Receiver (the "Receiver") over the Receivership Defendants TCA Fund Management Group Corp. ("FMGC") and TCA Global Credit

Fund GP, Ltd. (“GP”) (FMGC and GP are hereinafter referred to collectively as “Defendants”), Relief Defendants TCA Global Credit Fund, LP (“Feeder Fund LP”), TCA Global Credit Fund, Ltd. (“Feeder Fund Ltd.,” and with Feeder Fund LP, “Feeder Funds”), and TCA Global Credit Master Fund, LP (the “Master Fund”) (Master Fund, together with Feeder Funds, are the “Funds”), and Receivership Entity TCA Global Lending Corp. (“Lending Corp”) (Defendants, the Funds, and Global Lending are hereinafter referred to collectively as the “Receivership Entities”), pursuant to this Court’s order appointing the Receiver. [ECF No. 5].

3. On March 17, 2023, the Receiver filed a Receiver’s Creditor Claim Status Report (the “Report”). [ECF No. 342].

4. In part V. B. (pp. 18-19) of the Report, Receiver stated that Creditors “failed to file a claim as a creditor by the Claims Bar Date”, that Creditor’s counsels were “specifically mailed the creditor proof of claim form” and recommended that the “unfiled claim against the Receivership be disallowed and barred.” It is not clear to the Creditors whether the Receiver intended to treat the Report as a motion to bar Creditors’ claims, and for that reason, Creditors are planning to file objections to the Report.

5. Creditors disagree with the assertions contained within the Report, and intend to file a Response thereto.

6. Creditors request that the time for filing of responses be extended for 14 days, through and including April 14, 2023.

7. The purpose of the enlargement is for Creditors to gather additional information and work with counsel for the Receiver in good faith in an effort to narrow the issues contained within the Report as they relate to Creditors.

8. The request is being made in good faith and the brief extension will not cause an undue burden to any party.

9. The Motion was previously denied because the undersigned attached the proposed order to the motion but inadvertently did not email to chambers the text of the proposed order.

WHEREFORE, the Creditors respectfully request the entry of an Order extending the time for filing and serving responses to Receiver's Report through and including April 14, 2023.

LOCAL RULE 7.1 CERTIFICATE OF CONFERENCE BETWEEN COUNSEL

Prior to filing the instant Motion, undersigned counsel conferred with counsel for Receiver and can represent to the Court that the request for an enlargement of time until and including April 14, 2023 to Respond to the Report is unopposed.

Dated: April 3, 2023

Respectfully Submitted,

By: /s/ Evan B. Berger

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***Attorneys for Paycation Travel, Inc., Xstream
Travel, Inc. and David Manning***

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2023 a true and correct copy of the foregoing was served by the Court's CM/ECF system and by email to the Receiver via email at emcintosh@gjb-law.com.

By: /s/ Evan B. Berger

Evan B. Berger, Esq.

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**[PROPOSED] ORDER ON MOTION FOR ENLARGEMENT OF
TIME TO FILE RESPONSE IN OPPOSITION TO
RECEIVER'S CREDITOR CLAIM STATUS REPORT**

Having considered Creditors Paycation Travel, Inc., Xstream Travel, Inc., and David Manning's Motion for Enlargement of Time to File Response in Opposition to Receiver's Creditor Claim Status Report, and finding that good cause exists for the requested enlargement, and that the relief sought is unopposed, the Court hereby Orders and Adjudges that Creditors Paycation Travel, Inc., Xstream Travel, Inc., and David Manning shall have until and including April 14, 2023 to file their Response to the Claim Status Report.

SO ORDERED, this ____ of March, 2023.

THE HONORABLE CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record.