

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

**CASE NO.: 21-61644-CIV-SINGHAL**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MJ CAPITAL FUNDING, LLC,  
MJ TAXES AND MORE, INC., and  
JOHANNA M. GARCIA,

Defendants.

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**RECEIVER’S MOTION FOR ENTRY OF CONSENT ORDER FOR  
TURNOVER OF FUNDS AGAINST JOHANNA M. GARCIA  
AND MJ ENTERPRISE INC.**

Corali Lopez-Castro, as Receiver (the “Receiver”) over MJ Capital Funding, LLC (“MJ Capital”) and MJ Taxes and More, Inc. (“MJ Taxes”) and other entities,<sup>1</sup> hereby moves for entry of a Consent Order for Turnover of Funds Against Defendant Johanna M. Garcia and MJ Enterprise Inc.

1. On August 9, 2021, the Securities and Exchange Commission (the “SEC”) commenced this lawsuit against MJ Capital, MJ Taxes and Johanna M. Garcia.

2. On August 12, 2021, the Court entered the Receivership Order appointing Corali Lopez-Castro as Receiver over MJ Capital and MJ Taxes. *See* DE 17. Pursuant to the Receivership Order, the Receiver is charged with

marshaling and preserving all assets of the Defendants “Receivership Assets” that:  
(a) are attributable to funds derived from investors or clients of the Defendants; (b)

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<sup>1</sup> The receivership has been expanded to include, and the receiver has been appointed over, Pavel Ruiz MJCF LLC and UDM Remodeling, LLC pursuant to the Order Granting Receiver’s Motion to Expand Receivership Estate [DE 79], which order is presently subject to a pending motion to vacate [DE 83].

are held in constructive trust for the Defendants; (c) were fraudulently transferred by the Defendants; and/or (d) may otherwise be includable as assets of the estates of the Defendants (collectively, the “Recoverable Assets”)[.]

Receivership Order 1-2, DE 17.

3. On September 8, 2021, the Court entered an Order of Preliminary Injunction and Other Relief by Consent as to Defendant Johanna M. Garcia (“Preliminary Injunction Order”), which provides in part that:

Any financial or brokerage institution or other person or entity holding any such funds or other assets, in the name, for the benefit or under the control of Johanna M. Garcia, or indirectly, held jointly or singly, and wherever located, and which receives actual notice of this order by personal service, mail, email, facsimile, or otherwise, shall hold and retain within its control and prohibit the withdrawal, removal, transfer, disposition, pledge, encumbrance, assignment, set off, sale, liquidation, dissipation, concealment, or other disposal of any such funds or other assets[.]

Prel. Inj. Order 5-6, DE 47.

4. The accounts subject to the Preliminary Injunction Order include, among others: (a) the JPMorgan Chase Bank, N.A. (the “Chase Bank”) account ending in 8681 under the name of Johanna M. Garcia with a balance of \$1,500,081.02 as of February 23, 2022,<sup>2</sup> (b) the Chase Bank account ending in 1397 under the name of Johanna M. Garcia with a balance of \$500,109.19 as of February 23, 2022, and (c) the Chase Bank account ending in 0571 under the name of MJ Enterprise Inc. (“MJ Enterprise”) with a balance of \$591,010.41 as of February 23, 2022 (collectively, the “Accounts”).

5. With respect to MJ Enterprise, the company was formed by Ms. Garcia on September 25, 2019 under the name MJ Check Cashing N’ Loans Inc. The Company’s name was changed to MJ Enterprise in November 2020. Ms. Garcia is the president of MJ Enterprise, and

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<sup>2</sup> The balances for the Chase Bank accounts set forth herein are based on a letter issued by Chase Bank dated February 23, 2022 in response to the Court’s prior temporary restraining order. *See* DE 16.

has control over MJ Enterprise, and its Chase Bank account ending in 0571.

6. The Receiver has determined that the funds in the Accounts are Recoverable Assets, including funds from MJ Capital and MJ Taxes and funds from investors in MJ Capital, which need to be turned over to the receivership estate pursuant to the terms of the Receivership Order.

7. Ms. Garcia and MJ Enterprise have agreed and consented to the entry of the Consent Order for Turnover of Funds Against Johanna M. Garcia and MJ Enterprise Inc. attached hereto as **Exhibit A**.

**WHEREFORE**, the Receiver respectfully requests that the Court: (a) enter an order granting the Motion substantially in the same form as the proposed order attached hereto as **Exhibit B**, (b) enter the proposed Consent Order for Turnover of Funds attached hereto as Exhibit A, and (c) grant such other and further relief as the Court deems just and proper.

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Florida Bar No. 0073535  
*Counsel for Corali Lopez-Castro, Receiver*

**CERTIFICATION OF CONFERENCE WITH COUNSEL**

The undersigned counsel for the Receiver certifies that she has conferred with counsel for the SEC and certifies that the SEC has no objection to the relief sought in the Motion, and that she

has conferred with counsel for Johanna M. Garcia who consents to the relief sought in the Motion and the attached proposed Consent Order.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 8, 2022, I electronically filed the foregoing document with the clerk of the Court using CM/ECF, and the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF. I further certify that a true and correct copy of the foregoing has been served via prepaid, first class U.S. mail and/or electronic mail upon all other parties listed below on this 8th day of March, 2022.

By: /s/ Bernice C. Lee  
Bernice C. Lee

MJ Enterprise Inc.  
c/o Johanna Garcia  
2754 W Atlantic Blvd.  
Pompano Beach, Florida 33069

MJ Enterprise Inc.  
c/o Nathalia Burgos  
2754 W Atlantic Blvd.  
Pompano Beach, Florida 33069

MJ Enterprise Inc.  
c/o Nathalia Burgos  
9615 Stones River Parkway  
Boca Raton, FL 33428

Nathalia Burgos  
c/o Kopelowitz Ostrow Ferguson Weiselberg Gilbert  
One West Las Olas Blvd., Suite 500  
Fort Lauderdale, Florida 33301

# **EXHIBIT A**

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

**CASE NO.: 21-61644-CIV-SINGHAL/VALLE**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MJ CAPITAL FUNDING, LLC,  
MJ TAXES AND MORE, INC., and  
JOHANNA M. GARCIA,

Defendants.

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**CONSENT ORDER FOR TURNOVER OF FUNDS AGAINST  
JOHANNA M. GARCIA AND MJ ENTERPRISE INC.**

**THIS CAUSE** is before the Court on the Receiver’s Motion for Entry of Consent Order for Turnover of Funds Against Johanna M. Garcia and MJ Enterprise Inc. (DE [\_\_\_]). The defendant Johanna M. Garcia and a related entity, MJ Enterprise Inc., having consented to the entry of this Order, consented to the Court’s jurisdiction to enter this Order, waived findings of fact and conclusions of law, and waived any right to appeal from this Order, and the Court, having considered the motion, the consents, the record, and being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. Defendant Johanna M. Garcia shall turnover to Corali Lopez-Castro, as Receiver over MJ Capital Funding, LLC, MJ Taxes and More, Inc. and other entities: (a) all funds in her JPMorgan Chase Bank, N.A. (the “Chase Bank”) account ending in 8681, which funds total at least \$1,500,081.02, and (b) all funds in her Chase Bank account ending in 1397, which funds total at least \$500,109.19.

2. MJ Enterprise Inc. shall turnover to the Receiver all funds in its Chase Bank account ending in 0571, which funds total at least \$591,010.41.
3. Chase Bank is directed to transfer all funds in the above-referenced frozen accounts to the Receiver within ten (10) days of the entry of this Order.
4. Pending the transfers of the above-referenced funds to the Receiver, Johanna M. Garcia and MJ Enterprise Inc. have agreed to not, and are prohibited from, withdrawing, removing, transferring, pledging, encumbering, assigning, dissipating, liquidating or otherwise disposing of the above-referenced funds and bank accounts.

**DONE and ORDERED** in Chambers at Fort Lauderdale, Florida, this \_\_\_ day of \_\_\_\_\_, 2022.

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RAAG SINGHAL  
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF.

# **EXHIBIT B**

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

**CASE NO.: 21-61644-CIV-SINGHAL/VALLE**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MJ CAPITAL FUNDING, LLC,  
MJ TAXES AND MORE, INC., and  
JOHANNA M. GARCIA,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court on the Receiver's Motion for Entry of Consent Order for Turnover of Funds Against Johanna M. Garcia and MJ Enterprise Inc. (DE [\_\_\_\_]), filed on March 8, 2022, which moves for entry of a consent order for turnover of funds against Johanna M. Garcia and MJ Enterprise Inc. Having considered the motion, the consents, the record, and being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The motion is GRANTED. The Consent Order for Turnover of Funds Against Johanna M. Garcia and MJ Enterprise Inc. will be entered separately.

**DONE and ORDERED** in Chambers at Fort Lauderdale, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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RAAG SINGHAL  
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF.