

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 21-61176-CIV-SINGHAL

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

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 MOTION TO HOLD K.TEK SYSTEMS, INC.
AND KIMBERLY DURING IN CONTEMPT**

Miranda L. Soto, solely in her capacity as Receiver (the "Receiver") for Defendants¹, and pursuant to the Order Granting Plaintiff Securities and Exchange Commission's Motion for Appointing Receiver, dated June 15, 2021 (Doc. 10), hereby moves this Court to enter an Order to

¹ The Receiver Entities include 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 (collectively, the "Receivership Entities").

show cause why the Respondents, K.Tek Information Systems, Inc. and/or Kimberly During, should not be held in contempt of court for failing to comply with this Court's Order on Receiver's Motion to Hold K. Tek Systems, Inc. and/or Kimberly During in Contempt and for Sanctions (Doc. 141), and states as follows:

1. On February 5, 2024, the Receiver filed her Motion to Hold K. Tek Systems, Inc. and/or Kimberly During and/or Ron During in Contempt and for Sanctions ("Sanctions Motion") (Doc. 126) as a result of K. Tek and Ms. During's inability and/or unwillingness to aid the Receiver in getting the Receivership website back online following a still-unexplained outage.

2. On February 6, 2024, this Court ordered K. Tek Systems, Inc. ("K. Tek") and Ms. During to show cause in writing as to why they should not be held in contempt for interfering with the Receivership. *See* Doc. 128. They failed to do so.

3. Following a February 15, 2024, status conference at which Ms. During appeared and failed to provide an acceptable explanation for the outage or K. Tek's inability or unwillingness to repair and restore the Receiver's website. On June 20, 2024, this Honorable Court entered an order finding K. Tek and Ms. During to be in civil contempt and ordered them to pay to the Receivership \$20,651.50 in total fees and costs incurred by the Receivership in bringing the website back online ("Sanctions Order").

4. Pursuant to the Sanctions Order, K. Tek and Ms. During were required to pay the above amount to the Receiver's counsel's trust account, in full, within thirty (30) days of the entry of the Sanctions Order or be subject to further sanctions to be determined by this Court, which may include criminal contempt.

5. The Receiver and her counsel provided K. Tek and Ms. During with the Sanctions Order on June 20, 2024, and advised that payment was due in full within thirty (30) days. To date,

K. Tek and/or Ms. During have failed to comply with the Sanctions Order and have remitted no payment. Furthermore, as a result of having to prepare and file this motion, the Receivership continues to expend valuable resources on this deliberate and willful violation of the Court's Order.

WHEREFORE, Miranda L. Soto, solely in her capacity as Receiver of the Receivership Entities, respectfully requests the entry of an order finding K. Tek Information Systems, Inc. and Kimberly During in contempt for failing to comply with the Sanctions Order, and for such other and further relief as this Court deems just.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 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:

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