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 REPLY IN SUPPORT OF RECEIVER'S POSITION IN CREDITOR STATUS REPORT

Jonathan E. Perlman, Esq.
Florida Bar No. 773328
jeperlman@venable.com
Receiver for the Receivership Entities

-and-

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100 Southeast 2nd Street, 44th Floor
Miami, FL 33131
Tel: (305) 349-2300
Gregory M. Garno, Esq.
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gmgarno@venable.com
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trkleckley@venable.com
Attorneys for Jonathan E. Perlman, Esq., Receiver for the Receivership Entities

Jonathan E. Perlman, court-appointed 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") and 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"), TCA Global Credit Master Fund, LP (the "Master Fund") (Master Fund, together with Feeder Funds, are the "Funds"), and TCA Global Lending Corp. ("Global Lending") (Defendants, the Funds, and Global Lending are hereinafter referred to collectively as the "Receivership Entities"), respectfully submits this Reply brief in support of his Creditor Claim Status Report (the "Report"), filed on March 17, 2023 [ECF No. 342].

I. Background

On August 22, 2022, the Receiver filed his Motion for Approval of Creditor Distribution Plan and First Interim Distribution to Creditors [ECF No. 294]. Paycation was served with the motion and did not file an objection to it. On December 2, 2022, the Court overruled the lone objection and approved the Receiver's Creditor Distribution Plan [ECF No. 322]. As constructed by the Receiver and approved by this Court, the Receiver's Creditor Distribution Plan contained a number of safeguards in order to ensure creditors were afforded "due process of law" – in particular, giving <u>all</u> creditors (both known and unknown) notice and an opportunity to be heard. [*See* ECF No. 322 at 6-7.] However, once notice was provided according to the established procedure, the established "Claims Bar Date" (here, January 31, 2023) would forever bar creditors from seeking or receiving funds from the Receivership Estate, absent filing a timely claim prior to the Claims Bar Date. [*Id*. at 4.]

Despite filing its claim nearly two months after the passing of the Claims Bar Date, Paycation Travel, Inc., Xstream Travel, Inc., and David Manning (collectively, "Paycation") recognition and allowance of their delinquent claim, asserting that barring unfiled creditor claims

would "neither be fair nor equitable." [ECF No. 349 at 6.] As stated herein, such an argument does not resurrect Paycation's attempt to assert a time barred claim against the Receivership Estate.

II. This Court Set a Firm and Final Claims Bar Date for all Outstanding Creditor Claims, Which Extinguished and Barred Any Untimely Filed Claims

The Receiver proposed a final "timeline for the resolution of creditors' claims against the Receivership Entities" in his Creditor Distribution Plan. This timeline included:

- A sixty-day (60) window from the date of the order approving the Creditor Distribution Plan for creditors to file claims and establishing a Claims Bar Date.
- Publishing a notice regarding the Claims Bar Date in the *South Florida Sun Sentinel* and *The Wall Street Journal* for three business days within 10 days.
- Mail notice of the Claims Bar Date and proof of claim form to the last known address of all identified creditors.

[ECF No. 294 at 4]. This Court approved the proposed notice and Claims Bar Date after finding that they satisfied creditors' due process rights. [ECF No. 322 at 4, 6-7]. Specifically, this Court held that the "Creditor Distribution Plan satisfies the "notice" prong [of procedural due process] because it proposes a 60-day window for creditors to submit claims, during which time the Receiver will notify prospective creditors by publishing the details of the plan and the Claims Bar Date in the *Sun Sentinel* and *Wall Street Journal*, as well as by mailing the aforementioned information to each known creditor's last-known address." [*Id*. at 6.] The court agreed with the Receiver and with other federal courts that the "one-two punch of publication and notice-by-mail affords creditors adequate notice of the claims process in equity receivership cases." [*Id*.]

In accordance with this Court's order approving the Creditor Distribution Plan on December 2, 2022, the Receiver followed the Court's directive, providing written notice to all known creditors in a mailing just three days later—on December 5, 2022. [*See* Composite Exhibit A.] As required by this Court, publication notice followed on December 8, 2022 in *The Wall Street Journal* and December 12, 2022 in the *South Florida Sun-Sentinel*. [*See* Exhibits B and C.] In

addition, all creditors who entered an appearance in this case through counsel also received electronic notice, through this Court's ECF system, of the Claims Bar Date, including the proof of claim form. This notice through the Court's ECF system includes ***both*** local and Texas counsel for Paycation. [*See* Composite Exhibit D.]

Because the Receiver complied with the Court's notice requirements, the Claims Bar Date operates to bar the unfiled claims of any creditor once the Claims Bar Date passes. [ECF No. 322, at 4 ("As the name 'Claims Bar Date' suggests, creditors [are] barred from filing claims once the 60 days lapse.").] Where parties have proper notice of the Claims Bar Date, a district court can properly deny any late filed claim. *See Bendall v. Lancer Mgmt. Group*, LLC, 523 Fed. Appx. 554, 558 (11th Cir. 2013) (approving district court order that admonished counsel for failing to file a claim and barred as untimely where party knew it had a claim and had proper notice of order establishing the claims bar date); *SEC v. Wells Fargo Bank, N.A.*, 848 F.3d 1339, 1343-44 (11th Cir. 2017) ("district court has broad powers and wide discretion to determine relief in an equity receivership . . . among these broad powers is the power to establish proof of claim procedures and set an effective claims bar date.") (emphasis added). As Paycation failed to file their claim by the Claims Bar Date, it is barred.

III. Paycation is a "creditor" and therefore subject to the Creditor Distribution Plan

There can be no doubt that Paycation is subject to the deadlines within the Creditor Distribution Plan. In fact, Paycation described themselves as "creditors" in a prior filing before this Court. [ECF No. 237 at 4 ("The proposed Distribution Plan which would distribute 83% of all cash reserves to investors significantly endangers other creditors including Claimants.") (emphasis added).] Further, at this Court's July 11, 2022 hearing, counsel for Paycation reiterated that his "clients" were "trade creditors" and "not investors." July 11, 2022 Transcript, pp 68:10-13 ("my clients are labeled as trade creditors . . . all three of them are not investors."). As Paycation

viewed itself as a creditor, its failure to take notice of: (1) the Receiver's motion to approve the Creditor Distribution Plan; (2) this Court's order approving the Creditor Distribution Plan; (3) the provided ECF notices of all creditor distribution filings, including setting the Claims Bar Date; and (4) mail and publication notices of the Claims Bar Date – must bar its claim here. Any other result would be unfair and inequitable to everyone who has complied with the Court's order.

IV. Paycation Was Provided with Notice of the Claims Bar Date and All Other Arguments Are Unavailing

As soon as this Court granted the Receiver's Creditor Distribution Plan, the Receiver immediately acted to satisfy the Court's notice requirements. As such, Paycation was provided notice of the Claims Bar Date in three different ways.

Letter Notice. First, the Receiver mailed this Court's Order and Claims Form to all known creditors within three days of this Court's order, which included counsel for Paycation. As evidenced by Composite Exhibit A, on December 5, 2022, counsel for the Receiver created mailing labels for all known and identified creditors which at that time, numbered 32 creditors.[1] [Composite Exhibit A.] Paycation was specifically provided with two letters for notice purposes – one to Paycation's Florida counsel (Evan B. Berger of Becker & Poliakoff, P.A.) and the other to Paycation's Texas counsel (Richard A. Cuccia, II of Cuccia Wilson, PLLC). [*Id.*] Each letter contained this Court's order approving the Creditor Distribution Plan, as filed on December 2, 2022, and the required proof of claim form with the Claims Bar Date filled out as January 31, 2023. [*Id.*] As further proof of the mailing on that date, the Receiver also provides his law firm's mailing log, which shows 32 letters mailed out and the postage charges paid on that date for the

[1] The Receiver's document management software – iManage – also shows that the document containing the Creditor mailing labels was created and finalized on December 5, 2022 and has not been accessed or modified after that date when the labels were created. [Composite Exhibit A.]

mailing. [*Id*.] The Receiver also attaches two sworn declarations under penalty of perjury – one from an attorney who specifically created the mailing labels and requested the mailing to take place, and the other from the paralegal who personally filled all 32 letters with the Court's order approving the Creditor's Distribution Plan and the now-dated Proof of Claim form and mailed them out on December 5, 2022. [*Id*.]

Tellingly, while Paycation says they "never received information concerning the Claims Bar Date directly from the Receiver and did not receive the proof of claim form," [ECF No. 349 at 4], they provide the Court with no evidence to support their allegations, whether by sworn affidavits or other documentary evidence. The evidence is uncontroverted that Paycation's two law firms received notice of the Claims Bar Date through the mail.

Electronic Notice. Next, it is impossible for Paycation to not have received the proof of claim form or information concerning the Claims Bar Date from the Receiver, as both attorneys for Paycation—Mr. Berger and Mr. Cuccia—are listed as attorneys to be noticed for all filings made in this action. [Composite Exhibit D.] It is clear from this Court's ECF notice emails that both Mr. Berger and Mr. Cuccia received the Receiver's Motion for Approval of Creditor Distribution Plan and First Interim Distribution to Creditors [ECF No. 294] – which included the proof of claim form as an attached exhibit and this Court's order granting the Creditor Distribution Plan [ECF No. 322] – which established the Claims Bar Date. [*Id*.] In fact, the ECF email notice of this Court's order lists both Mr. Berger and Mr. Cuccia as parties to be noticed and who were sent this Court's order approving the Creditor Distribution Plan. [*Id*.] Paycation cannot and does not contest those facts. Thus, again it is uncontroverted that Paycation received notice via ECF of the Creditor Distribution Plan, the Claims Bar Date, and the proof of claim form.

Publication Notice. Finally, the Receiver, as required by this Court, published notice of the Claims Bar Date on December 8, 2022 in *The Wall Street Journal* and December 12, 2022 in the *South Florida Sun-Sentinel*. [*See* Exhibits B and C.] The Court approved notice specifically says:

> "The purpose of this Notice is to inform you that the Court has set a Claims Bar Date of January 31, 2023 (the Claims Bar Date), by which time any and all persons with claims against the Receivership Entities must submit a claim. If you have not already filed a claim, you must do so on or before the Claims Bar Date. If you do not already have a claim form, you can request a copy by sending an email to: receiver@tcafundreceivership.com, or by requesting one from the Receiver's office . . . . All claims should be post marked on or before the Claims Bar Date. . . . Failure to file a claim with the Receiver on or before the Claims Bar Date will result in your claim forever being barred."

[*Id*. (emphasis added).]

Paycation provides no reason or explanation for why the Letter Notice, Electronic Notice, and the Publication Notices were deficient so that they might be excused from their failure to file the required proof of claim form. Indeed, the only argument they make for this point is that it would be neither "fair nor equitable." But that is not the case – it is fair and equitable to require all parties to timely file the proof of claim form. As this district has already recognized, "the appropriate method for asserting a claim" in an equity receivership such as this one, "is by filing a proof of claim . . . [which] must be asserted in the form of a proof of claim." *SEC v. Lauer*, 2012 WL 12892878, at *1 (S.D. Fla. July 24, 2012), *report and recommendation approved*, 2012 WL 12892398, at *2 (S.D. Fla. Sept. 25, 2012) ("a proof of claim had to be filed by the Receivership Claims Bar Date if that claim were to be preserved"); *see also*, *e.g.*, *SEC v. One Equity Corp.*, 2011 U.S. Dist. LEXIS 71868, at *9 (S.D. Ohio July 5, 2011) ("any holder of a claim against the receivership estate who fails to timely deliver that holder's proof of claim upon the Receiver shall be barred from asserting such a claim and participating in any distribution in this receivership case on account of such claim"); *SEC v. Morriss*, 2014 WL 585395, at *3 (E.D. Mo. Feb. 14, 2014)

(finding where someone "failed to submit a claim, he has forfeited his rights to either claim or object to a distribution and thus has no recognized interest in the litigation."). The law is clear that equity does not save Paycation from its admitted failure to submit a Proof of Claim form until nearly two months after this Court's Claims Bar Date.

V. Through Their Own Non-Action, Paycation's Counsel Failed to File a Proof of Claim Form by the Claims Bar Date, Their Right to Collect Funds From The Receivership Estate is Barred

Receivership courts have broad authority in establishing claims procedures. *See SEC v. Elliott*, 953 F.2d 1560, 1566 (11th Cir. 1992) (district court has broad powers and wide discretion to determine relief in equity receivership). It is not an abuse of discretion for a district court to deny a claim based solely on a failure to comply with its established claims procedures. *See, e.g.*, *U.S. v. Capital Across Amer., L.P.*, 369 Fed. Appx. 674, 680 (6th Cir. 2010). To avoid the clear import of its failure to follow this Court's order, Paycation cannot now claim it previously submitted its claim constructively as it never submitted any documentation substantiating its claim under express penalty of perjury, as required by the proof of claim form. Moreover, the law is clear that such a failure precludes Paycation from receiving any money from the Receivership Estate.

Here, in an equity receivership, if someone fails to file a proof of claim by the claims bar date, courts regularly bar them from receiving any funds from the receivership estate. *See, e.g.*, *Wells Fargo*, 848 F.3d at 1344 ("An unsecured creditor is required to file a proof of claim for its claim to be allowed."); *Bendall*, 523 Fed. Appx. at 558 (11th Cir. 2013) (approving district court order that admonished counsel for failing to file a timely claim and barred claim as untimely where party knew it had a claim and had proper notice of order establishing the claims bar date); *Lauer*, 2015 WL 11005003, at *6 (S.D. Fla. Nov. 24, 2015) (claimant not "entitled to any money from the Receivership Entities because he failed to file a proof of claim against them . . . [claimant] was

required to file a Proof of Claim to preserve that interest."); *Morriss*, 2014 WL 585395, at *3 (claimant asserting claim against receivership estate not permitted to share in distributions or otherwise intervene in case because he did not file a timely proof of claim even though the court's instructions were clear that all investors had to file claims to preserve their interests).

VI. Conclusion

For all the reasons set forth herein, this Court should enter an order barring Paycation from receiving any funds from the Receivership Estate due to their failure to file their proof of claim form by the Claims Bar Date.

Dated: April 21, 2023
Miami, Florida

Respectfully Submitted,

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Florida Bar No. 773328
jeperlman@venable.com
Receiver for the Receivership Entities

-and-

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trkleckley@venable.com
Attorneys for Jonathan E. Perlman, Esq., Receiver for the Receivership Entities

CERTIFICATE OF SERVICE

I 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 21st day of April, 2023.

/s/ *Gregory M. Garno*
Attorney

COMPOSITE EXHIBIT "A"

TierPoint, LLC
REDACTED

Kaufman Rossin
REDACTED

Signs R Us Inc. (Mac Ladak)
REDACTED

Vcorp Services
REDACTED

Vcorp Services
REDACTED

Baker Donelson Bearman, Caldwell & Berkowitz, PC
REDACTED

Nitel, Inc.
REDACTED

Liam Bailey, as Liquidator for Pie Face Pty Ltd
O'Brien Palmer
REDACTED

AW Exports Pty LTD c/o Gavin Stuart
Bartier Perry Pty Ltd; Warwick Broxom;
Jonathan James Kaufman
REDACTED

Stig Gjerlaug
BEAST Energy Services, Inc.
REDACTED

Edgar Agents, LLC
REDACTED

Illinois Department of Revenue
REDACTED

Pensar Systems Ltd.
Mary Charles
REDACTED

Ms. Saira Iqbal
REDACTED

Mr. Richard Scarrott
REDACTED

Ms. Ananya Mazumder
REDACTED

ADP, Inc.
Automatic Data Processing
Tax Filing Service
REDACTED

Lonworld UK Limited
REDACTED

HM Revenue & Customs
REDACTED

Vincent Primo
REDACTED

Hirt
Head of Legal and Fund Compliance
Carnegie Fund Services S.A.
REDACTED

Aviva Insurance Limited
REDACTED

Fox Rothschild
REDACTED

Department of the Treasury
Internal Revenue Service
REDACTED

Taylor David
Taylor David Lawyers
REDACTED

Carnegie Fund Services S.A.
REDACTED

French Gerleman Electric Company
Attn: Larry Lipschutz
REDACTED

State of California Franchise Tax Board
REDACTED

Virginia Dept. of Taxation
PennCredit Corporation
REDACTED

Jeffrey B. Underweiser, Esq.
Underweiser & Underweiser LLP
REDACTED

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Cuccia Wilson, PLLC
1910 Pacific Avenue, Suite 18850
Dallas, TX 75201

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[redacted]

Expense Manager

Query Name: Start Date: 12/02/2022 End Date: 12/27/2022

All Records in Query

Record	Date	Client Matter	Client Name	Matter Name	Code	Description	Amount	Person Cod
[redacted]								
86839	12/05/2022	012455-000001	Jonathan Perlman, Receiver (TCA)	Jonathan Perlman, Receiver / TCA	EXPOST	Postage	$16.20	FIRM
86840	12/05/2022	012455-000001	Jonathan Perlman, Receiver (TCA)	Jonathan Perlman, Receiver / TCA	EXPOST	Postage	$31.44	FIRM
[redacted]								

Expense Manager

Query Name: Start Date: 12/02/2022 End Date: 12/27/2022

All Records in Query

Record	Date	Client Matter	Client Name	Matter Name	Code	Description	Amount	Person Cod
[redacted]								

GENOVESE JOBLOVE & BATTISTA, P.A.
POSTAGE LOG

Date: 11/30/22

USER INITIALS	MATTER NUMBER	NUMBER OF ENVELOPES	X	POSTAGE RATE	-	TOTAL
[redacted]						
		12/5/22				
[redacted]						
CJM	12455-001	~~19~~ 20		.81		16.20
CJM	12455-001	12		2.62		31.44

GENOVESE JOBLOVE & BATTISTA, P.A.

POSTAGE LOG

Date: 12/6/22

[redacted]

GENOVESE JOBLOVE & BATTISTA, P.A.

POSTAGE LOG

Date: 12/12/22

[redacted]

GENOVESE JOBLOVE & BATTISTA, P.A.
POSTAGE LOG

Date: 12/16/22

[redacted]

GENOVESE JOBLOVE & BATTISTA, P.A.

POSTAGE LOG

Date: 12/16/22

[redacted]

GENOVESE JOBLOVE & BATTISTA, P.A.
POSTAGE LOG

Date: 12/27/22

[redacted]

Kalbac, Patrick T.

From: [redacted]
Sent: Monday, December 5, 2022 2:58 PM
To: Kalbac, Patrick
Cc: Garno, Greg; [redacted]
Subject: RE: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief
Attachments: Creditor Proof of Claim Form.pdf

Mailing copies of DE 322 and this form out now.

From: Kalbac, Patrick <pkalbac@gjblaw.com>
Sent: Monday, December 5, 2022 2:19 PM
To: Garno, Greg <GGarno@gjblaw.com>; [redacted]
Subject: RE: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief

Catherine,

Here is the creditor proof of claim form with the updated claims bar date that should be included.

Patrick Kalbac | Associate
Main 305.349.2300 | Direct 305.372.2474 | Fax 305.428.8830
pkalbac@gjb.law | gjb.law | vCard
100 SE 2nd Street, Suite 4400 | Miami, Florida 33131
Miami | Ft. Lauderdale | Tampa

From: Garno, Greg <GGarno@gjblaw.com>
Sent: Monday, December 5, 2022 2:09 PM
To: Kalbac, Patrick <pkalbac@gjblaw.com>; [redacted]
Subject: RE: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief

Yes, please update the form with the new dates from her recent order. Thanks.

From: Kalbac, Patrick <pkalbac@gjblaw.com>
Sent: Monday, December 5, 2022 2:06 PM
To: [redacted]
Cc: Garno, Greg <GGarno@gjblaw.com>

Subject: RE: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief

Yes, here is the creditors schedule and the mailing labels used from sending out the notice of the motion to approve creditors distribution plan. It looks like a few of the mailing addresses in the creditor matrix were not included when creating the mailing labels.

Greg, do we want to update the Creditor Proof of Claim Form (Exhibit B in the motion) and include the forms when sending out the Court's Order?

Patrick Kalbac | Associate
Main 305.349.2300 | Direct 305.372.2474 | Fax 305.428.8830
pkalbac@gjb.law | gjb.law | vCard
100 SE 2nd Street, Suite 4400 | Miami, Florida 33131
Miami | Ft. Lauderdale | Tampa

From: [redacted]
Sent: Monday, December 5, 2022 1:23 PM
To: [redacted] Kalbac, Patrick <pkalbac@gjblaw.com>
Cc: Garno, Greg <GGarno@gjblaw.com>
Subject: RE: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief

Patrick, unless I am confused, this should be the creditor matrix that you have been keeping.

[redacted]
Sent: Monday, December 5, 2022 12:07 PM
To: Kalbac, Patrick <pkalbac@gjblaw.com>
[redacted]
Subject: FW: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief

Please provide me with the list I am to use for mailing these.

Thanks!
Catherine

From: Garno, Greg <GGarno@gjblaw.com>
Sent: Friday, December 2, 2022 1:14 PM
To: [redacted] albac, Patrick <pkalbac@gjblaw.com>; [redacted] Kleckley, Thaddeus <tkleckley@gjblaw.com>
Cc: [redacted]
Subject: RE: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief

Please serve the order via email and mail to the creditors. Thanks.

From: [redacted]
Sent: Friday, December 2, 2022 10:19 AM
To: Garno, Greg <GGarno@gjblaw.com>; [redacted] Perlman, Jonathan <JPerlman@gjblaw.com>; Kalbac, Patrick <pkalbac@gjblaw.com>; [redacted] Kleckley, Thaddeus <tkleckley@gjblaw.com>
Cc: [redacted]
Subject: FW: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief

Hi all,

Altonaga granted the Motion for Approval of Creditor Distribution Plan and First Interim Distribution in TCA this morning. I spoke with Jonathan and there are important deadlines set forth in the Order (that were explained in the Motion) that we need to calendar to make sure that we don't miss anything. I think those are on pages 3-4, but also might extend into other parts of the Order, so we should double check. We also need to review the Motion, since the Order incorporates the deadlines that were suggested in the Motion, and I want to make sure nothing falls through the cracks.

It looks like the first key date is the publishing of the notice in the Sun Sentinel and Wall Street Journal within 10 days of today. Creditors have 60 days from today to file their claims, which means we need to send out the personal notices to our known creditors ASAP.

Greg, let us know if you want us to use overnight mail or something else (i.e. regular USPS mail)? For those creditors we have emails for (which I think is everyone), we will also send them an email, so sending them the notice via USPS regular mail might be ok. However, let me know what you think is best. This way we will cover all of our bases.

Catherine, can you make sure these dates get calendared today?

Let me know if anyone has any questions or comments.

Thanks!
Elizabeth

From: cmecfautosender@flsd.uscourts.gov <cmecfautosender@flsd.uscourts.gov>
Sent: Friday, December 2, 2022 9:32 AM
To: flsd_cmecf_notice@flsd.uscourts.gov
Subject: Activity in Case 1:20-cv-21964-CMA Securities and Exchange Commission v. TCA Fund Management Group Corp. et al Order on Motion for Miscellaneous Relief

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 12/2/2022 at 9:32 AM EST and filed on 12/2/2022
Case Name: Securities and Exchange Commission v. TCA Fund Management Group Corp. et al
Case Number: 1:20-cv-21964-CMA
Filer:
WARNING: CASE CLOSED on 05/12/2020
Document Number: 322

Docket Text:
ORDER granting [294] Motion for Approval of Creditor Distribution Plan and First Interim Distribution to Creditors. Signed by Chief Judge Cecilia M. Altonaga on 12/2/2022. *See attached document for full details.* (ps1)

1:20-cv-21964-CMA Notice has been electronically mailed to:

Andrew Fulton , IV andrew@kelleylawoffice.com, celler@kelleylawoffice.com, craig@kelleylawoffice.com, dana@kelleylawoffice.com, debbie@kelleylawoffice.com, paula@kelleylawoffice.com, scott@kelleylawoffice.com

Andrew O. Schiff andrew.schiff@alabama.asc.gov, almontei@sec.gov, foretj@sec.gov, jacqmeinv@sec.gov, LandauL@sec.gov, ordazm@sec.gov

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

Charles A Valente cvalente@ksc-law.com

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Eric David Jacobs ejacobs@gjb-law.com, btraina@ecf.courtdrive.com, btraina@gjb-law.com, tpetrie@gjb-law.com, vlambdin@gjb-law.com

Evan Benjamin Berger EBerger@bplegal.com, ygomezrivera@beckerlawyers.com

Gerald Edward Greenberg ggreenberg@gsgpa.com, efilings@gsgpa.com

Gregg Alan Steinman gsteinman@sflp.law, dwoodall@sflp.law, ematteo@sflp.law, scusack@sflp.law

Gregory Matthew Garno ggarno@gjb-law.com, gjbecf@ecf.courtdrive.com, gjbecf@gjb-law.com, mchang@gjb-law.com, vlambdin@gjb-law.com

Heather Lauren Yonke hyonke@gjb-law.com, cscavone@gjb-law.com, gjbecf@ecf.courtdrive.com, gjbecf@gjb-law.com, vlambdin@gjb-law.com

James Joseph Webb jwebb@mitrani.com, mmorhaim@mitrani.com

Jason Kenneth Kellogg jk@lklsg.com, ame@lklsg.com

Jason M. Hall jhall@cahill.com

Javier Alexander Roldan Cora javier.roldancora@morganlewis.com, paola.becerra@morganlewis.com

Jean-Pierre Bado jbado@gjb-law.com, cmonzon@gjb-law.com, drudasill@gjb-law.com, gjbecf@ecf.courtdrive.com

Jeffrey Paul Bast jbast@bastamron.com, jdepina@bastamron.com, jmiranda@bastamron.com, mdesvergunat@bastamron.com, njones@bastamron.com

John H. Genovese jgenovese@gjb-law.com, cscavone@gjb-law.com, gjbecf@ecf.courtdrive.com, gjbecf@gjb-law.com, hburke@gjb-law.com, imalcolm@gjb-law.com, vlambdin@gjb-law.com

Jonathan Perlman jperlman@gjb-law.com, cmonzon@gjb-law.com, eserres@gjb-law.com, gjbecf@ecf.courtdrive.com

Joshua Dorchak joshua.dorchak@morganlewis.com

Mark David Bloom mark.bloom@bakermckenzie.com, bkcyecf@bakermckenzie.com, john.dodd@bakermckenzie.com, Maribel.Fontanez@bakermckenzie.com

Martha Rosa Mora mmora@arhmf.com, dmena@avilalaw.com, jabaunza@avilalaw.com

Michael A Friedman mfriedman@gjb-law.com, btraina@gjb-law.com, cmonzon@gjb-law.com, gjbecf@ecf.courtdrive.com, jsardina@gjb-law.com, tpetrie@gjb-law.com, vlambdin@gjb-law.com

Michael David Heidt mheidt@aol.com

Paul Joseph Battista pbattista@gjb-law.com, cscavone@gjb-law.com, gjbecf@ecf.courtdrive.com, gjbecf@gjb-law.com, hburke@gjblaw.com, jsardina@gjb-law.com, vlambdin@gjb-law.com

Richard A. Cuccia , II rcuccia@cucciawilson.com

Stephanie N. Moot moots@sec.gov, almontei@sec.gov, jacqmeinv@sec.gov, landaul@sec.gov, ordazm@sec.gov

Vitaliy Kats VKats@Cahill.com

1:20-cv-21964-CMA Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

Caesarea Medical Electronics
Shaham 13
Caesarea, Israel IL, 3079573

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1105629215 [Date=12/2/2022] [FileNumber=22777509-0] [7d23c8b36106f898250ad035563eb6d7d34ccf9072a227108a38c4c035df6536c3005903c3bd0599105402be29c1324e4346b711469ba6ff6e44e194e5369426]]

DECLARATION OF PATRICK T. KALBAC

The undersigned, Patrick Kalbac, declares under penalty of perjury as follows:

1. My name is Patrick Kalbac, I am over the age of 18, and I am competent to make this Declaration in support of the Receiver's reply brief in support of his position in the Creditor Status Report, filed on March 17, 2023 [ECF No. 342].

2. I have personal knowledge of the matters stated in this Declaration, and if called as a witness I could and would testify competently.

3. I am an associate attorney at Venable, LLP's Miami Office (formerly known as Genovese, Joblove, and Battista, P.A.) and represent the Receiver, Jonathan Perlman, in this matter.

4. My primary responsibility in this matter has been to communicate with nominees and ultimate beneficial owners to provide the Receiver with the information necessary to evaluate their potential entitlement to a distribution, collaborate with the Receiver's forensic accounting team to prepare and adjust the initial distribution schedule, and prepare the schedule of potential creditor claims, which included the potential creditors' contact information.

5. On December 2, 2022, I received notice of Judge Altonaga's Order granting the Motion for Approval of Creditor Distribution Plan and First Interim Distribution. I was responsible for calculating the deadlines set forth in the District Court's Order, ensuring that the Notice of Claims Bar Date was timely published in the Wall Street Journal and Sun Sentinel, and serving copies of the District Court's Order and Proof of Claim Form to the known potential creditor claimants. One of the firm's paralegals, Catherine Monzon, assisted me in these efforts.

6. On December 5, 2022, Mrs. Monzon requested that I provide her with the list of mailing addresses for known potential creditor claimants to mail copies of the District Court's Order and Proof of Claim Form. I provided Mrs. Monzon with the known potential creditor schedule, which included the potential creditors' contact information, and the known potential creditors mailing labels Microsoft Word document saved in iManage as "CREDITOR – Mailing Labels."

7. In my December 5, 2022 email to Mrs. Monzon, I indicated that a handful of the mailing addresses in the known potential creditor schedule were not listed in the CREDITOR – Mailing Labels Microsoft Word document. The CREDITOR – Mailing Labels Microsoft Word document listed only 22 mailing labels.

8. To ensure notice was provided to all known potential creditors for which we had addresses, I requested Mrs. Monzon to update the CREDITOR – Mailing Labels Microsoft Word document in iManage to include the missing mailing addresses from the known potential creditor schedule. Two of the 10 mailing addresses that were missing from the CREDITOR – Mailing Labels Microsoft Word document were the mailing addresses for Becker & Poliakoff, P.A. and Cuccia Wilson, PLLC listed below:

Evan B. Berger
Becker & Poliakoff, P.A.
1 East Broward Blvd., Suite 1800
Ft. Lauderdale, FL 33301

Cuccia Wilson, PLLC
1910 Pacific Avenue, Suite 18850
Dallas, TX 75201

9. After creating mailing labels for the 10 missing mailing addresses, including for Mr. Berger and Cuccia Wilson, Mrs. Monzon emailed me at 2:58 PM on December 5, 2022, indicating that she was mailing the copies of the December 2, 2022 Order and the proof of creditor claim form at that time.

10. I am the last person to check out the CREDITOR – Mailing Labels Microsoft

Word document from iManage and the CREDITOR – Mailing Labels Microsoft Word document has not been edited or modified since December 5, 2022 at 2:53 PM.

I declare under penalty of perjury that the foregoing is true and correct this 20 day of April, 2023.

Patrick T. Kalbac

DECLARATION OF CATHERINE MONZON

The undersigned, Catherine Monzon, declares under penalty of perjury as follows:

1. My name is Catherine Monzon, I am over the age of 18, and I am competent to make this Declaration in support of the Receiver's reply brief in support of his position in the Creditor Status Report, filed on March 17, 2023 [ECF No. 342].

2. I have personal knowledge of the matters stated in this Declaration, and if called as a witness I could and would testify competently.

3. I am a paralegal at Venable, LLP's Miami Office (formerly known as Genovese, Joblove, and Battista, P.A.) and provide paralegal support to the Receiver, Jonathan Perlman, and his counsel in this matter.

4. On December 2, 2022, the Receivership team requested my assistance in calendaring the deadlines outlined in the District Court's December 2, 2022 Order granting the Motion for Approval of Creditor Distribution Plan and First Interim Distribution and serving the December 2, 2022 Order to the known potential creditors.

5. On December 5, 2022, I emailed Patrick Kalbac requesting that he provide me with the mailing list I was to use when mailing out the December 2, 2022 Order and proof of claim form to the known potential creditors. Mr. Kalbac provided me with a Microsoft Excel Spreadsheet titled "TCA Creditors Schedule 12_5-2022" and a Microsoft Word document titled "CREDITOR – Mailing Labels" with 22 mailing labels in response.

6. In his email, Mr. Kalbac requested that I update the CREDITOR – Mailing Labels Microsoft Word document to include missing addresses from the TCA Creditors Schedule. I added the 10 mailing addresses, two of which were the mailing addresses for Becker & Poliakoff, P.A. and Cuccia Wilson, PLLC, from the TCA Creditors Schedule that

were then not listed in the version of the CREDITOR – Mailing Labels Microsoft Word document that Mr. Kalbac provided me with and saved it on iManage as Version 2 on December 5, 2022 at 2:52 PM.

7. I created the 32 mailing labels, which specifically included two mailing labels for Paycation's counsel—one for Becker & Poliakoff, P.A. and the other for Cuccia Wilson, PLLC—at 2:53 P.M. and emailed Mr. Kalbac at 2:58 PM advising him that I was mailing out the copies of the December 2, 2022 Order and the proof of creditor claim form to the 32 creditors we had identified.

I declare under penalty of perjury that the foregoing is true and correct this 20th day of April, 2023.

Catherine Monzon

EXHIBIT “B”

THE WALL STREET JOURNAL.

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75 AC Comm Land Prime Frontage US HWY 1 Daytona
$175K/ac OR $150K/ac for 45-day close.
Flooring Biz $750K, Turn Key, w/Property + $1.75M
Style & Trim Biz $4.2M Business & Property
Contact Watson Realty Corp Text or Call Bob Brewster (386) 341-0423

PUBLIC NOTICES

NOTICE OF CLAIMS BAR DATE

TO: All Creditors of TCA Fund Management Group Corp. and 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. (collectively, the Receivership Entities").

As you may be aware, the Receivership Entities have been placed in receivership pursuant to an Order issued by the United States District Court for the Southern District of Florida in an action styled Securities and Exchange Commission v. TCA Fund Management Group Corp., et al., Case No.: 20-CIV-21964-CMA (the "Action") and Jonathan E. Perlman (the "Receiver") has been appointed as Receiver. The Receiver is responsible for administering all claims which may be asserted against the Receivership Entities, subject to approval of the Court.

The purpose of this Notice is to inform you that the Court has set a Claims Bar Date of January 31, 2023 (the "Claims Bar Date"), by which time any and all persons with claims against the Receivership Entities must submit a claim. If you have not already filed a claim, you must do so on or before the Claims Bar Date. If you do not already have a claim form, you can request a copy by sending an email to: receiver@tcafundreceivership.com, or by requesting one from the Receiver's office at the address set forth herein:

Jonathan E. Perlman, Receiver
TCA Fund Management Group Corp. et al.
c/o Genovese Joblove Battista, P.A.
100 SE Second Street, Suite 440
Miami, FL 33131

All claims should be post marked on or before the Claims Bar Date. If you have already filed a claim with the Receiver, you may ignore this Notice. Failure to file a claim with the Receiver on or before the Claims Bar Date will result in your claim forever being barred.

EXHIBIT “C”

Foreclosure Sales – Miscellaneous

Published in South Florida Sun-Sentinel, Ft. Lauderdale on December 12, 2022

Location

Broward County,

Notice Text

NOTICE OF CLAIMS BAR DATE TO: All Creditors of TCA Fund Management Group Corp. and 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. (collectively, the Receivership Entities). As you may be aware, the Receivership Entities have been placed in receivership pursuant to an Order issued by the United States District Court for the Southern District of Florida in an action styled Securities and Exchange Commission v. TCA Fund Management Group Corp., et al., Case No.: 20-CIV-21964-CMA (the Action) and Jonathan E. Perlman (the Receiver) has been appointed as Receiver. The Receiver is responsible for administering all claims which may be asserted against the Receivership Entities, subject to approval of the Court. The purpose of this Notice is to inform you that the Court has set a Claims Bar Date of January 31, 2023 (the Claims Bar Date), by which time any and all persons with claims against the Receivership Entities must submit a claim. If you have not already filed a claim, you must do so on or before the Claims Bar Date. If you do not already have a claim form, you can request a copy by sending an email to: receiver@tcafundreceivership.com, or by requesting one from the Receiver s office at the address set forth herein: Jonathan E. Perlman, Receiver TCA Fund Management Group Corp. et al. c/o Genovese Joblove Battista, P.A. 100 SE Second Street, Suite 440 Miami, FL 33131 All claims should be post marked on or before the Claims Bar Date. If you have already filed a claim with the Receiver, you may ignore this Notice. Failure to file a claim with the Receiver on or before the Claims Bar Date will result in your claim forever being barred. 12/12/2022 7339837

COMPOSITE EXHIBIT "D"

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.

MOTION TO ADMIT RICHARD A. CUCCIA, II PRO HAC VICE, CONSENT TO DESIGNATION, AND REQUEST TO ELECTRONICALLY RECEIVE NOTICES OF ELECTRONIC FILING

In accordance with Local Rules 4(b) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission *pro hac vice* of Richard A. Cuccia, II, Cuccia Wilson, PLLC, 1910 Pacific Avenue, Suite 18850, Dallas, Texas 75201 for purposes of appearance as co-counsel on behalf of Paycation Travel, Inc., Xstream Travel, Inc. and David Manning in the above-styled case only, and pursuant to Rule 2B of the CM/ECF Administrative Procedures, to permit Richard A. Cuccia, II, to receive electronic filings in this case, and in support thereof states as follows:

1. Richard A. Cuccia, II is not admitted to practice in the Southern District of Florida and is a member in good standing of the State Bar of Texas (Texas State Bar No. 50511752), the United States District Court for the Northern District of Texas and the United States District Court for Eastern District of Texas.

2. Movant Evan Berger is a member in good standing of The Florida Bar and the United States District Court for the Southern District of Florida and is authorized to file through the Court's electronic filing system. Movant consents to be designated as a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, upon whom filings shall be served, who shall be required to electronically file and serve all documents and things that may be filed and served electronically, and who shall be responsible for filing and serving documents in compliance with the CM/ECF Administrative Procedures. *See* Section 2B of the CM/ECF Administrative Procedures.

3. In accordance with the local rules of this Court, Richard A. Cuccia, II has made payment of this Court's $200.00 admission fee. A certification in accordance with Rule 4(b) is attached hereto.

4. Richard A. Cuccia, II, pursuant to Section 2B CM/ECF Administrative Procedures, hereby requests the Court to provide Notice of Electronic Filings to email address: rcuccia@cucciawilson.com.

WHEREFORE, Evan Berger moves this Court to enter an Order permitting Richard A. Cuccia, II, to appear before this Court on behalf of Paycation Travel, Inc., Xstream Travel, Inc. and David Manning for all purposes relating to the proceedings in the above-styled matter and directing the Clerk to provide notice of electronic filings to rcuccia@cucciawilson.com.

Dated: July 7, 2022

Respectfully Submitted,

By: */s/ Evan B. Berger*

Evan B. Berger (Fla. Bar No. 71479)
Becker & Poliakoff, P.A.
1 East Broward Blvd., Suite 1800
Ft. Lauderdale, FL 33301
(954) 364-6055
(954) 985-4176 (facsimile)
eberger@beckerlawyers.com

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

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2022 a true and correct copy of the foregoing was served via the Court's CM/ECF system.

By: /s/ Evan B. Berger
Evan B. Berger, Esq.

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.

CERTIFICATION OF RICHARD A. CUCCIA, II, ESQ.

Richard A. Cuccia, II, Esq., pursuant to Rule 4B of the Special Rules Governing the Admission and Practice of Attorneys, hereby certifies that (1) I have studied the Local Rules of the United States District Court for the Southern District of Florida; and (2) I am a member in good standing of the bar of the State of Texas (Bar No. 50511752; admitted May 3, 1999).

Dated: July 7, 2022

RA Cuccia II

Richard A. Cuccia, II, Esq.

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

Undersigned counsel certifies that he conferred with counsel for the SEC via phone and email regarding the requested relief and is authorized to represent that the SEC has no objection to the relief sought herein.

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2022, 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 this day on all counsel of record or pro se parties identified via transmission or 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/ Jean-Pierre Bado
Attorney

EXHBIT A

NOTICE OF CLAIMS BAR DATE

TO: All Creditors of TCA Fund Management Group Corp. and 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. (collectively, the Receivership Entities").

As you may be aware, the Receivership Entities have been placed in receivership pursuant to an Order issued by the United States District Court for the Southern District of Florida in an action styled *Securities and Exchange Commission v. TCA Fund Management Group Corp*., *et al*., Case No.: 20-CIV-21964-CMA (the "Action") and Jonathan E. Perlman (the "Receiver") has been appointed as Receiver. The Receiver is responsible for administering all claims which may be asserted against the Receivership Entities, subject to approval of the Court.

The purpose of this Notice is to inform you that the Court has set a Claims Bar Date of _____ (the "Claims Bar Date"), by which time any and all persons with claims against the Receivership Entities must submit a claim. If you have not already filed a claim, you must do so on or before the Claims Bar Date. If you do not already have a claim form, you can request a copy by sending an email to: receiver@tcafundreceivership.com, or by requesting one from the Receiver's office at the address set forth herein:

Jonathan E. Perlman, Receiver
TCA Fund Management Group Corp. et al.
c/o Genovese Joblove Battista, P.A.
100 SE Second Street, Suite 440
Miami, FL 33131

All claims should be post marked on or before the Claims Bar Date. If you have already filed a claim with the Receiver, you may ignore this Notice. Failure to file a claim with the Receiver on or before the Claims Bar Date will result in your claim forever being barred.

EXHBIT B

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v. TCA FUND MANAGEMENT GROUP CORP., et al.,	**CASE NO. 20-CIV-21964-CMA**

CREDITOR PROOF OF CLAIM FORM

DEADLINE FOR FILING THIS PROOF OF CLAIM FORM IS _____.

This Proof of Claim Form must be received by the Receiver by _____, at:

TCA Receivership
100 S.E. 2nd Street, 44th Floor
Miami, FL 33131

Failing to submit a proper Proof of Claim form by_____, will result in a waiver of your right to make a Claim and a waiver of your right to participate in any Distribution of funds.

CREDITOR INFORMATION: **Name**: **Name of Person Submitting Form (if not Claimant)**: **Creditor's Address (where notices may be sent):** **Telephone:**_____ **Email:** _____ **_____ Check here if you agree to receive future notices by e-mail instead of U.S. Mail.**	**CLAIM AMOUNT:** **A. Total Amount Claimed** $_____

In support of this claim, I am sending the following documents that are all documents in my possession supporting the Claim. (Describe as necessary the documents you attach. If you need more room, you may attach additional pages).

☐ **By checking this box, I am relying on documents I have previously sent to the Receiver. (If you check this box, you do not need to send the Receiver the same documents you sent before).**

[Describe supporting documents:]

Certification of Truthfulness

I, the undersigned, certify under penalty of perjury that (a) all information provided in this Proof of Claim and any attachments is true; and (b) that the named Claimant owns this Claim and is authorized to make this Claim.

Signed under penalty of perjury this ____day of _____, 2022.

Signature: _____

Printed Name of Claimant: _____

Name and Title of Person Signing
(if other than Claimant): _____

[If you are the Claimant, date the form, sign on "Signature" line and print your name where indicated.]

[If you are signing the Proof of Claim on the named Claimant's behalf, date the form, sign on "Signature" line, print the Claimant's name, and print your name and title or relationship to the Claimant. State any basis for your authorization to sign on Claimant's behalf and attach any power of attorney or other relevant authorization.]

PROOF OF CLAIM INSTRUCTIONS

1. Deadline and Location for Sending Proof of Claim

The Proof of Claim must be submitted to the Receiver no later than _____ (the "Claims Bar Date") at:

TCA Receivership
c/o Genovese Joblove & Battista, P.A.,
100 SE 2nd St., 44th Floor
Miami, FL 33131

If you do not submit a completed Proof of Claim by the Claims Bar Date, you will waive your right to make any Claim against the Receivership Estate and any right you may have to participate in a Distribution of funds by the Receiver.

2. Be Accurate and Complete When Preparing the Proof of Claim and Submitting Supporting Documentation.

All information requested in the Proof of Claim form must be provided, and all documents that support your Claim must be submitted to the Receiver.

It is very important to give complete and accurate information in the CLAIMANT INFORMATION section on the bottom left side of Page 1 of the Proof of Claim. If you do not, the Receiver may not be able to verify the information related to your Claim which could cause your Claim to be delayed or disallowed.

You may elect to receive all future notices by e-mail instead of U.S. Mail by checking a box at the bottom of the CLAIMANT INFORMATION section on Page 1. It is highly recommended that you provide an e-mail address to the Receiver even if you choose to continue receiving notices by U.S. Mail.

The information you provide in the Proof of Claim and in documents supporting your Claim is submitted under penalty of perjury. Providing false or misleading information could result in your claim being disallowed. Providing incomplete or inaccurate documentation will delay a resolution of your claim and may result in your Claim being disallowed.

3. Computing Your Total Claim.
In the CLAIM AMOUNT section on the lower right side of Page 1 of the Proof of Claim, you should:

a. Calculate your Total Claim
The amount that will be paid on any Approved Claim will depend on the amount of money available for Distributions and the total amount of Approved Claims. Because the Receiver cannot yet determine either of those amounts, he cannot predict how much you will receive if you submit an Approved Claim. NOTE: it is not expected that you will be paid 100% of your Claim.

4. Supporting Documents.

You must attach to the Proof of Claim form copies of documents showing the basis for your claim (unless you rely on documents previously sent to the Receiver as described below). If documents are not available, attach an explanation why they are not available. The Receiver recommends that **you do not send original documents.** Documents will **not** be returned to you.

You may redact or delete any personal identification information more than (1) the last 4 digits of a social-security or taxpayer-ID number; (2) the last 4 digits of an account number; or (3) a person's birth year. Even if you do not delete that information, the Receiver will not publish any personal information more than those items.

Describe in as much detail as you can the documents you provide to support your Claim. The Receiver will consider the information and documents you submit in determining whether to allow your Claim and the allowed amount of your Claim, if any.

***If you have already sent supporting documents to the Receiver, you may rely on those documents by checking the Box on Page 2, Section 2, of the Proof of Claim with the notation: "I am relying on documents I have previously sent to the Receiver. (If you check this box, you do not need to send to the Receiver the same documents you sent

before)." You then do not need to re-send the same documents to the Receiver.

You must sign the Proof of Claim even if you have previously sent documents to the Receiver.

5. Signatures and Legal Authority to Submit Claim.

The Proof of Claim must be signed and dated by the Claimant or an authorized representative in the spaces provided on Page 2 of the Proof of Claim. If the Proof of Claim is signed under a power of attorney or court appointment, the documents showing the authority must be provided. You must sign the Proof of Claim even if you have previously sent documents to the Receiver.

6. Review of Claims and Requests for Additional Information or Documents.

The Receiver will review and a Claim will not be approved for payment until it has been verified as accurate, justifiable and reasonable by the Receiver. The Receiver may ask you to provide additional information to complete his review of your Claim. It is important that you cooperate with the Receiver and provide any additional information he requests related to your Claim. If you do not provide additional information the Receiver requests (or explain why you cannot provide it), your Claim may be delayed or disallowed.

EXHBIT C

Jonathan E. Perlman, Receiver
TCA Fund Management Group Corp. et al.
c/o Genovese Joblove Battista, P.A.
100 SE Second Street, Suite 440
Miami, FL 33131
receiver@tcafundreceivership.com

NOTICE OF RECEIVER'S ALLOWED CREDITOR CLAIM DETERMINATION
TCA Fund Receivership

Dear Claimant:

You are receiving this letter because the Receiver has identified you as a creditor in the TCA Fund Receivership. Please take some time to review the enclosed documents. We have enclosed Court Order (Exhibit A) and the Status Report (Exhibit B) to this Notice. Please take some time to review the enclosed documents.

Please refer to these enclosures to find your name, the amount of your claim, the "Amount Recommended by the Receiver" to the Court, and the reason for the Receiver's finding. These documents will provide you with an overview of the creditor claims process and explains in detail the bases for your claim amount being recommended by the Receiver to the Court. In addition, you can find information about the Receivership and the claims process at www.tcafundreceivership.com.

Based on the assets recovered to date, the Receiver anticipates that money available for distribution to the investor-victims and other claimants will be much less than the amount of all of the funds invested and creditor claims received. Therefore, the "amount Recommended by Receiver" represents the Receiver's recommendation to the Court regarding the total allowed amount of your claim, which may or may not also be the amount of money you may receive.

Below are the next steps that you must take after reviewing the enclosed:

If you AGREE with the "Amount Recommended by the Receiver":

You do **NOT** need to do anything further. You do **NOT** need to return any form or respond to this letter. The Receiver will recommend this amount on your behalf to the Court. At a later date, we will be in further communication with you regarding the distribution of available Receivership money to you.

If you DISAGREE with the "Amount Recommended by the Receiver":

You may "object" and challenge the amount and continue with your claim for a different amount. If you wish to object, you **MUST respond to this letter in writing and state your position. Provide as much detail and documentation as you wish**.

Please submit your objection in the lines provided below or in separate correspondence to

the Receiver at the email, fax, or US mail address listed above. If you previously submitted documents, you do not need to re-submit them.

Please send your objection as soon as possible, but pursuant to the attached Court Order, your objection **MUST be received by the Receiver on or before _____, 2022**.

If you do not respond to this letter by the above deadline, you will be deemed to have waived your chance to challenge the Receiver's recommendation and will be treated as consenting to the "Amount Recommended by the Receiver" found in the Status Report enclosure as the amount of your claim.

Court Hearing:

The Court in this case will decide the allowable amount of the creditor claims. A hearing before the Court is scheduled for _____ in Courtroom 13-2 at the Wilkie D. Ferguson Jr. U.S. Courthouse, 400 North Miami Avenue, Miami, Florida.

Questions or Concerns:

If you have any questions about the Receiver's findings or this correspondence, please call my office at 305-349-2300.

Sincerely,

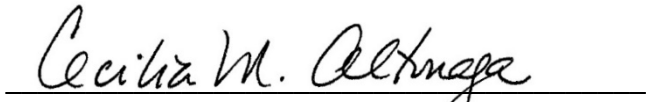
Jonathan E. Perlman, Receiver
TCA Fund Receivership

Claimant's Objection and Position Statement (if applicable): _____

pro rata, rising tide distribution scheme *as equals* upon resolution of the interlocutory appeal. Accordingly, it is

ORDERED AND ADJUDGED that the Receiver, Jonathan E. Perlman's Motion for Approval of Creditor Distribution Plan and First Interim Distribution to Creditors **[ECF No. 294]** is **GRANTED**.

DONE AND ORDERED in Miami, Florida, this 2nd day of December, 2022.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record

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U.S. District Court

Southern District of Florida

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Case Number: 1:20-cv-21964-CMA
Filer:
WARNING: CASE CLOSED on 05/12/2020
Document Number: 322

Docket Text:
ORDER granting [294] Motion for Approval of Creditor Distribution Plan and First Interim Distribution to Creditors. Signed by Chief Judge Cecilia M. Altonaga on 12/2/2022. *See attached document for full details.* (ps1)

1:20-cv-21964-CMA Notice has been electronically mailed to:

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