

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:23-CV-24903-CMA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RISHI KAPOOR, LOCATION VENTURES, LLC,
URBIN, LLC, PATRIOTS UNITED, LLC, LOCATION
PROPERTIES, LLC, LOCATION DEVELOPMENT, LLC,
LOCATION CAPITAL, LLC, LOCATION VENTURES
RESOURCES, LLC, LOCATION EQUITY HOLDINGS, LLC,
LOCATION GP SPONSOR, LLC, 515 VALENCIA SPONSOR, LLC,
LV MONTANA SPONSOR, LLC, URBIN FOUNDERS GROUP, LLC,
URBIN CG SPONSOR, LLC, 515 VALENCIA PARTNERS, LLC,
LV MONTANA PHASE I, LLC, STEWART GROVE 1, LLC,
STEWART GROVE 2, LLC, LOCATION ZAMORA PARENT, LLC,
URBIN CORAL GABLES PARTNERS, LLC, URBIN COCONUT
GROVE PARTNERS, LLC, URBIN MIAMI BEACH PARTNERS, LLC,
URBIN MIAMI BEACH II PHASE, I, LLC,

Defendants,

TRUIST BANK,

Garnishee,

MIMI CHOUGH,

Trustee,

MARTIN I. HALPERN, AS TRUSTEE OF THE MARTIN
I. HALPERN TRUST AND THE HALPERN FAMILY
TRUST (“THE HALPERN TRUSTS”),

Non-party / Appellant.

NOTICE OF APPEAL

Non-Party MARTIN I. HALPERN, AS TRUSTEE OF THE MARTIN I. HALPERN
TRUST AND THE HALPERN FAMILY TRUST (“THE HALPERN TRUSTS”) appeals to the

United States Court of Appeals for the Eleventh Circuit from the Order Granting in Part and Denying in Part the Receiver's Motion to Approve Sale Free and Clear and Related Settlement Agreement and Claims Process [DE 185], entered on June 17, 2024.

This notice of appeal is timely filed within 60 days of the entry of the order, because one of the parties is the Securities and Exchange Commission, a United States Agency. *See* F.R.A.P. 4(a)(1)(B)(ii); *Sec. & Exch. Comm'n v. TCA Fund Mgmt. Group Corp.*, No. 22-13412, 2024 WL 448385, at *3 (11th Cir. Feb. 6, 2024) (citing 28 U.S.C. § 2107(b)(2)).

The Halpern Trusts are a “party” for purposes of appealing the orders, as they have objected to the relief requested in the district court (with leave of court to be heard) and are aggrieved by the order, which deprives them of their interest in the real property at issue. *See generally, Devlin v. Scardelletti*, 536 U.S. 1 (2002) (discussing nonparty appellate rights); *see also Kimberly Regenesis, LLC v. Lee County*, 64 F.4th 1253, 1261–62 (11th Cir. 2023) (quoting *EEOC v. La. Off. of Cmty. Servs.*, 47 F.3d 1438, 1442 (5th Cir. 1995), and other cases discussing when a non-party has standing to appeal); *see also id., Kimberly Regenesis, LLC*, 64 F.4th at 1262 (“we agree with our sister circuits that the nonparty must have at least participated in the district court”).

The order is appealable under 28 U.S.C. 1292(a)(2), as it directs the sale of property, *see Acheron Capital, Ltd. v. Mukamal as Tr. of Mut. Benefits Keep Policy Tr.*, 22 F.4th 979, 992 (11th Cir. 2022), and/or is appealable under the collateral order doctrine. *See Sec. & Exch. Comm'n v. Torchia*, 922 F.3d 1307, 1315 (11th Cir. 2019).

Respectfully submitted,

/s/ Beverly A. Pohl

* Beverly A. Pohl, Esq.
Florida Bar No. 907250
Nelson Mullins Riley & Scarborough LLP
Lynn Financial Center, Suite 310
1905 N.W. Corporate Blvd.
Boca Raton, FL 33431
(954) 745-5249
beverly.pohl@nelsonmullins.com
and
Mark F. Raymond, Esq.
Florida Bar No. 373397
Francisco Armada, Esq.
Florida Bar No. 45291
Nelson Mullins Riley & Scarborough LLP
One Biscayne Tower
2 South Biscayne Blvd., 21st Floor
Miami, FL 33131
Telephone: 305.373.9411
Facsimile: 305.373.9443
Mark.Raymond@nelsonmullins.com
Francisco.Armada@nelsonmullins.com

Attorneys for Non-Party / Appellant Martin I.
Halpern, as Trustee of the Martin I. Halpern
Trust and the Halpern Family Trust

*Appellate counsel