

**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.

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**RECEIVER’S RESPONSE TO DANIEL CUCUIAT’S MOTION TO CONTINUE
SPECIAL SET HEARING IN FAVOR OF UMC HEARING FOR THE PURPOSE OF
PRESENTING BASIS FOR A SPECIAL SET HEARING MORE THAN 30 MINUTES**

Daniel J. Stermer, in his capacity as Receiver (the “**Receiver**” or “**Plaintiff**”), files this response to Daniel Cucuiat’s (“**Cucuiat**”) (I) *Motion to Continue Special Set Hearing In Favor of UMC Hearing For the Purpose of Presenting Basis for a Special Set Hearing More than 30 Minutes*. (“**Motion to Continue February 6th Hearing**”), and in support thereof states:

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. Cucuiat was one of those defendants who solicited investors, sold notes and received improper benefits/payments.

5. For reasons, unknown to the Receiver or Receiver’s counsel, on October 1, 2024, Cucuiat filed his *Motion to Dismiss Plaintiff’s Original Complaint and Amended Complaint Against Daniel Cucuiat in the OFR Enforcement Case* (“**Cucuiat Motion to Dismiss**”) in the OFR Enforcement Action.

6. Cucuiat is not – and never has been – a party to, nor is Cucuiat referenced in, the OFR Enforcement Action -which has now been pending since July 2021.

7. On October 11, 2024, the Receiver filed his *Response In Opposition to Defendant Daniel Cucuiat’s Motion to Dismiss Plaintiff’s Original Complaint and Amended Complaint* (“**Response to Motion to Dismiss**”) in the Sussman Supplemental Proceeding asserting, *inter alia*, that the Cucuiat Motion to Dismiss **was filed in the wrong case**, and that the OFR Enforcement Action does not even name Cucuiat as a named defendant nor reference Cucuiat in any paragraph of the OFR Enforcement Action.

8. On November 1, 2024, undersigned counsel contacted attorney Todd Zuckerbrod seeking to schedule the Cucuiat Motion to Dismiss for a “15-minute special set on February 6, 2025, at 11:00AM, to schedule the hearing on the Motion to Dismiss Plaintiff’s Original Complaint and Amended Complaint Against Daniel Cucuiat.” This February 6 date was a date that was available through the Court’s portal and was obtained consistent with this Court’s procedures for obtaining hearing dates. Receiver’s counsel was attempting to coordinate with opposing counsel for the scheduling of the hearing.

9. In response to such efforts, Mr. Zuckerbrod responded: “I’m available for a 15-minute scheduling hearing on February 6, 2025 at 11:00 am. Todd”

10. The Receiver never limited the purpose of the hearing to a “scheduling hearing” as suggested by Mr. Zuckerbrod as such is unnecessary based upon the Court’s procedures for setting a hearing.

11. When the Receiver’s counsel attempted to reserve the 15-minute hearing on February 6, 2024, with the Court, that date was no longer available for a 15-minute hearing, however, there was a 30-minute hearing slot available on the same day at 10:30am.

12. To avoid any further delay in hearing the Cucuiat Motion to Dismiss, the Receiver reserved the 30-minute hearing slot¹.

13. Mr. Zuckerbrod’s contention in his motion that “Plaintiff has litigated in bad faith” is uncalled for and inaccurate and purely inflammatory. The hearing was not scheduled unilaterally nor in bad faith.

14. As alleged in the Receiver’s recent pleadings:

It is unfortunate that Mr. Zuckerbrod 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.

15. The Receiver does not believe more than 30 minutes is necessary for the currently drafted and filed Cucuiat Motion to Dismiss because it is improper and alleges wrongly that the Office of Financial Regulation and the Receiver are one in the same and that the OFR Enforcement Action and the Sussman Supplementary Proceeding are one in the same. They are not. As drafted,

¹ Receiver and counsel submit that a hearing isn’t necessary at all on the Cucuiat Motion to Dismiss since having been advised that it was filed in the wrong case, Attorney Zuckerbrod should withdraw it and refile it in the correct proceeding, namely the Sussman Supplemental Action. But efforts at reaching such a practical solution have been met with resistance and aggressive tactics by Mr. Zuckerbrod as evidenced by his Motion to Continue February 6th Hearing.

the Cucuiat Motion to Dismiss cannot be granted in part as Cucuiat is not even a party to the OFR Enforcement Action.

16. While Cucuiat may have arguments to raise against the allegations set forth against him in the Sussman Supplemental Action, the Cucuiat Motion to Dismiss cannot be properly heard in OFR Enforcement Action. Despite having been advised of this argument, Mr. Zuckerbrod continues to waste the valuable resources and time of this Court and waste the assets of the Receivership estate responding to his scorched earth litigation tactics rather than simply file the Motion to Dismiss in the correct case, again the Sussman Supplemental Action.

17. The Receiver does not consent to continuing the February 6th hearing, however, is agreeable to limit the currently scheduled 30-minute hearing to 15 minutes as agreed to by Cucuiat.

WHEREFORE, the Receiver respectfully requests the Court enter an order denying the Motion to Continue the February 6th Hearing.

Dated: December 3, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 3, 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 3, 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
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