

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

CASE NO.: 21-61176-CIV-SINGHAL

v.

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.

/

**RECEIVER'S NOTICE OF FILING WRITTEN NOTES RECEIVED FROM
KIMBERLY DURING IN RELATION TO ORDER TO SHOW CAUSE**

Miranda L. Soto, Esq., solely in her capacity as Receiver (the “Receiver”) for Defendants, 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; and

PROPERTY INCOME INVESTORS 3050, LLC, by and through undersigned counsel, gives notice of filing notes received from Kimberly During, principal of K.Tek Systems, Inc., pro se, on February 14, 2024, in response to Receiver's counsel's request for copies of any filings submitted with respect to this Court's February 6, 2024 Order to Show Cause [DE 126]. The Receiver files these notes with the Court in an abundance of caution. A true and correct copy of the notes and related email chain is attached hereto as **Exhibit A**.

Respectfully submitted,

**BUCHANAN INGERSOLL & ROONEY PC,
Attorneys for Miranda L. Soto, Receiver**

/s/ Raquel A. Rodriguez

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a Notice of Electronic Filing to the following counsel of record:

Alice Sum, Esq.
Securities and Exchange Commission
801 Brickell Avenue, Suite 1950
Miami, Florida 33131
Counsel for Plaintiff

Mark C. Perry, Esq.
2400 East Commercial Blvd., Ste 201
Fort Lauderdale, Florida 33308
Counsel for Defendant, Anthony Nicolosi, fka Anthony Peluso

Richard J. Mockler
DML Attorneys, P.A.
600 N. Willow Ave., Ste 101
Tampa, FL 33606
Counsel for Third Party Respondent, Ronald Anthony During

I further certify that on February 14, 2024, a true and correct copy of the foregoing was sent via electronic mail to the following:

Barry S. Mittelberg, Esq.
Florida Bar No.: 396567
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Lizzie M Ramos, Esq.
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BARRY S. MITTELBERG, PA
*Counsel for Movants Richard Bentley,
Joseph Alexander and P&E Properties, LP*

Larry Brodman
Larrybro58@gmail.com

Kimberly K. During
kimberly.during@ktek.com

/s/ Christian C. Kohlsaatt
Attorney

EXHIBIT “A”

1. Yes, on this day, there were service interruption anomalies or outages indicated by the receipt of various system alerts, followed by the receipt of some client notifications via email/phone which included some direct requests for support.
 - a. These notifications were promptly investigated, and continued to be investigated, and, in that process, it was determined that the issues were isolated to a unique error message for a particular service, isolated to a particular server, and other values were unknown.
 - b. The crisis was investigated organizationally, technically, and addressed on a “client by client basis” of the clients known to be affected, audited and documented additional services provided, matching the current setup, and lastly, confirmed if the client “did or didn’t have a backup copy of the website”.
2. After conducting several investigations into what may have happened, speaking with clients, and vendors, and participating in the resolution of some accounts, I did make the expressed claim that Mr. During was suspected of being at fault and was suspected of being either directly or indirectly involved in orchestrating the events that disrupted client services.
 - a. The disruption was determined to be limited to a single service, isolated from one of several servers, and affected only some clients.
 - b. Mr. During has a pattern of behavior where he creates a support issue and then makes calls to the client alerting them to the issue and then offering them a timely solution for a new contract. As I said, he tends to solicit the assistance of outside technical engineers to support his campaign, and this can cause more confusion but help his cause. None of this is ever about the client or in their best interest and that’s why I am or was in business.
3. Please provide the details
4. Please refer to the activity since the 29th
5. I apologize that wasn’t available for a phone call at the time of the request due to the requirements of my time. I asked to document the request and progress by email, and I said that I would call or be available for a call.
6. Can you please provide a copy of the agreement with K. Tek as I don’t have one.
7. Can you please explain this belief?
8. The account had multiple services active and only one of them was hindered. The efforts weren’t aimed at solving the problem of the failed service. The issues are around Ron being asked for and hopefully being compliant with the request for passwords. The focus needs to be on getting a copy of the website so that it doesn’t have to be recreated. The changes made by the web consultant didn’t do anything to solve the problem. I could have pointed the domain to any host or server to get

you immediately back online, but you need to have the website and that's the issue. Not the domain or the registration, etc.

9. See the motion that was filed by my divorce attorney asking to Enjoin Mr. During the business and was canceled at the courthouse, much of this could have been avoided had the hearing been allowed to take place.
 - a. Mr. During has acted without consent or authorization and has acted with reckless disregard for the welfare of the clients, their digital assets, and how his actions affected the valuation and survival of K. Tek Systems.
 - b. My request for him to stop doing something that he wanted to do would invariably create chaos without consent and then damage would result. When I would need to have answers or insistence, that would result in a medical mishap of unknown origin or would result in resulted in another domestic violence incident that was all completely a part of his creation but to his delight like a puppet master.
10. Regardless of what Mr. During wants to establish his tax status or define his former role as an employee, owner, beneficial owner, or contractor isn't relevant to the damages caused by the reckless acts that he took without consent or authority.
 - a. Mr. During tends to exploit people who give him their trust and he uses misinformation to create chaos and distractions that take away from the evidence of what he has done or not done.
 - b. I have spent the last decade untangling myself from the financial and legal entanglements caused by Mr. During's level of control and activities that generated negative results that I would have no other choice but to work to solve.
 - c. Mr. During has created much organizational risk and financial harm that is still unreconciled, and this doesn't demonstrate that he cares about having any fiduciary duty to a client or any organization.
 - d. Since he seized his power, I have done nothing but clean up after the mess, and to be able to do that, I was held against my will and isolated and arrested when trying to leave him because he told my 14-year-old daughter that he was a victim or that I had harmed him.
 - e. Since Mr. During's reign of terror, he has caused the business to become insolvent three times in the last decade.
 - f. He can't be trusted, and he uses people, and he will use the 'Firm Administrator' and an IT person. He's a shell of a human and doesn't appear to have a soul so he borrows them from those he uses, I suspect. He wore a mask during our entire relationship so the aspects of him that I am dealing with are distressing to me.

Please accept my writeup or summary response to the question submitted: "Why I or my business should not be held in contempt for interfering with the Receivership?"

**Please understand that this document isn't comprehensive or inclusive of every act, suspected act, or potential action that could be involved in this incident or should be further explained.

Mr. During is as capable of helping the clients who didn't transfer to him as the ones who decided to transfer to him, extorted for the release of a copy of their code, and I am answering the question as to "why, you should or should not" hold Mr. During in contempt. He acts in contempt and isn't held accountable. The lack of character or integrity that he lacks is wrapped up within this action. There's no harm in emailing a password text file for me to hand off to a tech but he will lie to you and then provide another client with something that he has just claimed that he cannot do for you. This is unacceptable and I am glad to be rid of the association with him.

From: [Kimberly During](#)
To: [Christian C. Kohlsaat](#)
Cc: [Miranda L. Soto](#); [Raquel A. Rodriguez](#); [Lauren V. Humphries](#)
Subject: RE: PII Receivership - Response to Show Cause Order
Date: Wednesday, February 14, 2024 5:23:14 PM
Attachments: [image001.png](#)
[image002.png](#)
[Kimberly Kaye During-Answer-Hearing notes.docx](#)



Hello,

Goodness, I don't have any representation over this matter and my notes are attached. I apologize for the delay in my response, I haven't been well. This has been too much and for too long.

Kim

From: Christian C. Kohlsaat <christian.kohlsaat@bipc.com>
Sent: Wednesday, February 14, 2024 11:56 AM
To: Kimberly During <Kimberly.During@ktek.com>
Cc: Miranda L. Soto <miranda.soto@bipc.com>; Raquel A. Rodriguez <raquel.rodriguez@bipc.com>; Lauren V. Humphries <lauren.humphries@bipc.com>
Subject: PII Receivership - Response to Show Cause Order



External (christian.kohlsaat@bipc.com)



Ms. During,

As you know, yesterday was the deadline to provide a written response to Judge Singhal's order to show cause. Accordingly, please see Ron During's Response to Order to Show Cause (see attached) filed by his attorney last night. At your earliest convenience, please also provide us with a copy of the response to the show cause order that you and/or K.Tek provided to Judge Singhal yesterday.

Thank you,

Christian C. Kohlsaat
Associate

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