

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 21-61176-CIV-SINGHAL

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

PROPERTY INCOME INVESTORS, LLC,
EQUINOX HOLDINGS, INC.,
PROPERTY INCOME INVESTORS 26, LLC,
PROPERTY INCOME INVESTORS 304, LLC,
PROPERTY INCOME INVESTORS 201, LLC,
PROPERTY INCOME INVESTORS 3504, LLC,
PROPERTY INCOME INVESTORS 1361, LLC,
PROPERTY INCOME INVESTORS 4020, LLC,
PROPERTY INCOME INVESTORS 9007, LLC,
PROPERTY INCOME INVESTORS 417, LLC,
PROPERTY INCOME INVESTORS 4450, LLC,
PROPERTY INCOME INVESTORS 3050, LLC,
LARRY B. BRODMAN, and ANTHONY
NICOLSI (f/k/a ANTHONY PELUSO),

Defendants.

**INVESTORS, RICHARD BENTLEY, JOSEPH ALEXANDER, AND P&E PROPERTIES,
LP'S MOTION FOR CLARIFICATION OF STAY ORDER**

COMES NOW Investors, Richard Bentley, Joseph Alexander, and P&E Properties, LP, (hereinafter referred to as "Investors") by and through undersigned counsel, and files this, their Motion for Clarification as it relates to the Order of this Court dated June 15, 2021, ("Stay Order") and as grounds would state as follows:

1. This is an action that was instituted by the Securities and Exchange Commission (SEC) in part to marshal and preserve assets of the receivership entities that are attributable to funds derived from investors of the receivership entities.

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2. On or about June 15, 2021, this Court entered an Order appointing a Receiver and essentially staying any and all proceedings against the Defendants and/or receivership assets.

3. Bentley, Alexander, and P&E Properties LP are investors in the receivership entities and have filed a State Court action, Case No. 21-012218, 17th Judicial Circuit, in and for Broward County, FL seeking a recovery of damages from the Defendants in this action.

4. Investors acknowledge that the action against the receivership entities has been stayed by virtue of this Court's Order dated June 15, 2021 and have not taken any action to advance their claims against the receivership entities or the individual Defendants BRODMAN and NICOLSI.

5. The State Court action was amended to add Anthony Coleman, CPA and David Cohen as party Defendants. Both individuals served as accountants to the receivership entities.

6. Both Coleman and Cohen have been Served with Process and have recently filed identical Motions to Stay the State Court litigation based upon the "Stay Order" entered in this action. A true and correct copy of the Motion filed by Coleman and Cohen is attached hereto and fully incorporated by reference as Investors' Exhibit "A".

7. The "Stay Order" is not specific as it relates to other potential Defendants such as the accountants Coleman and/or Cohen. Investors claims far exceed any anticipated recovery in this lawsuit.

8. As such, Investors/Plaintiffs in the State Court action are seeking a clarification as to whether or not the Stay Order extends to non-parties of the SEC action to which investors may have specific claims.

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9. Prior to scheduling this matter for Hearing before the State Court Judge, Investors believe that an Order of Clarification would assist in the State Court's determination as it relates to Defendants Coleman and Cohen, as well as other possible parties not specifically precluded by this Court's Stay Order.

WHEREFORE, Richard Bentley, Joseph Alexander, and P&E Properties, LP are requesting a clarification as to whether or not the Stay Order dated June 15, 2021 applies to all potential Defendants who may be liable to Bentley, Alexander, and P&E Properties, LP for damages sustained and specifically as it relates to Defendants Anthony Coleman and David Cohen's Motion to Stay.

LOCAL RULE 7.1(a)(3) CERTIFICATION

Pursuant to Rule 7.1 (a)(s) the undersigned certifies that counsel for Investors conferred with counsel for the Receiver and provided counsel for Defendants ANTHONY NICOLOSI and LARRY BRODMAN a copy of this Motion prior to filing. Counsel for the Receiver has advised that the Receiver opposes the Motion of the Investors for Clarification and intends on filing a Response. No other Response has been received.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of June, 2022, I electronically filed the foregoing with the Clerk of the Southern District Court of Florida by using the CM/ECF system which will send a Notice of Electronic filing to the following counsel of record: Raquel A. Rodriguez, Esq. Counsel for the Receiver, One Biscayne Tower, 2 S. Biscayne Blvd. Suite 1500, Miami, Florida 33131, raquel.rodriquez@bipc.com, Alice Sum, Esq., Securities and Exchange Commission, 801 Brickell Avenue, Suite 1950, Miami, FL 33131 - Counsel for Plaintiff, Securities and Exchange

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Commission; Mark C. Perry, Esq., 2400 East Commercial Blvd., Ste. 201, Fort Lauderdale, FL 33308 - Counsel for Defendant ANTHONY NICOLOSI, f/k/a Anthony Peluso; Carl F. Schoeppl, Esq. (carl@schoeppllaw.com), SCHOEPPL LAW, P.A., 4651 North Federal Highway, Boca Raton, FL 33431 - Counsel for Defendant LARRY BRODMAN; Racquel A. Rodriguez, Esq. (raquel.rodriguez@hpc.com), BUCHANAN, INGERSOLL, & ROONEY, P.A., One Biscayne Tower, 2 S. Biscayne Blvd., Site 1500, Miami, FL 33131 - 1822 - Counsel for Receiver, Miranda L. Soto; Christopher J. Whitelock, Esq. (cjw@whitelocklegal.com) and David Frank, Esq. (davidfrank@whitelocklegal.com), WHITELOCK & ASSOCIATES, P.A., 300 Southeast 13th. Street, Fort Lauderdale, FL 33316 - Counsel for Defendants (State Court Action, Case No. CACE 21 - 012218, Broward County, FL) ANTHONY C. COLEMAN, CPA, P.A. and DAVID COHEN, EQUINOX HOLDINGS, INC. (Notice to be sent via confidential electronic transmission).

By: */s/ Barry S. Mittelberg*
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