

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

Case No.: 8:20-cv-0394-MSS-SPF

KINETIC INVESTMENT GROUP, LLC and
MICHAEL SCOTT WILLIAMS,

Defendants, and

KINETIC FUNDS I, LLC; KCL SERVICES,
LLC d/b/a LENDACY; SCIPIO, LLC; LF 42,
LLC; EL MORRO FINANCIAL GROUP,
LLC; and KIH, INC., f/k/a KINETIC
INTERNATIONAL, LLC

Relief Defendants.

**RESPONDENTS THE FOGARTY FAMILY REVOCABLE TRUST DATED
SEPTEMBER 14, 1971 AND JONATHAN D.FOGARTY'S
CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

I hereby disclose the following pursuant to this Court's interested persons order (Dkt. No. 68):

1) The name of each person, attorney, association of persons, firm, law firm, partnership, and corporation that has or may have an interest in the outcome of this action — including subsidiaries, conglomerates, affiliates, parent corporations, publicly-traded companies that own 10% or more of a party's stock, and all other identifiable legal entities related to any party in the case.

- Securities and Exchange Commission (Plaintiff)
- Kinetic Investment Group, LLC (Defendant)

- Michael Scott Williams (Defendant)
- Kinetic Funds I, LLC (Relief Defendant)
- KCL Services, LLC d/b/a Lendacy (Relief Defendant)
- Scipio, LLC (Relief Defendant)
- LF 42, LLC (Relief Defendant)
- KIH, Inc., f/k/a Kinetic International, LLC (Relief Defendant)
- Mark A. Kornfeld (Receiver)
- Branch Banking and Trust Company (Respondent)
- The Fogarty Family Revocable Trust dated September 14, 1971 (Respondent)
- Jonathan Fogarty (Respondent)
- Christine Nestor, Esq. (Counsel for Plaintiff)
- Stephanie N. Moot, Esq. (Counsel for Plaintiff)
- Barbara Viniegra, Esq. (Counsel for Plaintiff)
- John T. Houchin, Esq. (Counsel for Plaintiff)
- Jon. A. Jacobson, Esq. (Counsel for Defendant Williams)
- Jacobson Law P.A. (Counsel for Defendant Williams)
- Timothy W. Schulz, Esq. (Counsel for Defendant Williams)
- Timothy W. Schulz, P.A. (Counsel for Defendant Williams)
- Jordan D. Maglich, Esq. (Counsel for Receiver)
- Zachary S. Foster, Esq. (Counsel for Receiver)
- Quarles & Brady LLP (Counsel for Receiver)
- Damian LaPlaca, Esq. (Counsel for Receiver)
- The Hon. Jose A. Fuste (Counsel for Receiver)

- Peters, LaPlaca, and Fuste (Counsel for Receiver)
- Maria S. Bellafronto, Esq. (Counsel for Respondents The Fogarty Family Trust dated September 14, 1971 and Jonathan Fogarty (collectively, the “Fogarty Family”))
- Jedidiah L. Dooley, Esq. (Counsel for Respondents the Fogarty Family)
- Hopkins & Carley (Counsel for Respondents the Fogarty Family)
- John E. Clabby, Esq. (Counsel for Respondents the Fogarty Family)
- Nathaniel G. Foell, Esq. (Counsel for Respondents the Fogarty Family)
- Carlton Fields, P.A. (Counsel for Respondents the Fogarty Family)
- Eric I. Bustillo (Regional Director for Plaintiff)
- Glenn S. Gordon (Associate Regional Director for Plaintiff)
- Andrew O. Schiff, Esq. (Regional Trial Counsel for Plaintiff)
- Eric R. Busto (Assistant Regional Director for Plaintiff)
- Crystal C. Ivory (Senior Staff Accountant for Plaintiff)
- Fernando Torres (Assistant Regional Director for Plaintiff)
- Maria Yip (Forensic accountant for Receiver)
- Hal Levenberg (Forensic accountant for Receiver)
- Yip & Associates (Forensic accountants for Receiver)
- E-Hounds (Forensic imagining professionals for Receiver)
- SupportPR LLC (Forensic imagining professionals for Receiver)
- Darrell’s Locksmith (Locksmiths for Receiver)
- Abracadabra Attention (Locksmiths for Receiver)
- International Intelligence Group, LLC (Investigative personnel for Receiver)

- Hector Gonzales (Investigative personnel for Receiver)
 - William E. Price, CPA (Accounting professional for Receiver)
 - PDR-CPA + Advisors, LLC (Accounting professionals for Receiver)
 - K.Tec Systems, Inc. (Website professionals for Receiver)
- 2) The name of every other entity whose publicly-traded stock, equity, or debt may be substantially affected by the outcome of the proceedings:
- None.
- 3) The name of every other entity which is likely to be an active participant in the proceedings, including the debtor and members of the creditors' committee (or twenty largest unsecured creditors) in bankruptcy cases:
- None.
- 4) The name of each victim (individual or corporate) of civil and criminal conduct alleged to be wrongful, including every person who may be entitled to restitution:
- Plaintiff has provided a list of persons and entities that it believes invested with Defendant Kinetic, which includes Respondents The Fogarty Family Trust dated September 14, 1971 (the “Fogarty Family Trust”) and Jonathan Fogarty. *See* Dkt. No. 76, Exhibit A. Separate from their investment in Defendant Kinetic, The Fogarty Family Trust and Jonathan Fogarty each entrusted certain shares with Defendant Williams, their long time stockbroker. Unbeknownst to them, Defendant Williams commingled those shares with Relief Defendant the Kinetic Fund’s assets, holding the shares in “sub-accounts” of Relief Defendant the Kinetic Fund.
- 5) I hereby certify that, except as disclosed above, I am unaware of any actual or

potential conflict of interest involving the District Judge and Magistrate Judge assigned to this case, and will immediately notify the Court in writing upon learning of any such conflict.

Dated: July 30, 2020.

Respectfully submitted,

/s/ John E. Clabby

John E. Clabby
Florida Bar No. 113664
Nathaniel H. Foell
Florida Bar No. 1010475
CARLTON FIELDS, P.A.
P.O. Box 3239
Tampa, FL 33601-3239
Physical address:
Corporate Center Three at International Plaza
4221 W. Boy Scout Boulevard, Suite 1000
Tampa, Florida 33607
Telephone: (813) 223-7000
Fax: (813) 229-4133
Primary email: jclabby@carltonfields.com
Secondary email: nkapadia@carltonfields.com
Primary email: nfoell@carltonfields.com
Secondary email: devans@carltonfields.com

Maria S. Bellafronto
Jedidiah L. Dooley
HOPKINS & CARLEY
70 S. 1st Street
San Jose, CA 95113
Telephone: (408) 286-9800
Email: mbellafr@hopkinscarley.com
Email: jdooley@hopkinscarley.com
(*Pro Hac Vice* admissions pending)

Counsel for the Fogarty Family