

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:18-cv-61991-BB

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

1 GLOBAL CAPITAL LLC, and
CARL RUDERMAN,

Defendants, and

1 WEST CAPITAL LLC,
BRIGHT SMILE FINANCING, LLC,
BRR BLOCK INC.,
DIGI SOUTH LLC,
GANADOR ENTERPRISES, LLC,
MEDIA PAY LLC
PAY NOW DIRECT LLC, and
RUDERMAN FAMILY TRUST,

Relief Defendants.

JOINT MOTION TO CLARIFY ORDER APPROVING SALE [D.E. 298]

Plaintiff, United States Securities and Exchange Commission (“SEC”), Defendant Carl Ruderman (“Ruderman”), and Jon A. Sale, not individually, but solely in his capacity as Court-Appointed Receiver (“Receiver”), jointly move the Court for an order clarifying the relief requested in the Joint Motion to Approve Sale of Defendant Carl Ruderman’s Condominium in Accordance with Residential Contract for Sale and Purchase, ECF No. [297] (“Motion”), and granted in the Order on Motion to Approve Sale, ECF No. [298] (“Order”).

In the parties’ Motion, they requested an order providing “that the proceeds of the Condominium sale be held in escrow by the Escrow Agent, pending further order of the Court.”

ECF No. [297] at 6. The parties, however, did not define the term “proceeds” in the Motion. To be clear, the term “proceeds” was intended to mean the *net* proceeds from the sale available after the payment of all lien holders, including JP Morgan Chase Bank's mortgage lien, liens, assessments and applicable closing costs.

Accordingly, for the avoidance any doubt in connection with the closing of the sale of the Condominium, the parties respectfully request that the Court enter an order clarifying that “proceeds,” as it is used in the Court’s Order approving the sale of the Condominium at ECF No. [298], means the net proceeds available after the payment of all lien holders, including JP Morgan Chase Bank's mortgage lien, liens, assessments and applicable closing costs. A proposed order is attached as **Exhibit A**.

Respectfully submitted,

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By: /s/ Daniel S. Newman
Daniel S. Newman
Florida Bar No. 0962767
Christopher Cavallo
Florida Bar No. 0092305

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Daniel S. Newman

Daniel S. Newman

SERVICE LIST

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| <p>SECURITIES AND EXCHANGE COMMISSION Miami Regional Office 801 Brickell Avenue, Suite 1800 Miami, Florida 33131 Robert K. Levenson Chris Martin Senior Trial Counsel levensonr@sec.gov martinc@sec.gov Telephone: 305.982.6300 Facsimile: 305.536.4154</p> | <p>MARCUS NEIMAN & RASHBAUM LLP 2 South Biscayne Boulevard Suite 1750 Miami, Florida 33131 Jeff Marcus jmarcus@mnrlawfirm.com Telephone: 305.400.4262 <i>Attorneys for Defendant Carl Ruderman</i></p> |
| <p>BAKER MCKENZIE LLP Paul J. Keenan , Jr. 1111 Brickell Avenue Suite 1700 Miami, FL 33131 305-789-8900 Email: paul.keenan@bakermckenzie.com <i>Attorneys for Defendant 1 Global Capital, LLC and Relief Defendant 1 West Capital, LLC</i></p> | <p>GORDON REES SCULLY MANSUKHANI, LLP Joseph A. Sacher 100 SE Second Street, Suite 3900 Miami, FL 33131 jsacher@grsm.com Telephone: 305.428.5339 <i>Attorney for Jumbleberry Enterprises USA, Ltd., Jumbleberry Interactive Group, Ltd., and Jumbleberry Publishing Group, Ltd.</i></p> |

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RUDERMAN FAMILY TRUST,

Relief Defendants.

**ORDER ON JOINT MOTION
TO CLARIFY ORDER APPROVING SALE**

THIS CAUSE came before the Court on the parties' Joint Motion to Clarify Order Approving Sale ("Joint Motion"), [ECF No. ____]. Having reviewed the Joint Motion, and being otherwise advised on the premises, it is

ORDERED AND ADJUDGED that

1. The Joint Motion is **GRANTED**.
2. The Court hereby clarifies its Order at [ECF No. 298] such that the term "proceeds" used in the Order, as it relates to the funds received from the sale of the Condominium to be held in escrow pending further order of the Court, shall specifically refer to the net proceeds available

after the payment of all lien holders, including JP Morgan Chase Bank's mortgage lien, liens, assessments, and applicable closing costs.

DONE AND ORDERED in Miami, Florida this ____ day of _____, 2022.

HONORABLE BETH BLOOM
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record