

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

CASE NO.: 23-24903-CIV-JB

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RISHI KAPOOR, et al.,

Defendants.

/

RECEIVER'S MOTION TO RESUME REGULAR STATUS CONFERENCES

Bernice C. Lee, as Receiver (“Receiver”) over the Receivership Defendants¹, moves for an order resuming regularly scheduled monthly status conferences to facilitate the orderly administration of this Receivership. This Court previously entered a Paperless Order Setting Monthly Status Conference [DE 257], in which the Court scheduled a series of six status conferences² and ordered the Receiver, in advance of each conference, to file a status report “updating the Court as to which properties remain to be sold and the efforts that have been made to effectuate a sale.” The Receiver believes these monthly status conferences were productive and effective. Accordingly, the Receiver respectfully requests that the Court enter a new order

¹ The Receivership Defendants are: 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; and URBIN Miami Beach II Phase 1, LLC.

² The status conferences were set for the first Wednesday of each month on: (i) November 6, 2024; (ii) December 4, 2024; (iii) January 8, 2025; (iv) February 5, 2025; (v) March 5, 2025; and (vi) April 2, 2025. *See* Paperless Order [DE 257]. This Court reset the April 2, 2025, status conference for April 16, 2025. *See* Paperless Order [DE 365].

scheduling monthly status conferences for the first Wednesday in May, June, and July, or such other dates as the Court has availability.

Case Status

As of the filing of this Motion, eleven motions are ripe for adjudication—eight filed by the Receiver, two by the CG Investors,³ and one by non-party Los Pinos Acquisition, LLC. Six of the motions are opposed and five are unopposed, as detailed below.

The Court previously stated its intention to take oral argument on these pending motions at the April 16, 2025, status conference. *See* Paperless Order [DE 365]. Counsel for the Receiver requested that the April 16, 2025, conference be rescheduled due to an international travel conflict for Receiver’s counsel. *See* Unopposed Motion to Reschedule [DE 370]. The Court granted that relief, cancelled the April 16, 2025, status conference, and indicated its intent to reschedule that status conference and hearing at a later date. *See* Paperless Order [DE 373]. An order setting a new schedule of monthly status conferences and a hearing would, therefore, provide an opportunity to streamline the adjudication of these motions:

1. Receiver’s Motion to Approve Sale of Commodore Properties Free and Clear of Liens, Encumbrances and Interests [DE 238] filed on September 24, 2024. *See also* Responses in Opposition [DEs 265, 270]; Reply in Support [DE 279].
2. CG Investors’ Expedited Motion for Relief from Stay of Ancillary Litigation and/or for Partial Vacation, Modification, or Clarification of Order Appointing Receiver and if Necessary to Intervene [DE 244] filed on October 4, 2024. *See also* Responses in Opposition [DE 282, 283]; Reply in Support [DE 291].
3. Receiver’s Motion to Approve Settlement Agreement with Los Pinos Acquisition LLC Regarding Los Pinos Property and to Modify Agreed Order Regarding Motion to Stay [DE 325] filed on January 13, 2025. *See also* [Withdrawn] Response in Opposition [DE 329]; Reply in Support [DE 337]; Expedited Unopposed Motion for Entry of Order on Receiver’s Motion [DE 402] ¶ 1 (“As a preliminary matter, Lender notifies the Court

³ The CG Investors are CW-CH, LLC; Asjaia, LLC; and Vieden Grove Oz, LLC.

that Rishi Kapoor's limited objection to the Receiver's Motion has been resolved *in toto* and that Mr. Kapoor's Response [DE 329] is withdrawn through the proposed Agreed Order Granting Receiver's Motion to Approve Settlement, etc., attached as Exhibit A.").

4. Receiver's Motion for Authorization of Employment of Integra Realty Resources as Real Estate Appraiser for the Commodore Properties [DE 328] filed on January 27, 2025. *See also* Response in Opposition [DE 343]; Reply in Support [DE 346].
5. Receiver's Motion for Authorization of Employment of Aucamp, Dellenback & Whitney as Real Estate Appraiser for the Commodore Properties [DE 330] filed on January 28, 2025. *See also* Response in Opposition [DE 343]; Reply in Support [DE 346].
6. CG Investors' Motion for Reconsideration of Order Granting Receiver's Motion to Approve Settlement Agreement with the Halpern Parties Relating to the Commodore Properties, Etc. [DE 344] filed on February 13, 2025. *See also* Responses in Opposition [DEs 353, 354]; Reply in Support [DE 355].
7. Receiver's Motion to Approve Settlement Agreement with the Halpern Parties and Distribution of the Stewart Property Lien Claim Fund [DE 348] filed on February 24, 2025. This motion is unopposed.
8. Receiver's Motion to Approve Stipulation with Gregory T. Martini, as Trustee of VV 1201 Trust Agreement, Goodkind & Florio, P.A. and Philadelphia Indemnity and Insurance Company [DE 356] filed on March 7, 2025. This motion is unopposed.
9. Receiver's Motion to Approve Publication Notice Regarding Sale of Commodore Properties [DE 358] filed on March 11, 2025. This motion is unopposed.
10. Receiver's Motion to Approve Disbursement of Valencia Lien Claim Fund Proceeds from Sale of Unit 1104 [DE 364] filed on March 24, 2025. *See also* Response in Opposition [DE 377].⁴
11. Non-Party Los Pinos Acquisition, LLC's Expedited Unopposed Motion for Entry of Order on Receiver's Motion to Approve Los Pinos Settlement [DE 402] filed on April 23, 2025. This motion is unopposed.

The Receiver respectfully notes that, as to the five pending unopposed motions, the Court may elect to resolve them on the papers alone or hear further from the Receiver and other parties

⁴ The Receiver's Reply in Support of the Motion to Approve Disbursement of Valencia Lien Claim Fund Proceeds from Sale of Unit 1104 is due on April 28, 2025. *See* Paperless Order [DE 396].

at a future status conference. The five unopposed motions are as follows:

1. Receiver's Motion to Approve Settlement Agreement with Los Pinos Acquisition LLC Regarding Los Pinos Property and to Modify Agreed Order Regarding Motion to Stay [DE 325] filed on January 13, 2025.

In this Motion, the Receiver seeks entry of an order approving a settlement agreement with Los Pinos Acquisition LLC (the "Lender") regarding the property located at 7233 Los Pinos Boulevard, Coral Gables, Florida. *See* Motion to Approve Settlement Agreement at 1. While Kapoor initially opposed the Motion to Approve Settlement Agreement, *see* Response in Opposition [DE 329], his limited objection has been resolved. The Lender notified the Court in its Expedited Unopposed Motion for Entry of Order on Receiver's Motion to Approve Los Pinos Settlement [DE 402] filed on April 23, 2025 (discussed below) that "Mr. Kapoor's Response is withdrawn through the proposed Agreed Order Granting Receiver's Motion to Approve Settlement." *See id.* at 1; *see also* Proposed Order Granting Receiver's Motion to Approve Settlement Agreement with Los Pinos Acquisition LLC [DE 402-1] at 1 ("Defendant Rishi Kapoor, based upon the agreement of Lender to provide a waiver/release of any deficiency liability as to his wife Jennie Frank under the subject loan documents, has withdrawn his Response [DE 329] and consents to the granting of the Receiver's Motion *in toto* and this Order.").

2. Receiver's Motion to Approve Settlement Agreement with the Halpern Parties and Distribution of the Stewart Property Lien Claim Fund [DE 348] filed on February 24, 2025.

This Court's approval of the Settlement Agreement would not only resolve that discrete issue before *this* Court, but would also moot a matter currently pending before the Eleventh Circuit Court of Appeals, *Martin L. Halpern as Trustee of the Martin L. Halpern Trust and Halpern Family Trust v. Bernice C. Lee as Court Appointed Receiver*, Case No. 24-12635. In that appeal,

the Eleventh Circuit granted the parties' joint motion to stay briefing deadlines so as "[t]o give the parties and the district court time to get the settlement agreement approved." Order Granting Motion to Stay, Case No. 24-12635 [DE 42]. In doing so, the Eleventh Circuit reset the parties' briefing deadline for April 30, 2025. In light of that impending deadline, the parties filed a second Joint Motion to Extend Deadlines seeking an additional 90-day stay in order to seek this Court's approval of the Motion to Approve. *See* Case No. 24-12635 [DE 44]. In the order granting the second Joint Motion to Extend Deadlines, the Eleventh Circuit extended the briefing deadlines an additional 90 days but cautioned the parties that "[i]f the agreement is not approved by then, the reply brief and response must be filed with the court, or the appeal will proceed without them." Order Granting Motion for Extension of Time, Case No. 24-12635 [DE 45] at 2.

In sum, this Court's approval of the Settlement Agreement would resolve one piece of this Receivership and prevent the parties and the Eleventh Circuit from expending further time and resources on the related appeal. Because the Motion to Approve is unopposed, the Receiver respectfully requests that the Court consider granting it on the papers or hearing the matter at the next status conference. *See* Motion to Approve Settlement Agreement at 14 ("Counsel for the SEC and counsel for Rishi Kapoor have informed the Receiver that they have no objection to the relief requested herein."); *see also, generally*, Docket (reflecting no response in opposition).

3. Receiver's Motion to Approve Stipulation with Gregory T. Martini, as Trustee of VV 1201 Trust Agreement, Goodkind & Florio, P.A. and Philadelphia Indemnity and Insurance Company [DE 356] filed on March 7, 2025.

This unopposed Motion to Approve Stipulation relates to the return of a 10% Buyer's Deposit arising under a purchase contract for one condominium unit located at 515 Valencia Avenue, Coral Gables, FL 33134, owned by the Receivership Company 515 Valencia Partners,

LLC. The Receiver seeks this Court’s approval of a stipulation between and among the Receiver; Gregory T. Martini as Trustee of the VV 1201 Trust Agreement (the “Trustee”); Goodkind & Florio, P.A. (the “Escrow Agent”); and Philadelphia Indemnity and Insurance Company. The stipulation, in short, affords the Trustee relief from Paragraph 23.C of the Receivership Order governing this Receivership for the limited purpose of declaring a default under, and terminating, a purchase agreement and making demand upon the Escrow Agent for the would-be buyer’s 10% Buyer’s Deposit; and further provides for Philadelphia to pay the 10% Buyer’s Deposit to the Escrow Agent. *See* Motion to Approve Stipulation at 4–7. This Court’s approval of the Stipulation will allow the Receiver to resolve one outstanding issue relating to the Receivership Company 515 Valencia Partners, LLC. Because the Motion to Approve Stipulation is unopposed, the Receiver respectfully requests that the Court consider granting the Motion to Approve Stipulation or hearing the matter at the next status conference. *See id.* at 7 (“Counsel for the SEC has informed undersigned counsel that it has no objection to the relief requested herein. Counsel for defendant Rishi Kapoor has unformed undersigned counsel that Rishi Kapoor takes no position on the relief requested herein.”); *see also, generally*, Docket (reflecting no response in opposition).

4. Receiver’s Motion to Approve Publication Notice Regarding Sale of Commodore Properties [DE 358] filed on March 11, 2025.

In her Motion to Approve Publication Notice, the Receiver asks this Court to approve her proposed publication notice with regard to the sale of the Commodore Properties. This Publication Notice would serve to notify the public and any potentially interested parties of the Receiver’s intent to conduct a private sale of certain Receivership Estate properties located on Commodore Plaza. *See* Motion to Approve Publication Notice at 1–2. In advance of the Receiver’s filing, the CG Investors stated their intent to oppose the motion, but after filing, they have filed neither a

response in opposition nor a motion for extension of time to do so. The Motion to Approve Publication Notice is, therefore, unopposed and ripe for adjudication. *See id.* at 3 (“The Receiver has conferred with counsel for the SEC and Rishi Kapoor, who have no objection to the relief requested, and with counsel for the CG Members, who have advised that they will oppose this motion.”); *see also, generally*, Docket (reflecting no response in opposition from the CG Investors and no motion seeking an extension of time to file same).

5. Non-Party Los Pinos Acquisition, LLC’s Expedited Unopposed Motion for Entry of Order on Receiver’s Motion to Approve Los Pinos Settlement [DE 402] filed on April 23, 2025.

In this unopposed expedited motion, non-party Los Pinos Acquisition, LLC (the “Lender”) seeks an order on an expedited basis adjudicating the Receiver’s Motion to Approve Settlement Agreement with Los Pinos Acquisition LLC Regarding Los Pinos Property and to Modify Agreed Order Regarding Motion to Stay [DE 325] filed on January 13, 2025 (discussed *supra* at 4). The Lender seeks an expedited ruling on this motion because the subject property is set to close on Wednesday, April 30, 2025, and an order on the Receiver’s Motion to Approve Settlement Agreement is necessary to clear title. *See* Expedited Unopposed Motion for Entry of Order on Receiver’s Motion at 1. The Lender’s Motion is unopposed and indicates that, while Kapoor filed a Response in Opposition to the Receiver’s underlying Motion to Approve Settlement Agreement, Kapoor’s “limited objection to the Receiver’s Motion has been resolved *in toto* and [] Mr. Kapoor’s Response is withdrawn through the proposed Agreed Order Granting Receiver’s Motion to Approve Settlement, etc. attached as Exhibit A. No other objections were filed to the [Receiver’s] Motion, which has been on file since January 13, 2025.” *See id.* at 1–2; *see also id.* at 2 (“[U]ndersigned counsel certifies that he has conferred with counsel for the Receiver and R.

Kapoor, who do not oppose the relief requested and have approved the proposed order attached as Exhibit A.”).

Conclusion

The Receiver found that this Court’s previous order setting monthly status conferences was instrumental to the administration of the receivership estate. Because the monthly status conferences set under that order have now ceased, and because there are numerous pending opposed matters on which the Court will likely require oral argument, the Receiver asks this Court to enter a new order scheduling monthly status conferences for (at least) the next three months. Further, the Receiver respectfully requests that the Court consider whether it would prefer to adjudicate the five pending unopposed motions without oral argument, in order to preserve time and resources and to facilitate the forward motion of this Receivership.

WHEREFORE, the Receiver respectfully requests that this Court enter an order scheduling monthly status conferences in May, June, and July 2025.

CERTIFICATION OF CONFERENCE WITH COUNSEL

Prior to filing this Motion, the Receiver conferred with counsel for the SEC and the defendant Rishi Kapoor, who have informed the Receiver that they have no opposition to the relief requested herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via CM/ECF upon all counsel of record on April 25, 2025.

By: /s/ Meaghan E. Goldstein

Meaghan E. Goldstein