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

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

STATE OF FLORIDA OFFICE OF FINANCIAL REGULATION,

Plaintiff,

NATIONAL SENIOR INSURANCE, INC.

D/B/A SEEMAN HOLTZ,

MARSHAL SEEMAN,

CENTURION INSURANCE SERVICES

GROUP, LLC,

V.

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 RESPONSE TO DANIEL CUCUIAT'S STIPULATED MOTION TO ADJOURN SPECIAL SET HEARING

Daniel J. Stermer, in his capacity as Receiver (the "Receiver") files this *Response* ("Response") to *Daniel Cucuiat's Stipulated Motion to Adjourn Special Set hearing* ("Motion to Adjourn") requesting the Court continue the hearing on the Motion to Dismiss (as defined below), and in support thereof states:

Introduction

A simple agreement to accommodate a request for a continuance has been turned into another waste of time and resources of the Receivership Estate and this Court. For reasons unknown to the Receiver or Receiver's counsel, Mr. Cucuiat and his counsel continue to mistakenly equate the Receiver with the Office of Financial Regulation (the "OFR") and continue to file pleadings incorrectly, conflating issues and making spurious allegations against the Receiver and his counsel. The Receiver (the Plaintiff in the Supplemental Action (as defined below) is distinct and separate from the OFR, the Plaintiff in the OFR Enforcement Action (as defined below). Counsel for Mr. Cucuiat – Mr. Todd Zuckerbrod ("Mr. Zuckerbrod") - who is also counsel for other defendants in the Supplemental Action either refuses to acknowledge this distinction or is purposefully making false allegations and statements to this Court. At some point that needs to be stopped or addressed by the Court, as they continue to cause the Receiver to spend time and money addressing these issues, which ultimately takes funds away from the true investor victims. That may be for another day. But unfortunately today, the Receiver must address the

misstatements as set forth in the Motion to Adjourn - which again should have been a simple request to reschedule a hearing.

- 1. On July 12, 2021, the State of Florida Office of Financial Regulation filed the instant lawsuit against Marshal 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. The Receiver commenced a supplemental action against Jason Sussman and additional defendants including Daniel Cucuiat seeking the recovery, *inter alia*, of fraudulent transfers and unjust enrichment based on their 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-XXXA-MB (the "Supplemental Action"). Mr. Zuckerbrod represents defendants in the Supplemental Action, including Mr. Cucuait, Mr. Donoff and Mr. Beck.
- 4. The Receiver is an officer and an extension of the Court not of the OFR. The OFR Enforcement Action and the Sussman Supplemental Action are separate matters which ultimately is derived from the OFR Enforcement Action.
- 5. Mr. Zuckerbrod, counsel for Cucuiat (and the other defendants he represents), continues to confuse the roles of the Receiver and the OFR thus wasting the Court's and Receiver's resources and time.

- 6. The Motion to Adjourn (and related pleadings filed by Mr. Zuckerbrod) exemplifies this confusion. Mr. Zuckerbrod incorrectly certified that he conferred with the OFR instead of the Receiver regarding the adjournment of the February 6, 2025 hearing. This is a false statement made to this Court by Mr. Zuckerbrod.
- 7. On August 30, 2024, Mr. Zuckerbrod filed a Motion to Dismiss Plaintiff's Original Complaint and Amended Complaint against Daniel Cucuiat (the "Motion to Dismiss")¹. The Motion to Dismiss makes numerous improper allegations and misstatements regarding the OFR Action and Supplemental Action and on October 11, 2024, the Receiver filed his Response in Opposition to the Motion to Dismiss.
- 8. Further, the Motion to Dismiss is improperly filed in the OFR Enforcement Action not the Supplemental Action. Despite being informed of this, Mr. Zuckerbrod refuses to correct the issue and instead continues a pattern of making wild accusations that the Receiver is the same as the OFR. Further, he continues to make unfounded and prejudicial accusations of bad faith and alleged improper acts by the OFR and the Receiver.
- 9. The Motion to Adjourn is the latest example of these actions. Simply stated the Cucuait Motion to Dismiss filed in the OFR Enforcement Action, attempts to in respond to the amended complaint in the Supplemental Action. On October 11, 2024, the Receiver filed his Response to the Motion to Dismiss.
- 10. The Receiver, seeking to expeditiously resolve this case attempted to set the Motion to Dismiss for a hearing. Since a special set hearing was required, Receiver's counsel obtained proposed dates and circulated same to Mr. Zuckerbrod's office. In response to such efforts, Mr. Zuckerbrod responded: "I'm available for a 15- minute scheduling hearing on February 6, 2025 at

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¹ Mr. Zuckerbrod is seeming to seek the dismissal of the OFR Enforcement Action even though Mr. Cucuait is not a party to that action.

11:00 am. Todd". 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. 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 February 6, 2025 at 10:30am. To avoid any further delay in hearing the Cucuiat Motion to Dismiss, the Receiver reserved the 30-minute hearing slot.

- On November 27, 2024, Mr. Zuckerbrod then filed his Motion to Continue Special Set Hearing in Favor of UMC Hearing for Purposes of Presenting Basis for a Special Set Hearing More than 30 Minutes. His motion likewise made the consistent unfounded arguments of "bad faith". On December 3, 2024, the Receiver responded to that motion accordingly.
- 12. Then on January 10, 2025, Mr. Zuckerbrod filed his Motion to Permit Scheduling of a Special Set Hearing for more than 30 Minutes (the "Motion to Permit"). The Motion to Permit laid out the same unfounded arguments of "bad faith" and "litigation tactics." The Motion to Permit was set for hearing on January 28, 2025. The Court denied the Motion to Permit after hearing argument of counsel.
- 13. With the denial of the Motion to Permit, that left the February 6 hearing date on the calendar for the Court to consider the Motion to Dismiss. In an effort to accommodate Mr. Zuckerbrod, the Receiver's counsel agreed that if Mr. Zuckerbrod wanted to try to re-set the hearing on the Motion to Dismiss, that such rescheduling would be agreeable to the Receiver.
- 14. However, since the hearing on the Motion to Dismiss was "specially set", the Order setting the hearing and this Court's procedures provide that:

Special Set Hearings cannot be cancelled without a properly filed Motion to Continue and must be set for hearing on the UMC calendar.

- on the Motion to Dismiss and circulated same to Mr. Zuckerbrod. Mr. Zuckerbrod responded that he would also be filing a "stipulated motion to adjourn the February 6, 2025 hearing along with a proposed Order." (the "Motion to Adjourn") Undersigned requested a copy of what Mr. Zuckerbrod was going to file since we wanted to confirm what was being "stipulated" to. Despite this request, Mr. Zuckerbrod didn't share the Motion to Adjourn before filing it. Again, the Motion to Adjourn continues the pattern of utilizing the incorrect case caption (the OFR Enforcement Action instead of the Supplemental Action), misstates that the "Plaintiff OFR and Defendant... hereby jointly moves this Honorable Court". The OFR is the NOT the Plaintiff in this matter and thus did not confer or stipulate to anything. The OFR is NOT involved as a party in the Supplemental Action.
- 16. Undersigned counsel brought this to the attention of Mr. Zuckerbrod via email and was met with the same unfounded accusations of "bad faith" and "fraud on the court." Additionally for some unknown reason, he also copied Mr. Donoff (not Mr. Cucuait, whom the Motion to Dismiss was filed on behalf of) on this email. See attached **Exhibit A**.
- 17. The Receiver and counsel do not typically attach email exchanges between the parties to pleadings unless it is necessary to show the Court the improper behavior that is occurring. Here, the continued allegations which appear to try to intimidate or sway the Receiver and his counsel need to be brought to the attention of the Court. Mr. Zuckerbrod and his multiple clients continue to further victimize the victims by causing the Receivership Estate to incur excessive fees dealing with such antics.²

² Mr. Zuckerbrod has filed a Motion to Set Aside Settlement Agreement for Breach of Contract and Bad Faith related Donoff. Then he filed a Motion for Reconsideration of Approval of Settlement Agreed Final Order. That was denied. He then appealed that denial and lost on appeal at the 4th DCA. Most recently, Mr. Zuckerbrod has filed Motion to Vacate the Order Executed on May 29, 2024 and a Motion to Toll Collection of Judgment Pending Motion to Vacate in another effort to attack the final orders and judgments of this Court related Donoff. As to Defendant Beck, Mr

18. The process for seeking the rescheduling of a hearing should be simple, done in compliance with the rules and procedures of the Court, and dealt with in a professional manner.

Mr. Zuckerbrod apparently sees things differently.

19. The Receiver submits that the Motion to Dismiss can be decided by the Court, without hearing on the papers submitted by the parties. Alternatively, the Court can conduct the hearing on February 6, 2025, as scheduled, or as originally indicated the Receiver has no objection to Mr. Zuckerbrod obtaining a new date consistent with this Court's procedures.

Dated: February 2, 2025.

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

Brian G. Rich
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Continue Special Set Hearing (which dealt with a completely unrelated Motion and which was denied as moot) and a Motion for Reconsideration of the Order Denying Defendant Motion to Cancel UMC Hearing and Sanctions. Most, if not all of those pleadings were filed in the wrong captioned case. This pattern of practice, again, does nothing but inflate the cost to the victims of this Ponzi scheme and waste the Court's resources.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 2, 2025, 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 February 2, 2025, 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, with the exception of service upon Joseph Corozza, who will be served by first class, U.S. Mail on February 3, 2025.

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

SERVICE LIST

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Peter Beck

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Attorney for Defendant Melody Wilder		

EXHIBIT A

Brian Rich

From:

Brian Rich

Sent:

Friday, January 31, 2025 6:03 PM

To:

Todd Zuckerbrod

Cc: Subject: Michael J. Niles; Daniel J. Stermer; Bedell, George; Melchior, Greg; rdonoff@gmail.com RE: SERVICE OF COURT DOCUMENT CASE NUMBER 502021CA008718XXXXMB STATE

OF FLORIDA OFFICE OF FINANCIAL REGULATION - NATIONAL SENIOR INSURANCE INC.

DBA SEEMAN HOLTZ

Honestly, I don't understand your email, I don't know what rules of procedure your referring to. If you wish to direct to what you are referring to, please do so. The stipulation you filed does not comply with the judge's order or procedures. It makes false statements about who you conferred with and who the parties are. We will address that with the Court.

As to your continued allegations of bad faith and fraud on the court, please stop. Or please specifically identify the acts that you are referring to and we can address them with the Court.

Finally, I don't know why you are copying Mr. Donoff on an email that relates to Mr. Cucuiat. We will be filing our response to the Donoff Motion to Vacate. Again, we simply don't understand that Motion as well. The Court has ruled and the appellate court has ruled. We tried to settle with Mr. Donoff again and instead of responding to proposals you and he continue to wish to re-litigate issues and escalate the situation. Thus, we will continue to respond to your pleadings, which will only increase the \$800k judgment against Mr. Donoff which we will continue to seek to enforce. We will seek all interest and fees that we continue to incur in that regard.

I do hope you have a great weekend as well.



Brian Rich

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

bergersingerman.com

From: Todd Zuckerbrod <tz@tzbrokerlaw.com>

Sent: Friday, January 31, 2025 5:45 PM

To: Brian Rich < BRich@bergersingerman.com>

Cc: Michael J. Niles <MNiles@bergersingerman.com>; Daniel J. Stermer <DStermer@DSIConsulting.com>; Bedell,

George <George.Bedell@flofr.gov>; Melchior, Greg <Greg.Melchior@flofr.gov>; rdonoff@gmail.com

Subject: RE: SERVICE OF COURT DOCUMENT CASE NUMBER 502021CA008718XXXXMB STATE OF FLORIDA OFFICE OF

FINANCIAL REGULATION - NATIONAL SENIOR INSURANCE INC DBA SEEMAN HOLTZ

[External E-mail]

Brian: what part of "Yes" conveys the request to see the motion in advance? The Florida Rules of Civil Procedure are clear that the cases are one and the same and the designation of one case number or the other shall not be of consequence. That is my position and it is consistent with the rules. You have used the illusory distinction in bad faith and in that same regard have committed a fraud on the court; as set forth in our motion to vacate the Donoff settlement agreement. Have a nice weekend. Todd.

Todd



Todd A. Zuckerbrod, Esq. Admitted in FL and NY

Todd A. Zuckerbrod, P.A. 40 SE 5th Street Suite 400 Boca Raton, FL 33432

Office: (561) 544-8144 Cell: (561) 801-3408 Fax: (561) 544-1101

Email: tz@tzbrokerlaw.com
Website: www.tzbrokerlaw.com

From: Brian Rich < BRich@bergersingerman.com >

Sent: Friday, January 31, 2025 5:32 PM **To:** Todd Zuckerbrod <<u>tz@tzbrokerlaw.com</u>>

Cc: Michael J. Niles < MNiles@bergersingerman.com >; Daniel J. Stermer < DStermer@DSIConsulting.com >; Bedell,

George < George.Bedell@flofr.gov >; Melchior, Greg < Greg.Melchior@flofr.gov >

Subject: FW: SERVICE OF COURT DOCUMENT CASE NUMBER 502021CA008718XXXXMB STATE OF FLORIDA OFFICE OF

FINANCIAL REGULATION - NATIONAL SENIOR INSURANCE INC DBA SEEMAN HOLTZ

Todd:

We had asked for you to send the stipulation to us prior to filing. Perhaps you didn't see that email. Your stipulation isn't accurate - the Receiver is not the OFR and the OFR is not the plaintiff in the supplemental case. Thus, you didn't confer with OFR and they aren't a party to the supplemental complaint. This needs to be corrected. The Receiver does not oppose re-setting the hearing, but we will still file the motion we sent to you, to comply with the Judge's Order and procedures.

I have copied counsel for OFR so that they can be aware of the situation and to avoid any continued confusion.



From: <u>eservice@myflcourtaccess.com</u> < <u>eservice@myflcourtaccess.com</u> >

Sent: Friday, January 31, 2025 5:23 PM

Subject: SERVICE OF COURT DOCUMENT CASE NUMBER 502021CA008718XXXXMB STATE OF FLORIDA OFFICE OF

FINANCIAL REGULATION - NATIONAL SENIOR INSURANCE INC DBA SEEMAN HOLTZ

[External E-mail]

Notice of Service of Court Documents

Filing Information

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Filing Time: 01/31/2025 05:23:18 PM ET

Filer: Todd A Zuckerbrod 561-544-8144

Court: Fifteenth Judicial Circuit in and for Palm Beach County, Florida

Case #: 502021CA008718XXXXMB

Court Case #: 50-2021-CA-008718-XXXX-MB

Case Style: STATE OF FLORIDA OFFICE OF FINANCIAL REGULATION - NATIONAL SENIOR INSURANCE INC DBA SE

Documents Click on the file name below to download or print your document NOW. The link expires in 14 day

Documents

Title	File
Motions Motion To Cancel And Reschedule	01.31.25 Stipulated Motion to Adjurn Spec.Set Heε
Motions/Petitions With Proposed Orders Motion And Order	01.31.25 Proposed Order Grant. Stip. Motion.pdf

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