

EXHIBIT D

ROBERT G. CAREY
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September 18, 2017

VIA ELECTRONIC MAIL

Mr. Hans Clausen, Esq.
Federal Trade Commission
Bureau of Consumer Protection
225 Peachtree Street, Suite 1500
Atlanta, Georgia 30303
Tel: 404.656.1361 | Fax: 404.656.1379
hclausen@ftc.gov

Re: Potential Receivership Concerning Federal Trade Commission Matter

Dear Mr. Clausen:

Pursuant to our recent discussion, I would be honored to serve as a court-appointed Receiver in any future enforcement action brought by the Federal Trade Commission ("FTC") in the Southern District of Florida. I am available to serve as a Receiver regarding the matter that the FTC intends to file in the Southern District of Florida in late September, 2017.

My background is well-suited to serve as a court-appointed Receiver. A copy of my resume is attached for your consideration.

For the past 16 years, I have focused my practice on Federal Court equity receiverships, primarily in South Florida. Much of my receivership experience has involved boiler rooms and deceptive telemarketing schemes, including acting as Deputy Receiver in several FTC cases filed in the Southern District of Florida: (1) *American Precious Metals, LLC* (a \$37 million precious metals boiler room); (2) *Timeshare Mega Media and Marketing Group, Inc.* (a timeshare boiler room); (3) *The Dolce Group Worldwide, LLC* (a \$4 million boiler room); and (4) *Nationwide Connections, Inc.* (a \$36 million cramming scheme).

In addition to my receivership experience with boiler rooms, and during the past three years, I have served as Receiver's counsel in an ongoing Securities and Exchange Commission case styled *SEC v. JCS Enterprises, Inc., et al.*, Case Number 14-80468-CV-Middlebrooks (S.D. Fla. April 7, 2014), pending in the United States District Court for the Southern District of Florida. Specifically, *SEC v. JCS Enterprises, Inc.* involves an \$80 million Ponzi scheme where, in parallel criminal proceedings, four defendants were criminally convicted for dozens of crimes. In this case, the Receiver has thus far collected millions of dollars – nearly thirty percent of investor losses – into the Receivership Estates' account for the benefit of the investor victims, and has also sued dozens of individual and corporate defendants in clawback cases nationwide.

During 2016 and 2017, I was also appointed by the Court as Deputy Receiver/Receivership Consultant in a class action case styled *Brandon Leidel, individually, et al. v. Project Investors, Inc. d/b/a Cryptsy, et al.*, Case Number 16-CV-80060-Marra (S.D. Fla. February 22, 2016), pending in the United States District Court for the Southern District of

Mr. Hans Clausen, Esq.
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Florida. This case involves an online cryptocurrency exchange that allegedly defrauded customers around the world out of millions of dollars.

As a Receiver, my primary goals would be to gather, pursue, preserve, and (if asked by the FTC) distribute assets and funds to those rightly entitled to them as efficiently and economically as possible. As a recent example of my receivership recovery efforts, I successfully spearheaded and accomplished the collection by a Receivership Estate of tens of thousands of dollars in prepaid and overpaid taxes from various taxing authorities; such work was not an easy task and a good example of my creative and aggressive work to collect additional assets for the benefit of the Receivership Estate.

As my resume indicates, I have an educational and working background in accounting, finance and real estate which provides me with an understanding necessary to investigate transactions related to fraudulent activity underlying most receivership cases. I am cognizant of the need to carry out a Receiver's responsibilities and obligations in an expeditious, efficient, and cost-effective manner, while preserving evidence, both electronic and physical, for any potential criminal prosecution that may arise.

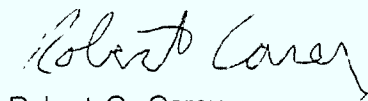
For legal services, if necessary, I would retain Sallah Astarita & Cox, LLC, which is principally located in Boca Raton, Florida and has offices in New Jersey and New York. The firm primarily focuses on securities-related matters in State and Federal Courts and has handled all types of Receiverships, as well as securities cases in administrative and self-regulatory fora. The firm's attorneys have acted as Receivers or Corporate Monitors themselves in several matters and/or as counsel for Receivers or Corporate Monitors. Copies of the resumes of James D. Sallah, Patrick J. Rengstl, and Jeffrey L. Cox from the firm and with whom I have worked for more than 10 years on several receivership cases are attached for your consideration.

For forensic accounting services, if necessary, I would retain KapilaMukamal, LLP, CPAs, forensic and insolvency advisors, a nationally-recognized accounting firm with substantial experience in forensic accounting, fraud examinations, and taxation concerning Receivership Estates. A copy of the resume of founding partner Soneet Kapila, with whom I have also worked for more than 15 years on several receiverships, is attached for your consideration.

If selected, I am prepared to work at the discounted hourly rate of \$260.00. Administrative assistants and paralegals would bill at discounted hourly rates ranging from \$50.00 to \$100.00 depending on the task. In addition, my retained professionals would agree to discount their standard hourly rates for the benefit of the Receivership Estate and would be subject to separately-filed motions to employ and approve their retentions and discounted hourly rates.

Thank you again for contacting me and allowing me this opportunity to submit this proposal. I would be delighted to serve as a court-appointed Receiver in any future FTC enforcement action. Please do not hesitate to contact me with any questions or if you need additional information.

Sincerely,



Robert G. Carey

encl: As described

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4301 SOUTH FLAMINGO ROAD, SUITE 106/111
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(786) 371-6813
ROBERT@ROBERTCAREYLAW.COM

MEMBERSHIPS

Member of the State Bar of Florida

REPRESENTATIVE CASES

- ◆ BRANDON LEIDEL, INDIVIDUALLY, ET AL. V. PROJECT INVESTORS, INC. D/B/A CRYPTSY, ET AL., CASE NUMBER 16-CV-80060-MARRA. Court Appointed Deputy Receiver/Receivership Consultant in cryptocurrency fraud class action.
- ◆ SECURITIES & EXCHANGE COMMISSION V. JCS ENTERPRISES ET AL., CASE No. 14-80468-CIV-MIDDLEBROOKS. Counsel for Receiver James D. Sallah, Esq. Ponzi Scheme.
- ◆ FEDERAL TRADE COMMISSION V. AMERICAN PRECIOUS METALS ET AL., CASE No. 11-61072-CIV-RNS. Deputy Receiver for Receiver David R. Chase, Esq. Deceptive telemarketing Scheme.
- ◆ FEDERAL TRADE COMMISSION V. TIME SHARE MEGA MEDIA & MARKETING ET AL., CASE No. 10-62000-Civ-ZLOCK. Deputy Receiver for Receiver David R. Chase. Deceptive telemarketing scheme.
- ◆ FEDERAL TRADE COMMISSION V. THE DOLCE GROUP WORLDWIDE, LLC ET AL., CASE No. 10-21788-Civ-COOKE/BANDSTRA. Deputy Receiver for Receiver David R. Chase. Deceptive telemarketing scheme.
- ◆ FEDERAL TRADE COMMISSION V. NATIONWIDE CONNECTIONS, INC. ET.,AL. CASE No. 06-80180-Civ-RYSKAMP/VITUNIC. Deputy Receiver for Receiver David R. Chase. Cramming scheme.
- ◆ BASSET V. PRIVATE INVESTMENT PARTNERS, LLP ET AL., CASE No. 2005 CA 011312 XXX B. Deputy Custodian for Custodian David R. Chase. Theft by broker and brokerage firm.
- ◆ FEDERAL TRADE COMMISSION V. USA BEVERAGES, INC. ET AL., CASE No. 05-61682-Civ-LENARD/KLEIN. Deputy Receiver for Receiver David R. Chase. Fraudulent business opportunities scheme.
- ◆ SECURITIES AND EXCHANGE COMMISSION V. SPEAR AND JACKSON, INC., CASE No. 04-CIV-80354-Civ-LENARD. Contractor performing forensic accounting for Corporate Monitor Soneet Kapila, Kapila & Co. Illegal Sales of Securities.
- ◆ SECURITIES AND EXCHANGE COMMISSION V. WORLD CLASS LIMOUSINES, INC. ET AL., CASE No. 01-7834-Civ-JORDON. Deputy Receiver for Receiver David R. Chase. Unregistered Offering of Securities.
- ◆ FEDERAL TRADE COMMISSION V. AMERITEL PAYPHONE DISTRIBUTORS, INC. ET AL., CASE No. 00-514-Civ-GOLD/SIMONTON. Deputy Receiver for Receiver David R. Chase. Fraudulent business opportunities.

OTHER EXPERIENCE

ESQUIRE CORPORATE SERVICES, West Palm, Florida. **Accountant.** Sept. to Oct. 2002.

- ◆ Performed accounting and billing tasks for Corporate clients of national deposition services provider
- ◆ Assisted in researching and collecting delinquent payments.

LENNAR CORPORATION, Miami, Florida. **Internship.** Aug. to Dec. 2001.

- ◆ Conducted legal research, wrote memoranda, and analyzed documents for evidentiary purposes
- ◆ Worked with Vice President & General Counsel

CITY OF MIAMI BEACH, Miami Beach, Florida. **Internship.** Jan. to May 2001.

- ◆ Conducted legal research and writing on various real estate, zoning, and development issues

UNITED STATES SECURITIES AND EXCHANGE COMMISSION, Miami, Florida. **Internship.** Aug. to Dec. 2000.

- ◆ Legal research, wrote memoranda, and analyzed documents for enforcement of violations of securities law.
- ◆ Researched 10(b)5 claims including fraudulent unregistered securities, sales practice fraud, and stock market manipulation.

HON. MALCOM F. MARSH, UNITED STATES DISTRICT COURT, Portland, Oregon. **Externship.** May to Jun. 2000

- ◆ Assisted law clerks in analyzing and researching critical issues for decisions
- ◆ Drafted opinion interpreting the Family Medical Leave Act

INDUSTRY MORTGAGE, LP, Tampa, Florida. **Accountant.** Apr. to Jun. 1996

- ◆ Performed accounting functions related to SEC filings and final external audit
- ◆ Analyzed and completed tax returns for limited partnership with multiple investors across the U.S.

MCCAW CORPORATION, Portland, Oregon. **Accountant.** Jul. 1992 to Dec. 1993

- ◆ Discovered and collected past due inventory rebates of over \$90,000
- ◆ Reconciled general ledger accounts; created and implemented regional budget

NORRIS AND STEVENS, Portland, Oregon. **Manager.** May 1992 to Mar. 1994

- ◆ Responsible for managing, marketing, and leasing apartment complex

EDUCATION

- University of Miami School of Law, Real Property Development Master of Laws, Dec. 2001
- University of Miami School of Law, Juris Doctor, Dec. 2000
- University of South Florida, Master of Accountancy, Aug. 1999
- University of Florida, Master of Real Estate, Aug. 1998
- University of Florida, Master of Business Administration, May 1997
- Portland State University, Bachelor of Science in Accounting, Finance & Psychology, Aug. 1994



RESUME OF JAMES D. SALLAH, ESQ.

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WEBSITE: www.sallahlaw.com

PRACTICE AREAS

Mr. Sallah is an AV Preeminent® rated attorney who concentrates on securities and commodity futures regulation and enforcement, broker-dealer compliance and defense, receivership litigation, whistleblower claims, securities arbitration, and business litigation.

PROFESSIONAL EXPERIENCE

Since leaving the Securities and Exchange Commission in 2004, Mr. Sallah has represented national and regional brokerage firms, as well as publicly traded companies and individuals, in a variety of matters, including SEC, FINRA, stock exchange, and state regulatory investigations, Congressional Sub-Committee investigations and hearings, internal investigations, federal and state lawsuits, administrative actions, and arbitrations. He has successfully handled matters through trial, arbitration, and regulatory enforcement proceedings.

Mr. Sallah's reputation as a securities lawyer is recognized among his peers. Each year since 2011, he was selected as a *Florida Super Lawyer* in the area of Securities Litigation and among *Florida Trend's Legal Elite*. Moreover, Mr. Sallah has been recognized in the *South Florida Legal Guide* each year since 2008 in the field of Securities Litigation and Arbitration. In 2009 the *Daily Business Review* selected Mr. Sallah as the "Most Effective Lawyer" in South Florida in the area of Securities Law.

Before entering private practice, Mr. Sallah was a Senior Counsel in the SEC's Division of Enforcement in Miami, Florida. During his tenure at the SEC, Mr. Sallah handled investigations and litigation in both federal court and administrative forums, including cases involving fraudulent securities offerings, Ponzi schemes, market manipulations, municipal bonds, research analyst conflicts, public company disclosure and periodic reports, and broker-dealer and investment adviser regulation.

Prior to joining the SEC, Mr. Sallah was Assistant Corporate Counsel for Raymond James Financial, Inc., the largest brokerage institution in the Southeastern United States. While at Raymond James, he represented its broker-dealer subsidiaries and their associated persons in a variety of matters, including litigation and arbitration.

RECENT LITIGATION SUCCESSES

- Represented Miami doctor in an insider trading case brought by the SEC in federal court. After a two-week jury trial, the doctor was found not liable - SEC v. De La Maza, et al., Case No. 09-21977 (S.D. Fla.).
- Successfully argued dismissal of shareholder suit in federal court alleging insider trading - Kamin, et al. v. Acord, et al., Case No. 09-22829-Civ-Jordan (S.D. Fla.)
- Represented nominee for Commissioner of Financial Regulation for the State of Florida in FINRA Enforcement Hearing - Dept. of Enforcement v. Carreno, No. 2006005546007. All claims against Respondent were dismissed, with prejudice.
- Represented multiple claimants/plaintiffs in multi-week FINRA arbitration hearing resulting in \$7.5 million dollar award against the broker – Paula Casper, et al. v. Gary Gross, FINRA Case No. 07-00624.
- Defense of a large regional brokerage firm in SEC investigation of firm's institutional trading desk, market making activities, and syndicate department (declination letter by SEC)
- Defense of CFO of publicly-traded company in SEC investigation of his conduct following company's restatement of earnings (declination letter by SEC)
- Defense of high-profile South Florida businessman in SEC insider trading investigation (declination letter by SEC)
- Defense judgment in state court in favor of four departing brokers sued by a large, multi-national brokerage firm for violation of restrictive covenants

EXPERIENCE WITH COURT-APPOINTED RECEIVERSHIPS AND PROCEEDINGS

Mr. Sallah has extensive experience in matters involving court-appointed receiverships and proceedings, including serving as the following:

- Court-appointed Receiver in Brandon Leidel, et al. vs. Project Investors, Inc. d/b/a Cryptsy, et al., (S.D. Fla. Case No. 16-CV-80060-MARRA) in connection with a bitcoin matter.
- Court-appointed Receiver in State of Florida, et al. v. Abeo Investments, LLC, et al., (18th Judicial Circuit of Florida Case No. 2013-CA-001773-16-K) in connection with \$11 million dollar Ponzi scheme.
- Court-appointed Receiver in SEC v. JCS Enterprises, Inc., et al., (S.D. Fla. Case No. 14-CV-80468-DLM) in connection with \$80 million dollar Ponzi scheme.
- Court-appointed Corporate Monitor in Amin v. OM Global Investment Fund LLC, et al. (Case No. 13-18620 CA 13) in connection with a hedge fund fraud in Miami-Dade County Circuit Court
- Court-appointed Receiver in Katz v. MRT Holdings, et al. (S.D. Fla., Case No. 07-CV-61438-JIC) in connection with multi-million dollar Ponzi scheme
- Special Counsel to the Receiver in CFTC v. LaSalle International Clearing Corp., et al. (S.D. Fla. Case No. 09-80765-Civ-Dimitrouleas/Snow)
- Special Counsel to the Receiver in SEC v. KS Advisors, Inc., et al. (M.D. Fla. Case No. 2:04-CV-1005-FtM-29DNF) to investigate and prosecute claims brokerage firm in connection with multi-million dollar hedge fund fraud

- Independent Consultant In the Matter of vFinance Investments, Inc. (SEC Rel. No. 51530 - April 12, 2005) to review, revise, and test supervisory procedures in connection with broker-dealer's market making/trading activities

PROFESSIONAL AWARDS AND ACTIVITIES

- AV Preeminent rated (the highest peer ranking) by *Martindale-Hubbell*
- Adjunct Professor, University of Miami School of Law, SEC Enforcement Seminar
- Received the SEC Chairman's Award for Excellence in 2002
- SEC Southeast Regional Office's 2001 nominee for the Ellen Ross Award (honors an Enforcement attorney who demonstrates exemplary commitment, enthusiasm, and performance)
- Florida Bar Grievance Committee 2015-2017 term
- Vice-Chair, Financial Services Committee, Florida Bar, 1999-2000
- Executive Committee, Business Law Section, Florida Bar, 1999-2000
- Member of the National Association of Federal Equity Receivers
- Arbitrator for FINRA and National Futures Association
- Association of Securities and Exchange Commission Alumni

EDUCATION

Mr. Sallah received his Bachelor's degree (*Summa Cum Laude*) and Master's degree from Ohio University and his Juris Doctor degree (*Cum Laude*) from the University of Miami School of Law. During law school, Mr. Sallah was a member of the *University of Miami Law Review*.

BAR MEMBERSHIPS AND JURISDICTIONS ADMITTED TO PRACTICE

Mr. Sallah is a member of the Florida and Colorado Bar Associations. He is admitted to practice in the state courts of both, as well as the U.S. District Court for the Southern and Middle Districts of Florida, and the Eastern District of Michigan.

Contact Us Now: 1-888-SEC-ATTY

SALLAH ASTARITA & COX, LLC

ATTORNEYS AT LAW



Patrick J. Rengstl, Esq.

Of Counsel

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Miami, Florida 33156

PRACTICE AREAS

Patrick J. Rengstl, P.A. is Of Counsel at the firm. During the last 15 years, Patrick's practice has included a broad commercial practice throughout Florida, including high-stakes complex commercial litigation, insurance-related litigation (including coverage issues and defense of insureds), real estate litigation and appellate advocacy.

PROFESSIONAL EXPERIENCE

Patrick also has extensive experience representing court-appointed receivers and corporate monitors in state and federal courts in Florida, typically in cases filed by the United States Securities and Exchange Commission ("SEC"), the Commodity Futures Trading Commission ("CFTC") and the Federal Trade Commission ("FTC"). Patrick has represented and continues to represent James D. Sallah of the firm in his capacity as receiver or corporate monitor in several of Mr. Sallah's court appointments over the years.

As a result, Patrick has significant experience in fraud-related and fraudulent transfer cases; has first-chaired the administration of many SEC, FTC and CFTC receivership estates, including claims and distribution procedures; has litigated countless ancillary receivership cases and summary proceedings; and has helped secure the recovery of tens of millions of dollars for the benefit of investors and consumers around the world. Below are Patrick's significant receivership representations:

- *OM Global* – Lead counsel to Mr. Sallah in his capacity as the Corporate Monitor of OM Global Investment Fund LLC and OM Global LP in Miami-Dade Circuit Court. The action involved an alleged \$20-million fraud scheme, a related SEC case and ultimately a criminal prosecution and plea agreement for the protagonist of the admitted scheme.
- *Cryptsy* – Lead counsel to Mr. Sallah in his capacity as the Receiver of Project Investors, Inc. d/b/a Cryptsty in the United States District Court for the Southern District of Florida. The action involved an alleged multi-million dollar misappropriation of Bitcoins and hundreds of other types of cryptocurrencies.
- *JCS Enterprises* – Special counsel to Mr. Sallah in his capacity as the Receiver of JCS Enterprises, Inc. and its related entities in the United States District Court for the Southern District of Florida. The action involved an alleged \$81-million fraud scheme.
- *eCareer Holdings, Inc.* – Special counsel to the Receiver of eCareer Holdings, Inc. and its related entities in the United States District Court for the Southern District of Florida. The action involved an alleged \$11-million fraud scheme.
- *Trade-LLC* – Lead counsel to the Receiver of Trade-LLC and its related entities in the United States District Court for the Southern District of Florida. The action involved an alleged \$28-million fraud scheme.
- *Pension Fund of America, LC* – Counsel to the Receiver of Pension Fund of America, LC in the United States District Court for the Southern District of Florida. The action involved an alleged multi-million dollar fraud scheme.
- *American Precious Metals, LLC* – Counsel to the Receiver of American Precious Metals, LLC in the United States District Court for the Southern District of Florida. The action involved an alleged \$37-million precious metals boiler room.
- *Timeshare Mega Media and Marketing Group, Inc.* – Counsel to the Receiver of Timeshare Mega Media and Marketing Group, Inc. in the United States District Court for the Southern District of Florida. The action involved an alleged timeshare boiler room.
- *The Dolce Group Worldwide, LLC* – Counsel to the Receiver of The Dolce Group Worldwide, LLC in the United States District Court for the Southern District of Florida. The action involved an alleged \$4-million boiler room.
- *Nationwide Connections, Inc.* – Counsel to the Receiver of Nationwide Connections, Inc. in the United States District Court for the Southern District of Florida. The action involved an alleged boiler room.

Besides his federal court receivership work, Patrick has extensive receivership experience in state court matters involving alleged fraud and waste to commercial buildings, residential properties, ongoing businesses and family estates.

EDUCATION AND PROFESSIONAL AWARDS

Patrick, a Miami native, attended college at the University of Miami, graduated with a 3.98 GPA, and was elected to Phi Beta Kappa (of which he was named Vice President and received at graduation one of the highest honors, the Phi Beta Kappa Scholarship and Service Award). Patrick attended law school at the Florida State University College of Law and graduated *cum laude* in 2002. During law school, Patrick was an Associate Editor and Writing & Research Editor of the *Florida State University Law Review*, as well as a member of the Moot Court Team. Patrick has been listed several times as a "Rising Star" in *Super Lawyers* (2010-2011, 2016-2017 Editions) and as a "Top Up & Comer" (2012, 2014-2016 Editions) and "Top Lawyer" (2017 Edition) in the *South Florida Legal Guide*. Patrick is licensed to practice in the State of Florida and all Florida federal courts, including the Eleventh Circuit.

Practice Areas

Securities Regulation & Enforcement | White-Collar Criminal Defense | Securities Arbitration & Litigation |
Complex Commercial Litigation |

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With offices in Florida, New Jersey, and New York City, we serve clients nationwide including, but not limited to, those in the following localities: Atlanta, Baltimore, Boston, Chicago, Dallas–Fort Worth, Denver, Detroit, Florida, Houston, Los Angeles, Miami, New Jersey, New York City, Philadelphia, Phoenix, San Bernardino–Riverside, San Diego, San Francisco, Seattle, St. Louis, Tampa–St. Petersburg, and Washington, D.C.

Orlando, Florida Securities Litigation Lawyer :: Patrick J. Rengstl, Esq. :: Boca Raton, Florida White Collar Criminal
Defense Attorney

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JUSTIA Law Firm Website Design



RESUME OF JEFFREY L. COX, ESQ.

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PRACTICE AREAS

Mr. Cox is an AV Preeminent® rated attorney who concentrates on receivership litigation, securities regulation and enforcement, white collar defense, securities arbitration, and complex commercial litigation.

PROFESSIONAL EXPERIENCE

From 1999 to 2004, Mr. Cox was a Senior Counsel for the U.S. Securities and Exchange Commission's ("SEC") Office of Enforcement in Miami. During his tenure as an SEC Senior Counsel, Mr. Cox investigated and litigated civil enforcement cases and administrative proceedings involving violations of the federal securities laws including, market manipulation, insider trading, and corporate and offering fraud.

From 2004 to 2007, Mr. Cox served as an Assistant United States Attorney with the Department of Justice in the Southern District of Florida. As a federal prosecutor, Mr. Cox was assigned to the Economic Crimes section of the United States Attorney's Office in Miami. While in the Economic Crimes Section, Mr. Cox was responsible for leading complex investigations and prosecutions involving white collar criminal offenses such as securities fraud, money laundering, tax evasion, and mail, wire, and bank fraud.

Since 2007, Mr. Cox has been in private practice. He has successfully handled securities matters through trial and arbitration. He currently serves as lead counsel to the Court-appointed Receiver in *SEC v. JCS Enterprises, Inc., et al.*, Case No. 14-CV-80468-DMM (S.D. Fla. April 7, 2014).

PROFESSIONAL AWARDS AND ACTIVITIES

- AV Preeminent rated (the highest peer ranking) by *Martindale-Hubbell*
- Previously selected by peers as a *Florida Super Lawyer* 2016, 2015, *Florida Super Lawyer* (Rising Stars) in 2009, 2011, and 2012; in *Florida Trend's Florida Legal Elite* in 2010; and in the *South Florida Legal Guide* in 2010, 2011, and 2013.
- Awarded Certificate from FBI Director Robert Mueller for outstanding prosecutive skills and assistance for an undercover mutual fund operation named "Bermuda Short" in 2005.

- Awarded Certificate of Appreciation from the Department of Homeland Security, Office of Inspector General for critical support during the successful investigation and prosecution of FEMA fraud cases in 2005.
- Received award from the United States Postal Inspection Service recognizing professionalism and dedication during investigations in 2004.
- Received the SEC Chairman's Award for Excellence in 2002 from former SEC Chairman Harvey Pitt.

EDUCATION

Mr. Cox received his undergraduate Bachelor of Arts degree from Furman University and his Juris Doctor degree with honors (*Cum Laude*) from Nova Southeastern University, Shepard Broad Law Center.

During law school, Mr. Cox served as the Editor in Chief of the *Nova Law Review*, received the West Group Outstanding Scholastic Achievement Award, and the Book Award in Trial Advocacy.

BAR MEMBERSHIPS AND JURISDICTIONS ADMITTED TO PRACTICE

Florida Bar, 1999

United States District Court, Southern District of Florida

United States District Court, Middle District of Florida

United States Supreme Court



Soneet R. Kapila, CPA, CIRA, CFE, CFF

kapila@kapilamukamal.com



Soneet R. Kapila is a founding partner of **KapilaMukamal, LLP** (formerly Kapila & Company). For over 20 years, he has concentrated his efforts in the areas of consulting in insolvency, fiduciary and creditors' right matters. Recognized for his acumen as a "business man", he has been appointed in Federal District Court, Bankruptcy Court and Florida State Court and served in the roles of Chief Restructuring Officer, S.E.C. Corporate Monitor, Examiner, Chapter 11 Trustee of Operating Businesses, Liquidating Trustee and Receiver, among others.

Professional Experience

Mr. Kapila's practice is focused on restructuring, creditors' rights, bankruptcy, fiduciary matters and financial transactions litigation. He represents other bankruptcy trustees, debtors and both secured and unsecured creditors in and out of bankruptcy court. He also regularly advises clients about insolvency and implications involved in business transactions and the operation of distressed businesses. As a Trustee plaintiff, Mr. Kapila has managed complex litigation in significant cases.

As a fiduciary, he has advised and represented debtors and creditors' committees in formulating, analyzing and negotiating plans of reorganization. Recognized as a expert in fraudulent conveyance, Ponzi schemes and insolvency issues, Mr. Kapila has provided expert testimony and extensive litigation support services to law firms involving complex insolvency issues and commercial damages. He is a sitting trustee on the panel of U.S. Bankruptcy Trustees (Southern District of Florida) and has served in numerous matters in both the Southern and Middle Districts of Florida.

He has conducted numerous forensic and fraud investigations and has worked in conjunction with the Securities and Exchange Commission (SEC), Federal Bureau of Investigation (FBI) and the United States Attorney's Office.

EDUCATION / QUALIFICATIONS

Certified Public Accountant (CPA) - Florida
Certified Insolvency and Restructuring Advisor (CIRA)
Certified Fraud Examiner (CFE)
Certified in Financial Forensics (CFF)
Certified in Bankruptcy Mediation—Training
—St. John's University (2014)
MBA, Cranfield School of Management Studies,
England (1978)

PROFESSIONAL AFFILIATIONS

American College of Bankruptcy
American Institute of Certified Public Accountants
Florida Institute of Certified Public Accountants
Association of Insolvency & Restructuring Advisors
Association of Certified Fraud Examiners
American Bankruptcy Institute
National Association of Bankruptcy Trustees

ROLES

Bankruptcy Trustee—Chapter 7, 11
Liquidating Trustee / Plan Administrator
Chief Restructuring Officer
Corporate Monitor / Examiner
Receiver / Assignee

ACCOMPLISHMENTS

- * Fellow, American College of Bankruptcy – 2013
- * Top CPAs and Litigation Support Professionals, South Florida Legal Guide—multiple years
- * Power Leaders in Law and Accounting – South Florida Business Journal – 2015, 2014
- * Best Trustee – Daily Business Review's Best of 2012
- * Key Partners Award Honoree – South Florida Business Journal – 2010
- * Bronze Medal Award – 3rd highest score, Examination of the Association of Insolvency and Restructuring Advisors – 1996

AREAS OF EXPERTISE

Bankruptcy and Insolvency
Creditors Rights
Restructuring
Financial Transactions Litigation
Complex Commercial Litigation



CPAs, Forensic and Insolvency Advisors



SPEAKING ENGAGEMENTS

American Bankruptcy Institute
New York Law School
St. Thomas University Law School
National Conference of Bankruptcy Judges
National Association of Bankruptcy Trustees
Association of Insolvency & Restructuring Advisors
Bankruptcy Bar Association for the Southern District of Florida
Central Florida Bankruptcy law Association
Florida Bankruptcy Bar
Florida Institute of Certified Public Accountants
National Business Institute
Turnaround Management Association
University of Miami, School of Law
Florida International University, School of Law
Stetson College of Law, Insolvency Symposium – Germany
American Bar Association

CIVIC, VOLUNTEER AND PHILANTHROPIC

- Past and Present

The Kapila Family Foundation - Director

American Bankruptcy Institute -

Member of Board of Directors - 2016

Southeast Regional Conference:

Chairperson of Advisory Board, 2016

Advisory Board, - 2012-2017 and Co-Chair 2015

Association of Insolvency and Restructuring Advisors -

Board of Directors

Past Chairman and Past President

The Florida Bar, Member, Grievances Committee

Hialeah-Miami Springs, NW Dade Chamber of Commerce -

Board of Directors (Past)

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REPRESENTATIVE CLIENTS

City of Detroit, Michigan *Financial Advisors to Fee Examiner*
SMF Energy Corporation *CRO, Liquidating Trustee*
Fontainebleau Las Vegas, LLC *Chapter 7 Trustee*
**Universal Health Care Group, LLC/
American Managed Care, Inc.** *Chapter 11 / Liquidating Trustee*
Simply Fashion Stores, LLC *Chief Restructuring Officer*
Spear & Jackson, Inc *Corporate Monitor – SEC Appointment*
Pan American Hospital *Examiner / Plan Administrator*
Louis J. Pearlman / TransContinental Airlines, et al –
Chapter 11 Trustee / Liquidating Trustee
Levitt & Sons *Chief Administrator*
Planet Hollywood International, Inc *Examiner*
Banco Latino International *Financial Consultants to
Official Committee of Unsecured Creditors*
Southeast Bank Corp *Financial Advisors to Chapter 7 Trustee*
Innovida Holdings, LLC /Claudio Osorio *Chapter 7 Trustee*
Prime Capital Corporation *Chapter 7 Trustee*
GunnAllen Financial, Inc. *Ch 11 Examiner/Liquidating Trustee*
SEC v. Christopher Freeman Brogdon *Corporate Monitor
- SEC Appointment*

PUBLICATIONS

“Best Practices in the Treasury Functions of a Chapter 7 Trustee’s Office” – American Bankruptcy Trustee Journal (NABT) (Fall, 2015)

“Fraud and Forensics: Piercing Through The Deception In A Commercial Fraud Case” – American Bankruptcy Institute – 2015

“Ponzi Schemes: Fiduciaries May Be The Saving Grace”, ABI Journal (2014)

“A Health Care Fraud and Bankruptcy Primer”, Southern District of Florida Bankruptcy Bar Association Journal (2014)

“Hidden Resources in a Small Business”

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