

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO.: 8:20-cv-394

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

KINETIC INVESTMENT GROUP, LLC, and
MICHAEL SCOTT WILLIAMS,

Defendants, and

KINETIC FUNDS I, LLC,
KCL SERVICES, LLC d/b/a LENDACY,
SCIPIO LLC,
LF42, LLC,
EL MORRO FINANCIAL GROUP, LLC,
and KIH, INC. f/k/a KINETIC INTERNATIONAL, LLC,

Relief Defendants.

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO
TO RESPOND TO RECEIVER’S MOTION FOR POSSESSION**

The Defendant MICHAEL SCOTT WILLIAMS (“Williams”), through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), and Middle District Local Rule 3.01, moves for an extension of time to respond to *Receiver’s Motion For Possession Of And Title To Residential Real Property Purchase By Defendant Michael Williams In San Juan, Puerto Rico And Incorporated Memorandum Of Law* (“Motion for Possession”)[DE 72], and states as follows:

1. This Motion seeks a 30-day extension of time for the Defendant Michael Williams to respond to the Motion for Possession, currently due on Friday, May 29, 2020, based upon the withdrawal of his prior counsel and entry of new counsel in this matter on Wednesday, May 27, 2020. [See DEs 83 and 84].

2. This matter was initiated on February 20, 2020.

3. From a review of the docket in this case, a great deal has happened in the three months since the case began.

4. Significantly, on March 6, 2020, the Court granted the Plaintiff's Motions seeking an asset freeze, as well as appointing a Receiver. [DEs 33 and 34].

5. On May 15, 2020, the Receiver filed its Motion for Possession, which asks this Court to give the receiver "possession of and title to" residential real property located in San Juan, Puerto Rico. [DE 72 at pp.1-2].

6. A review of the Motion for Possession, as well as the Receiver's 76-page Interim Report [DE 60], shows that since its appointment, and during the two-months following, the Receiver has had the opportunity to extensively review many documents relating to the residential properties at issue, as well as the finances of both the Defendants and Relief Defendants.

7. Indeed, the Receiver itself moved for and obtained a 30-day extension to respond to the Plaintiff's Complaint based upon its need to evaluate "the merits of the claims asserted in Plaintiff's Complaint..." [DE 55 at ¶3].

8. On May 27, 2020, the undersigned counsel filed their Notice of Appearance [DE 83] subsequent to the filing of Defendant's counsel's *Motion To Withdraw As Counsel* [DE 82].

9. While the undersigned counsel have immediately begun their review and examination of the extensive filings in this case, they have had only one conversation with their

new client, and are not in possession of any of the case documents that are currently in possession of Defendant's prior counsel, and apparently the Receiver and Plaintiff.

10. The undersigned counsel are currently working with prior defense counsel in obtaining possession of the case file.

11. This Motion is not being filed for the purpose delay, but simply because the undersigned counsel have just come into this case, and have no documents whatsoever to review. As such, this extension will give the undersigned counsel sufficient time to respond to the Motion for Possession, which they certainly could not competently do in less than one (1) day.

WHEREFORE, the Defendant Michael Williams moves this Court for a 30-day extension of time to file its response to the Receiver's Motion for Possession and for any and all other relief this Court deems necessary.

LOCAL RULE 3.01(g) CERTIFICATE OF GOOD FAITH CONFERENCE

I HEREBY CERTIFY that, in accordance with Middle District Local Rule 3.01(g), the undersigned has conferred with counsel for the Receiver, via telephone on May 28, 2020, in a good faith effort to resolve the issues raised herein, and Receiver's counsel advised the undersigned that the Receiver has no objection to the requested extension.

Respectfully Submitted,

By: /s/ Timothy W. Schulz
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 28, 2020, the foregoing document was filed with the Clerk of the Court using the CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List via transmission of the Notice of Electronic Filing generated by CM/ECF.

By: /s/ Jon A. Jacobson

By: /s/ Timothy W. Schulz

Service List

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United States District Court, Middle District of Florida

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