

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KINETIC INVESTMENT GROUP, LLC and  
MICHAEL SCOTT WILLIAMS,

CASE NO. 8:20-CV-394

Defendants, and

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

Relief Defendants.

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**THE FOGARTY FAMILY'S *UNOPPOSED* MOTION FOR ADDITIONAL  
EXTENSION OF TIME TO RESPOND TO RECEIVER'S MOTION TO (i) APPROVE  
DETERMINATION OF BROKERAGE ACCOUNT MARGIN OBLIGATION; (ii)  
PARTIALLY LIQUIDATE INVESTOR ACCOUNTS TO SATISFY MARGIN  
OBLIGATIONS; (iii) REPAY REMAINING MARGIN BALANCE; AND (iv)  
TRANSFER MAJORITY OF REMAINING RECEIVERSHIP CASH ASSETS TO  
FIDUCIARY BANK ACCOUNTS**

Pursuant to Rule (6)(b)(1)(A) of the Federal Rules of Civil Procedure, investors Thomas J. Fogarty ("Tom Fogarty"), Jonathan Fogarty ("Jon Fogarty") and The Fogarty Family Revocable Trust dated September 14, 1971 (the "Trust"), (collectively, the "Fogarty Family"), through its counsel, moves for an order granting an additional extension of time to respond the Receiver's Motion to (i) Approve Determination of Brokerage Account Margin Obligation; (ii) Partially Liquidate Investor Accounts to Satisfy Margin Obligations; (iii)

Repay Remaining Margin Balance; and (iv) Transfer Majority of Remaining Receivership Cash Assets to Fiduciary Bank Accounts, filed on or about July 22, 2020 (“Receiver’s Motion,” *see* Dkt. No. 108) filed by the Court-appointed receiver, Mark A. Kornfeld, Esq. (“Receiver”) for a period of thirty (30) days, through and including October 21, 2020.

This additional extension is requested because the Fogarty Family and the Receiver have reached a settlement in principal on or about September 10, 2020 and are working on the final draft of their written settlement agreement. Once the settlement agreement is executed, it will eliminate the need for additional briefing on the Receiver’s motion (currently due September 21, 2020) and conserve judicial resources. All parties, through their counsel, expressly agree to the relief sought herein.

/s/ Maria S. Bellafronto  
[Local counsel]

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(*Pro Hac Vice applications to follow*)

*Counsel for the Fogarty Family*

**CERTIFICATE OF CONFERRAL**

Pursuant to Local Rule 3.01(g), the undersigned certifies that all parties' counsel consent to the extension requested in this Consent Motion.

/s/Maria S. Bellafronto  
Attorney [local counsel]  
Maria S. Bellafronto

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on September 17, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ CrystalKnode  
 Crystal Knode

**SERVICE LIST**

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<p>Jordan D. Maglich, Esq.                  Quarles &amp; Brady LLP                  101 E. Kennedy Blvd., Suite 3400                  Tampa, FL 33602                  Telephone: 813-387-0300                  Email: <a href="mailto:Jordan.maglich@quarles.com">Jordan.maglich@quarles.com</a>  <i>Counsel for Receiver, Mark A. Kornfeld</i></p>	<p>Christine Nestor                  Senior Trial Counsel                  Fla. Bar No. 597211 Direct Dial: (305) 982-6367                  E-mail: <a href="mailto:nestore@sec.gov">nestore@sec.gov</a>                  Stephanie N. Moot Trial Counsel Fla. Bar No. 30377 Direct Dial: (305) 982-6313                  E-mail: <a href="mailto:moots@sec.gov">moots@sec.gov</a>  <b>Attorneys for Plaintiff Securities and Exchange Commission</b>                  801 Brickell Avenue, Suite 1950                  Miami, FL 33131                  Facsimile: (305) 536-4154</p>