

**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,
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, 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.

RECEIVER’S OBJECTION TO PETER BECK’S (I) MOTION TO CANCEL UMC HEARING SCHEDULED FOR DECEMBER 4, 2024, AND FOR SANCTIONS AND (II) MOTION TO CONTINUE SPECIAL SET HEARING AND PERMIT A UMC HEARING FOR THE PURPOSE OF PRESENTING TO COURT ARGUMENT FOR A SPECIAL SET HEARING MORE THAN 30 MINUTES

Daniel J. Stermer, in his capacity as Receiver (the “**Receiver**” or “**Plaintiff**”), files this Objection to Peter Beck’s (“**Beck**”) (I) *Motion to Cancel UMC Hearing Scheduled For December 4, 2024, and For Sanctions* (“**Motion to Cancel Hearing and For Sanctions**”) and (II) *Motion to Continue Special Set Hearing And Permit a UMC Hearing For the Purpose of Presenting To Court Argument For a Special Set Hearing More Than 30 Minutes* (“**Motion to Continue January 7th Hearing**”), and in support thereof states:

INTRODUCTION

Beck’s improper Motion to Cancel Hearing and for Sanctions must be denied because the hearing scheduled for December 4, 2024, is wholly unrelated to Beck’s Motion to Dismiss (as defined below) and relates solely as to Teleios LS Holdings IV DE, LLC and Teleios LS Holdings V DE, LLC’s (collectively, “**Teleios**”) *Motion to Dismiss Intervenor-Plaintiff’s Third Amended Supplemental Complaint and Demand for Jury Trial* (the “**Teleios Motion to Dismiss**”).¹ Undersigned counsel advised Mr. Todd Zuckerbrod (“**Beck’s Counsel**”), of his confusion regarding the scheduling of the Beck Motion to Dismiss and obtained and provided independent

¹ As this Court is aware, the Court, on September 4, 2024, set the December 4, 2024, Teleios Motion to Dismiss hearing. The Court likewise, on September 4, 2024, specially set the hearing for December 5, 2024, at 11:00 a.m. relative to Telios’s Motion for Attorneys’ Fees, both of which have no relationship to any Client represented by Mr. Zuckerbrod. In addition to the Teleios Motion to Dismiss and Teleios Motion for Attorneys’ Fees not having any relationship with Mr. Zuckerbrod, the Receiver has not and is not participating in any fashion or has requested any relief from the Court relative to the Teleios Motion to Dismiss and Teleios Motion for Attorneys’ Fees.

verification from Teleios' counsel that the hearings scheduled for December 4, 2024, relate to the Teleios Motion to Dismiss. See **Exhibit "A"**. Notwithstanding, after providing Beck's counsel with sufficient facts to address his misguided beliefs on what was set for hearing on December 4th, Receiver's counsel asked Beck's Counsel to withdraw the Motion to Cancel Hearing and for Sanctions. In an email from Beck's Counsel on December 1, 2024, Beck's Counsel, doubled down on his misguided beliefs and responded: "I don't believe you" . . . "we'll see who gets sanctioned". See **Exhibit "A"**

Similarly, Beck's Motion to Continue the January 7th Hearing is also improper, as the hearing on January 7, 2024, is on **Jason Sussman's** Motion to Dismiss and Motion to Strike Allegations in Amended Complaint filed on June 28, 2024 (the "**Sussman Motion to Dismiss**"). Mr. Sussman is represented by Robert Pearce. On September 18, 2024, Receiver's counsel obtained Mr. Pearce's consent to schedule the hearing on the Sussman Motion to Dismiss for January 7, 2024 for a 30-minute hearing. It's unfortunate that Beck's Counsel continues to waste the time and resources of this Court, and of the Receiver and his professionals, by filing improper and inaccurate motions with the Court either due to his failure to read or understand the Court's docket or with the intention of disrupting the administration of this action. We have assured Beck's Counsel that the January 7th hearing is wholly unrelated to his client; however, he has refused to withdraw the Motion to Continue the January 7th Hearing.

BACKGROUND AND ARGUMENT

1. On July 12, 2021, the State of Florida Office of Financial Regulation filed the instant lawsuit against Marshall Seeman, Brian Schwartz, and a myriad of entities arising out of a massive Ponzi scheme that resulted in the loss of more than \$300,000,000.00 to thousands of victims (the "**OFR Enforcement Action**").

2. Daniel J. Stermer was appointed as Receiver in the OFR Enforcement Action, in part, to facilitate the wind up of certain defendant entities' affairs, including liquidating assets, disposing of and prosecuting claims, and assisting with litigation against third parties for the benefit of the investors, noteholders, and creditors.

3. In carrying out these duties, the Receiver commenced a supplemental action against Jason Sussman seeking damages for fraudulent transfers and unjust enrichment based on his receipt of improper payments from one or more of the Receivership Entities and that action is currently pending before this Court and is styled *Daniel J. Stermer, Receiver v. Jason Sussman*, Case No. 2023-CA-015245-XXXXA-MB (the "**Sussman Supplemental Action**")

4. The Receiver filed an Amended Complaint in the Sussman Supplemental Action – the operative pleading – on May 9, 2024, which added eleven additional defendants who also received improper payments to the detriment of the victims. Beck was one of those defendants who solicited investors, sold notes and received improper benefits/payments.

5. On September 26, 2024, the Receiver moved for entry of a clerk's default against Beck in the Sussman Supplemental Action based on Beck's failure to file an answer or otherwise respond to the Amended Complaint.

6. On October 1, 2024, Beck filed his Motion to Dismiss ("**Beck's Motion to Dismiss**") in the OFR Enforcement Action.

7. Beck is not – and never has been – a party to, nor is Beck referenced in, the OFR Enforcement Action.

8. On October 2, 2024, a clerk's default was entered in the Sussman Supplemental Action against Beck.

9. On November 8, 2024, the Receiver filed his *Motion to Strike Defendant Peter Beck's Motion to Dismiss* ("**Motion to Strike**") asserting that Beck's Motion to Dismiss should

be stricken because (i) a default was entered in the Sussman Supplemental Action against Beck; (ii) Beck has no standing to seek relief in the OFR Enforcement Action; and (iii) the Motion to Dismiss is untimely.

10. On November 14, 2024, Beck filed a *Response to Receiver's Motion to Strike Peter Beck's Motion to Dismiss*, which further confirmed Beck's counsel's confusion regarding the interplay between the OFR Enforcement Action and the Sussman Supplemental Action. Beck's response alleges that his Motion to Dismiss sought the dismissal of both actions as to Defendant Beck (notably, Beck is not even a defendant in the OFR Action).

11. On November 11, 2024, Receiver's counsel sent Beck's counsel an email seeking to schedule a hearing on the Motion to Strike for November 20, 2024, at 8:45 a.m. However, prior to receiving a response from Beck's counsel, the hearing date was no longer available. Neither Beck's Motion to Dismiss nor the Receiver's Motion to Strike are currently set for hearing.

12. Receiver's counsel has proposed to Beck a practical solution: for Beck to withdraw his Motion to Dismiss filed in the OFR Enforcement Action and refile it in the Sussman Supplemental Action, and the Receiver would withdraw his Motion to Strike. Beck initially declined and then sent back redlines to the Stipulation that was proposed by the Receiver's counsel.

13. This attitude and demeanor are all too familiar to Receiver's Counsel as Mr. Zuckerbrod represents other defendants in the Sussman Supplemental Proceeding and has attempted to bully the Receiver and make misguided or improper motions and correspondence that include scandalous allegations. It's unclear to the Receiver whether Mr. Zuckerbrod is not reading the pleadings correctly, is just greatly confused as to the allegations pled or the Florida Rules of Civil Procedure or is intentionally disrupting these proceedings and thwarting the Receiver's efforts to progress these claims against a number of different Defendants. His nefarious allegations are improper and further delay the Receiver and his professionals, wasting the Receivership

estates' time and resources. Further, his efforts now to continue or cancel hearings on motions that are unrelated to his clients could cause confusion or delay to other parties and continue to cause unnecessary expense for all involved as well as taking up this Court's time to resolve unwarranted and baseless motions filed by Mr. Zuckerbrod.

14. Florida attorneys have a duty to read a pleading and to certify that to the best of the attorney's knowledge, information, and belief, there is good ground to support the relief sought in their pleadings. Here, Beck's pleadings, the Motion to Cancel Hearing and for Sanctions and the Motion to Continue the January 7th Hearing, wholly miss that mark. Beck's counsel has been provided with sufficient facts evidencing that he missed the mark, yet, he continues to seek cancellation of hearings wholly unrelated to Mr. Beck and impacting unrelated parties that Mr. Zuckerbrod has not relationship with or to.

15. The Motion to Cancel Hearing and for Sanctions should be denied, and this Court should reserve jurisdiction to sanction Beck's Counsel and Beck for their improper motions and actions.

CONCLUSION

Beck's Motion to Cancel Hearing and for Sanctions and Motion to Continue the January 7th Hearing should be denied. The Receiver respectfully requests the Court set a hearing on Beck's Motion to Dismiss and the Receiver's Motion to Strike as soon as practical.² The Receiver suggests a 30-minute hearing is sufficient.

WHEREFORE, the Receiver respectfully requests the Court enter an order denying the Motion to Cancel Hearing and for Sanctions and providing such other relief as justice requires.

² As recommended previously, the Receiver would not oppose Beck filing a motion seeking relief from the default entered in the Supplemental Action so that matter could be adjudicated on its merits.² But Beck's Motion to Dismiss needs to be stricken from the OFR Enforcement Action. Any litigation relating to the Supplemental Action must occur in the Supplemental Action – not the OFR Enforcement Action where Beck is a nonparty.

Dated: December 2, 2024.

Respectfully submitted,

BERGER SINGERMAN LLP
Counsel for Receiver
201 E. Las Olas Boulevard, Suite 1500
Fort Lauderdale, FL 33301
Tel. (954) 525-9900
Fax (954) 523-2872

By: /s/ Brian G. Rich
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Michael J. Niles
Florida Bar No. 107203
mniles@bergersingerman.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 2, 2024, a true and correct copy of the foregoing was filed using the Florida E-filing Portal, which will serve electronic notice upon all parties on the attached Service List.

I FURTHER CERTIFY that on December 2, 2024, a true and correct copy of the foregoing was served by upon all parties in the Supplemental Action identified on the attached Supplemental Action Service List, in the manner indicated.

By: /s/ Brian G. Rich
Brian G. Rich

SERVICE LIST

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Attorney for Pelican Capital Management, LLC

SUPPLEMENTAL ACTION SERVICE LIST

<p><u>Via E-mail Transmission</u> Daniel J. Stermer, Esq. Development Specialists, Inc. 500 E. Broward Boulevard Suite 1700 Fort Lauderdale, Florida 33394 dsterner@DSIConsulting.com <i>Plaintiff/Receiver</i></p>	<p><u>Via E-mail Transmission</u> Robert Wayne Pearce, Esq. Robert Wayne Pearce, P.A. 1499 W. Palmetto Park Road Suite 400 Boca Raton, FL 33486 pearce@rwpearce.com <i>Attorneys for Defendant Jason Sussman</i></p>
<p><u>Via E-mail Transmission</u> C. Cory Mauro, Esq. Mauro Law, P.A. 1001 Yamato Road, Suite 401 Boca Raton, FL 33431 cory.mauro@maurolawfirm.com paralegal@maurolawfirm.com service@maurolawfirm.com <i>Attorney for Defendant Melody Wilder</i></p>	<p><u>Via First Class, U.S. Mail</u> Joseph Corozza 6100 NE 7th Avenue, Apt. 17 Boca Raton, FL 33487</p>


Exhibit A

Michael J. Niles

From: Brian Rich
Sent: Sunday, December 1, 2024 6:51 PM
To: Todd Zuckerbrod
Cc: Daniel J. Stermer; Gavin Gaukroger; Michael J. Niles
Subject: RE: Hearings specially set for December 4 and 5th

I don't know what it is that you don't believe since (1) it's the truth; and (2) it's been verified independently.

If you withdraw your motions we can discuss the stip. Otherwise, we will just address these matters with the Court.

 **Brian Rich**
D: (850)521-6725 | M: (786)427-7511
bergersingerman.com

From: Todd Zuckerbrod <tz@tzbrokerlaw.com>
Sent: Sunday, December 1, 2024 6:37 PM
To: Brian Rich <BRich@bergersingerman.com>
Subject: Re: Hearings specially set for December 4 and 5th

[External E-mail]

Sign my stip. we'll see who gets sanctioned. BTW: I don't believe you.
Sent from my iPhone

On Dec 1, 2024, at 5:25 PM, Brian Rich <BRich@bergersingerman.com> wrote:

Mr. Zuckerbrod:

You have been provided independent verification that the matter set for 12/4 has nothing to do with your clients. I attached the Motions that are set for 12/4 to the prior emails (the Ezrine/Teleios motions). It seems you are not reading the emails or attachments.

My assistant did inquire regarding setting the Motion to Strike, but we never set them when you objected to the date/amount of time. You appear to be greatly confused.

We have provided your sufficient facts to address your misguided thoughts on what is set for hearing on 12/4. We have requested you withdraw your motions. You have refused to do so. We will just address the matters with the Court.

<image001.png> **Brian Rich**
D: (850)521-6725 | M: (786)427-7511
bergersingerman.com

From: Todd Zuckerbrod <tz@tzbrokerlaw.com>
Sent: Sunday, December 1, 2024 5:11 PM
To: Brian Rich <BRich@bergersingerman.com>
Cc: Gavin Gaukroger <ggaukroger@bergersingerman.com>; Michael J. Niles <MNiles@bergersingerman.com>; Daniel J. Stermer <DStermer@DSIConsulting.com>
Subject: Re: Hearings specially set for December 4 and 5th

[External E-mail]

No Brian. I don't. You need to send me information on what motion to dismiss is presently scheduled for December 4, 2024 and confirmation to the Court and myself that the hearing on 12/4 does not relate to your motion to strike. Then you can explain to the Court why you told me that the motion on 12/4 was regarding your motion to strike. While you're at it, you can tell the Court how you didn't schedule the Special Set on Cucuiat's motion to dismiss for February 6, 2024, when it is on the same date and time for which your assistant sought my availability for a 15 minute "scheduling hearing" and why the Court order identifies that the 30 minute Special Set is on the Cucuiat motion to dismiss. And that's just for starters. My motions will not be withdrawn.

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From: Brian Rich <BRich@bergersingerman.com>
Sent: Sunday, December 1, 2024 4:36:26 PM
To: Todd Zuckerbrod <tz@tzbrokerlaw.com>
Cc: Gavin Gaukroger <ggaukroger@bergersingerman.com>; Michael J. Niles <MNiles@bergersingerman.com>; Daniel J. Stermer <DStermer@DSIConsulting.com>
Subject: FW: Hearings specially set for December 4 and 5th

Mr. Zuckerbrod:

You now have confirmation about what I have told you regarding the hearings set for December 4 and 5. If you do not withdraw your improper pleadings which contain multiple false statements, we will seek appropriate relief from the Court, including sanctions.

<image009.png> **Brian Rich**
D: (850)521-6725 | M: (786)427-7511
bergersingerman.com

From: Schreiber, Carey <CSchreiber@winston.com>
Sent: Sunday, December 1, 2024 4:26 PM
To: Brian Rich <BRich@bergersingerman.com>; Benny Carollo <bcarollo@vernonlitigation.com>
Cc: TZ@tzbrokerlaw.com; Daniel J. Stermer <DStermer@DSIConsulting.com>; Gavin Gaukroger <ggaukroger@bergersingerman.com>; Michael J. Niles <MNiles@bergersingerman.com>
Subject: Re: Hearings specially set for December 4 and 5th

[External E-mail]

The two notices for hearing on 12/4 and 12/5 that you attached relate to Teleios's motions related to the Ezrine matter (including the motion to dismiss that you attached as well as the sanctions supplement and other pleading referred to therein). We coordinated these with Ezrine's counsel. To the best of my knowledge they have nothing to do with Mr. Zuckerbrod or his clients that you reference below.

Regards,
Carey

Carey Schreiber

Partner

Winston & Strawn LLP

T: [+1 212-294-6700](tel:+12122946700)

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F: [+1 212-294-4700](tel:+12122944700)

winston.com

From: Brian Rich <BRich@bergersingerman.com>

Sent: Sunday, December 1, 2024 4:16 PM

To: Schreiber, Carey <CSchreiber@winston.com>; Benny Carollo <bcarollo@vernonlitigation.com>

Cc: TZ@tzbrokerlaw.com <tz@tzbrokerlaw.com>; Daniel J. Stermer <DStermer@DSIConsulting.com>; Gavin Gaukroger <ggaukroger@bergersingerman.com>; Michael J. Niles <MNiles@bergersingerman.com>

Subject: Hearings specially set for December 4 and 5th

Carey and Benny:

There appears to be some confusion by Mr. Zuckerbrod regarding the hearings scheduled for December 4 and 5th. Those hearings were specially set and relate to the Teleios Motion to Dismiss the Third Amended Complaint filed by the Ezrines and the Motion for Fees filed by Teleios.

Can you please confirm that the two hearings (notices attached) were set and coordinated by your offices and not by my office and that they relate to the Motions as between Teleios and the Ezrines and not any motions filed by Mr. Zuckerbrod or which relate to his client's - Beck and Cucuiat.

Thanks.

<image010.png>

Brian Rich

Berger Singerman *Florida's Business Law Firm*

313 N Monroe Street | Suite 301 | Tallahassee, FL 32301

D: (850)521-6725 | M: (786)427-7511

bergersingerman.com

<image011.png>

<image012.png>

<image013.png>

<image014.png>

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