

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION**

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION,

Plaintiff,

v.

CASE NO.: 50-2021-CA-008718-XXXX-MB

NATIONAL SENIOR INSURANCE, INC.
D/B/A SEEMAN HOLTZ,
MARSHAL SEEMAN,
CENTURION INSURANCE SERVICES GROUP, LLC,
BRIAN J. SCHWARTZ,
EMERALD ASSETS 2018, LLC,
INTEGRITY ASSETS 2016, LLC,
INTERGRITY ASSETS, LLC,
PARA LONGEVITY 2014-5, LLC,
PARA LONGEVITY 2015-3, LLC,
PARA LONGEVITY 2015-5, LLC,
PARA LONGEVITY 2016-3, LLC,
PARA LONGEVITY 2016-5, LLC,
PARA LONGEVITY 2018-3, LLC,
PARA LONGEVITY 2018-5, LLC,
PARA LONGEVITY 2019-3, LLC,
PARA LONGEVITY 2019-5, LLC,
PARA LONGEVITY 2019-6, LLC,
PARA LONGEVITY VI, LLC,
SH GLOBAL, LLC N/K/A PARA LONGEVITY V, LLC,
ALTRAI GLOBAL, LLC A/K/A ALTRAI HOLDINGS, LLC,
VALENTINO GLOBAL HOLDINGS, LLC,
AMERITONIAN ENTERPRISES, LLC,
SEEMAN-HOLTZ CONSULTING CORP.,
CENTURION ISG Holdings, LLC,
CENTURION ISG Holdings II, LLC,
CENTURION ISG (Europe) Limited,
CENTURION ISG SERVICES, LLC,
CENTURION ISG FINANCE GROUP, LLC,
CENTURION FUNDING SPV I LLC,
CENTURION FUNDING SPV II LLC,
GRACE HOLDINGS FINANCIAL, LLC,
PRIME SHORT TERM CREDIT INC.,

Defendants.

THE ESTATE OF ERIC CHARLES HOLTZ,
SEEMAN HOLTZ PROPERTY AND CASUALTY, LLC
F/K/A SEEMAN HOLTZ PROPERTY AND CASUALTY, INC.,
SHPC HOLDINGS I, LLC,

Relief Defendants.

ORDER ON MOTION TO DISMISS

THIS MATTER came before the Court on May 18, 2022, on the Defendants' Motion to Dismiss and Incorporated Memorandum of Law filed on behalf of Defendants MARSHAL SEEMAN, NATIONAL SENIOR INSURANCE, INC. D/B/A SEEMAN HOLTZ, EMERALD ASSETS 2018, LLC, INTEGRITY ASSETS 2016, LLC, INTEGRITY ASSETS, LLC, PARA LONGEVITY 2014-5, LLC, PARA LONGEVITY 2015-3, LLC, PARA LONGEVITY 2015-5, LLC, PARA LONGEVITY 2016-3, LLC, PARA LONGEVITY 2016-5, LLC, PARA LONGEVITY 2018-3, LLC, PARA LONGEVITY 2018-5, LLC, PARA LONGEVITY 2019-3, LLC, PARA LONGEVITY 2019-5, LLC, PARA LONGEVITY 2019-6, LLC, PARA LONGEVITY VI, LLC, SH GLOBAL, LLC N/K/A PARA LONGEVITY V, LLC, VALENTINO GLOBAL HOLDINGS, LLC, SEEMAN-HOLTZ CONSULTING CORP., CENTURION INSURANCE SERVICES GROUP, LLC, CENTURION ISG HOLDINGS, LLC, CENTURION ISG HOLDINGS II, LLC, CENTURION ISG (Europe) LIMITED, CENTURION ISG SERVICES, LLC, CENTURION ISG FINANCE GROUP LLC, CENTURION FUNDING SPV I LLC, and CENTURION FUNDING SPV II LLC. The Court having reviewed the Motion, the Plaintiff's Response, and the Defendants' Reply, and having heard argument of counsel, it is hereupon **ORDERED** as follows:

1. Defendants' request to dismiss the Complaint for failure to comply with Fla. R. Civ. P. 1.110 is **DENIED**.

2. Defendants' request to strike references to "Ponzi-like scheme" in paragraphs 2, 73, and 97 of the Complaint is **DENIED**.

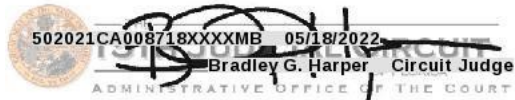
3. Defendants' request to dismiss Defendants Seeman and Holtz, "who acted as members or managers of LLCs," pursuant to Section 608.4227(1), Florida Statutes" (now codified at Sections 605.0304 and 605.04093, Florida Statutes) is **DENIED**.

4. Defendants' request to dismiss the Complaint for failure to comply with Fla. R. Civ. P. 1.130 is **DENIED**.

5. Defendants' request to dismiss the Complaint for failure to comply with Fla. R. Civ. P. 1.120 is **DENIED**.

6. Defendants' seek to dismiss Count XVI of the Complaint because "the remedies sought are not among the exclusive remedies provided by the legislature" in Section 517.191, Florida Statutes. Section 517.191(1), Florida Statutes, explicitly provides that "...the office may, in addition to other remedies, bring action in the name and on behalf of the state. . . to enjoin such person or persons from continuing such fraudulent practices..." The Court finds the wording of section 517.191 does not create exclusive remedies such that the Plaintiff's claim in equity as set forth in Count XVI (for an accounting and to disgorge all ill-gotten gains, misappropriations, and unjust enrichment) is precluded by law. *Cf. Outreach Housing v. Office of the Attorney General, Department of Legal Affairs*, 221 So. 3d 691, 696 (Fla. 4th DCA 2017) (allowing restitution as an available remedy despite Section 501.207(c), Florida Statutes, providing for an action for actual damages, and noting that the statute itself has language allowing the enforcing authority to seek any available remedy). Defendants' request to dismiss Count XVI of the Complaint is **DENIED**.

DONE AND ORDERED in Chambers at West Palm Beach, Florida.



502021CA008718XXXMB 05/18/2022
Bradley G. Harper
Circuit Judge

Copies to: Counsel of Record and Corporate Monitor

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