

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 *et al.*,

Defendants,

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**DEFENDANT WILLIAMS' UNOPPOSED MOTION FOR LEAVE TO  
FILE A REPLY**

Defendant MICHAEL SCOTT WILLIAMS (“Williams”), pursuant to Local Rule 3.01(d), moves for leave to file a five-page reply in support of his *Fourth Motion to Modify Freeze Order* [D.E. 235] (“Motion”) and states as follows:

1. Williams respectfully requests leave to file a five-page reply in support of his Motion to address certain issues raised by the SEC in its opposition to Williams’ Motion [D.E. 240] (“Opposition”). Because the SEC had not raised these issues previously, Williams was unaware these issues were “issues” and, consequently, did not know to address them in his Motion.

2. When Williams’ first conferred with the SEC in an effort to resolve the issues raised in his Motion prior to filing it, the SEC responded with a one-

sentence email stating that it objected to the Motion “because: (1) the Court allotted a specific sum for that time period and (2) the billing is excessive.”

3. When Williams subsequently inquired *which* specific entries the SEC believed to be excessive, the SEC stated only:

We object to Williams seeking any amount above what the Court already allocated for that time period. Additionally, as examples, excessive time was billed for Williams’ motion for judgment on the pleadings, memo regarding undisputed facts, declaration, untimely third set of interrogatories and opposition to motion to extend the page limit.

4. Based on the SEC’s response, Williams was unaware the SEC believed the fees he incurred addressing discovery, his Declaration, his 75-page Table of the SEC’s undisputed material facts, and his dispositive motions were excessive because: (1) Williams ultimately resolved his discovery issues by conferring and compromising; (2) his Table contained information that was also in his response to the SEC’s Motion for Summary Judgment; (3) his Declaration addressed his current role in his entities and also six paragraphs repeated statements in his prior declaration; (4) his Motion for Judgment on the Pleadings was filed at the close of the pleadings; and (5) consolidating related tasks (as done in his previously approved bills) constituted improper “block billing.”

5. Had the SEC made Williams aware of these issues during their meet-and-confer efforts, Williams would have attempted to resolve them with the SEC directly; and had his efforts to mollify the SEC’s concerns or find a mutually acceptable compromise been unsuccessful, he would have proactively

addressed these issues in his Motion.

WHEREFORE, because the SEC raised these issues for the first time in its Opposition, Williams respectfully requests leave to file a five-page reply in support of his Motion so that the Court will have a more complete understanding of the issues before it.

**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 Plaintiff and the Receiver in a good faith effort to resolve the issues raised in. Counsel for the SEC and the Receiver have informed Williams' counsel that they have no objection to the relief sought by this Motion.

Respectfully Submitted,

By: /s/ Timothy W. Schulz  
Timothy W. Schulz, Esq., FBN 073024  
TIMOTHY W. SCHULZ, P.A.  
224 Datura Street, Suite 815  
West Palm Beach, Florida 33401  
Telephone: (561) 659-1167  
Facsimile: (561) 659-1168  
Email: [schulzt@twslegal.com](mailto:schulzt@twslegal.com)  
Email: [e-service@twslegal.com](mailto:e-service@twslegal.com)  
*Co-Trial Counsel for Defendant*

By: /s/ Jon A. Jacobson  
Jon A. Jacobson, Esq., FBN 155748  
JACOBSON LAW P.A.  
224 Datura St., Suite 812  
West Palm Beach, FL 33401  
Telephone: (561) 880-8900  
Facsimile: (561) 880-8910  
Email: [jjacobson@jlpa.com](mailto:jjacobson@jlpa.com)  
Email: [e-service@jlpa.com](mailto:e-service@jlpa.com)  
*Co-Trial Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 25, 2021, the foregoing document was filed with the Clerk of the Court using the CM/ECF system and served on all counsel of record.

By: /s/ Timothy W. Schulz

By: /s/ Jon A. Jacobson