

**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,
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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.

**CORPORATE MONITOR, DANIEL J. STERMER'S MOTION FOR APPROVAL TO
ENTER INTO A STIPULATION FOR ENTRY OF CONSENT JUDGMENT IN A
FOREIGN JURISDICTION AND PERMIT BUSINESS ADVANCE TEAM TO FILE A
CLAIM IN THIS COURT'S CLAIMS PROCESS IN THE MONITORSHIP**

Daniel J. Stermer, as Court-appointed Corporate Monitor (the "Corporate Monitor") for the property, assets, and business of the thirty-two (32) corporate entities¹(the "Consenting Corporate Defendants") pursuant to the *Agreed Order Granting Plaintiff's Consent Motion for Appointment of Corporate Monitor and Related Injunctive Relief*, dated September 14, 2021, and the *Agreed Order Granting Corporate Monitor, Daniel J. Stermer's Unopposed Motion to Expand Corporate Monitorship Estate*, dated January 6, 2022 (together, the "Monitorship Order"), respectfully moves for entry of an order authorizing the entry of a consent judgment against certain Consenting Corporate Defendants in the New York Action (described below) and for authorization to allow the plaintiff in the New York Action, Business Advance Team LLC d/b/a Everyday

¹ The Consenting Corporate Defendants include: NATIONAL SENIOR INSURANCE, INC. D/B/A SEEMAN HOLTZ, CENTURION INSURANCE SERVICES GROUP, LLC ,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, 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, PARA GLOBAL 2019, LLC, ALLOY ASSETS, LLC, SEEMAN HOLTZ WEALTH MANAGEMENT, INC. AGENCY ACQUISITION FUNDING, LLC, and AMERICA'S FAVORITE INSURANCE SERVICES LLC

Capital (“Business Advance Team”), to file a late claim in the Claims Process established in this monitorship.

Notably, the Plaintiff in this case, State of Florida, Office of Financial Regulation (“OFR”) and individual defendant, Brian J. Schwartz, consent to this Motion and do not oppose relief requested. As of the time of filing, individual defendant, Marshal Seeman, has not responded through counsel to indicate his consent or opposition to this Motion.

In support of this Motion, the Corporate Monitor states as follows:

1. Business Advance Team commenced an action in the Supreme Court of the State of New York, County of Kings (Case Index No.: 518091/2021), against certain Consenting Corporate Defendants and others: “National Senior Insurance, Inc. d/b/a Seeman Holtz D/B/A National Senior Insurance Inc, Centurion Insurance Service Gr LLC d/b/a Centurion Insurance Services Group LLC, Seeman Holtz Property and Casualty, LLC d/b/a Health Care Division, National Insurance Solutions, Kaercher Campbell & Assoc. Ins. Brokerage, Schwarz Insurance Agency Inc d/b/a Seeman Holtz Property & Casualty, Ritman & Associates, Vincent Urban Walker And Associates Inc. d/b/a Seeman Holtz VUW, and Marshal Scott Seeman,” arising from allegations that those defendants breached a Purchase and Sale of Future Receivables Agreement (“Receivables Agreement”) dated April 14, 2021, causing damages to Business Advance Team in the amount of \$3,441,000, plus attorneys’ fees, costs, and statutory interest from June 9, 2021 (the “New York Action”)².

² In addition to the New York Action as defined above, there are/were two other actions commenced against a number of defendants, including certain of the Consenting Corporate Defendants, including the following: (i) 24 Capital, LLC v. National Seniors Insurance, Inc. et al., Case No. HHD-CV-21-6145370-S, Superior Court, Judicial District of Hartford at Hartford (matter withdrawn); and (ii) Newco Capital Group VI, LLC v. National Senior Insurance DBA Seeman Holtz Property & Casualty, et al., Case No 808754/2021, Supreme Court of the State of New Yor, County of Bronx (Proof of Claim filed in the amount of \$870,920). The New York Action and the two matters referenced herein relate to various agreements entered into by and between the various Plaintiffs and certain Consenting Corporate Defendants, other parties, and Marshal Seeman and Eric Holtz involving the sale of future receivables by the Consenting Corporate Defendants, other parties, and Marshal Seeman and Eric Holtz, commonly referred to as

2. The Corporate Monitor has investigated the allegations of the New York Action and the debt claimed due by Business Advance Team pursuant to the Receivables Agreement.

3. The Corporate Monitor, directly and through counsel in New York, has also been in communication with counsel for the Business Advance Team – Mr. Christopher R. Murray. Most of these discussions have focused on requests for information, documents, and other data related to the New York Action, including the amounts claimed due under the Receivables Agreement.

4. The Corporate Monitor informed Mr. Murray and Business Advance Team about the Noticing and Claims Administration Process established by this Court in the monitorship action (the “Claims Process”).

5. Business Advance Team has not previously filed a claim in the Claims Process, instead proceeding with its claims in the New York Action. However, to resolve the dispute with the defendant Consenting Corporate Defendants in the New York Action and avoid the expense of litigation for the Monitorship Estate and the prospect of judgment enforcement actions against the Consenting Corporate Defendants, Business Advance Team and the Corporate Monitor have reached an agreement, subject to the Court’s approval of this Motion, that Business Advance Team will pursue recovery of its claim against the Consenting Corporate Defendants through the Claims Process. To the extent Business Advance Team has its claims against third parties, including any named Defendant that is not one of the Consenting Corporate Defendants, it will or can pursue them in the appropriate forums, outside of this case, including in the New York Action.

Merchant Cash Advances. Marshal Seeman and Eric Holtz are guarantors of each of the above referenced agreements.

6. In short, Business Advance Team's right to recovery against the Consenting Corporate Defendants shall be solely through the Claims Process, which will put it in the same position as other creditors of the Monitorship Estate.

7. The Corporate Monitor submits that the best interests of the Monitorship Estate and the other creditors/investors in the Monitorship Estate will be served by entry of an order by this Court authorizing the Corporate Monitor to enter into a stipulation for entry of a consent judgment in the New York Action and authorizing Business Advance Team's submission of an otherwise untimely claim in the Claims Process.

8. Accordingly, the Corporate Monitor seeks the Court's approval, as required by the Monitorship Order:

13. The Corporate Monitor shall have the following general powers to perform the following duties in good faith, with reasonable diligence, and with reasonable discretion:

...

P. To seek permission and obtain approval from the Court before effectuating any settlement, consent judgment or allowing any default or default judgment against the Consenting Corporate Defendants, or before releasing legal claims or causes of action the Consenting Corporate Defendants may have against other parties;

Monitorship Order at 8, ¶13. P.

CONCLUSION

Through this Motion, the Corporate Monitor submits that it is in the best interest of the Monitorship Estate and other creditors to permit Business Advance Team's claim to be administered pursuant to the Claims Process as approved by the Court, similarly to all other investors and interested parties. To the extent Business Advance Team is a judgment creditor by stipulation of consent judgment in the New York Action, through this agreement with the Corporate Monitor and submission to the Claims Process, it will not take priority over and instead

will be placed on equal footing with all other creditors.

WHEREFORE, Daniel J. Stermer, as Corporate Monitor, respectfully requests this Court enter an order in the form attached hereto as **Exhibit A**, granting the Motion and entering such other and additional relief as the Court deems just and proper.

Dated: January 4, 2023

Respectfully submitted,

BERGER SINGERMAN LLP
Counsel for Corporate Monitor
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By: /s/ Gavin C. Gaukroger

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on January 4, 2023, the foregoing was filed using the Florida Court's E-Filing Portal, which served a copy of the foregoing electronically upon all electronic service parties. I further certify that a true and correct copy of the foregoing was served by electronic transmission upon all parties on the attached Service List.

By: /s/ Gavin C. Gaukroger
Gavin C. Gaukroger

SERVICE LIST

<p>A. Gregory Melchior, Esq., Chief Counsel George C. Bedell, III, Esq., Chief Counsel <i>Office of General Counsel</i> <i>Florida Office of Financial Regulation</i> 200 East Gaines Street Tallahassee, FL 32309 Greg.Melchior@flofr.gov George.Bedell@flofr.gov Sharon.Sutor@flofr.gov <i>Counsel for Plaintiff</i></p>	<p>Scott Alan Orth, Esq. <i>Law Offices of Scott Alan Orth</i> 3860 Sheridan Street, Ste. A Hollywood, FL 33021 scott@orthlawoffice.com service@orthlawoffice.com eserviceSAO@gmail.com <i>Attorney for Defendant Marshal Seeman, Twenty-six Defendant Entities</i></p>
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<p>Adam J. Ruttenberg, Esq. Arent Fox Schiff, LLP 800 Boylston Street, 32nd Floor Boston, MA 02199 Adam.ruttenberg@afslaw.com <i>Attorney for Pelican Capital Management, LLC</i></p>	<p>Christopher R. Murray, Esq. Murray Legal, PLLC 170 Old Country Road, Suite 608 Mineola, New York 11501 Tel: (516) 260-7367 E-Mail: cmurray@murraylegalpllc.com <i>Attorneys for Business Advance Team LLC d/b/a Everyday Capital</i></p>

EXHIBIT A

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
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Defendants.

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F/K/A SEEMAN HOLTZ PROPERTY AND CASUALTY, INC.,
SHPC HOLDINGS I, LLC,

Relief Defendants.

**ORDER GRANTING MOTION FOR APPROVAL TO ENTER INTO A STIPULATION
FOR ENTRY OF CONSENT JUDGMENT IN A FOREIGN JURISDICTION AND
PERMIT BUSINESS ADVANCE TEAM TO FILE A CLAIM IN THIS COURT'S
CLAIMS PROCESS IN THE MONITORSHIP**

THIS CAUSE came before the Court for hearing on _____, 2023, in West Palm Beach, Florida upon the *Motion For Approval To Enter Into A Stipulation For Entry Of Consent Judgment In A Foreign Jurisdiction And Permit Business Advance Team To File A Claim In This Court's Claims Process In The Monitorship* (the "Motion") filed by the Court-appointed Corporate Monitor Daniel J. Stermer (the "Corporate Monitor"). The Motion seeks the Court's authority to permit the Corporate Monitor to stipulate to entry of judgment against certain Consenting Corporate Defendants in the case pending in the Supreme Court of the State of New York, County of Kings (Case Index No.: 518091/2021) captioned: *Business Advance Team LLC D/B/A Everyday Capital v. National Senior Insurance, Inc. D/B/A Seeman Holtz D/B/A National Senior Insurance Inc., et al.* (the "New York Action") filed by Business Advance Team LLC D/B/A Everyday Capital ("Business Advance Team").

1. As stated in the Motion, the relief requested is not opposed by the Plaintiff in this case, State of Florida, Office of Financial Regulation ("OFR") or individual defendant, Brian J. Schwartz.

2. For the reasons set forth by the Corporate Monitor in the Motion, the Court finds that it is in the best interest of the Monitorship Estate and other creditors to permit Business Advance Team's claim to be administered pursuant to the *Amended Agreed Order Approving the*

Noticing and Claims Administration Process (“Claims Process”) previously approved by the Court (Dkt. 127/128), similarly to all other investors, creditors, and interested parties.

3. To the extent Business Advance Team is made a judgment creditor by stipulation of and/or entry of a consent judgment in the New York Action, through its agreement with the Corporate Monitor, as stated in the Motion, and subject to its submission to the Claims Process, it will not take priority over and instead will be placed on equal footing with all other creditors.

4. For the avoidance of doubt, Business Advance Team’s right to recovery against the Consenting Corporate Defendants shall be solely through the Claims Process, which will put it in the same position as other creditors of the Monitorship Estate.

5. The Court further finds that the Corporate Monitor’s request to permit Business Advance Team to submit a claim in the Claims Process, the Court finds that Business Advance Team may do so within thirty (30) days of the date of this Order.

6. All other terms of the Claims Process remain in full force and effect.

7. The Corporate Monitor shall provide a copy of this Order to counsel for Business Advance Team within two (2) days of the date hereof.

8. Accordingly, the Motion is GRANTED.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this ____ day of _____, 2023.

BRADLEY HARPER
CIRCUIT COURT JUDGE

Copies to: Counsel of Record and Corporate Monitor