

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-22791-CV-WILLIAMS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRENT SEAMAN, et al.,

Defendants.

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**NOTICE OF AUTHORITY IN SUPPORT OF RECEIVER’S UNOPPOSED MOTION
FOR ENTRY OF CONSENT JUDGMENTS AGAINST RECEIVERSHIP DEFENDANTS**

Melanie E. Damian, as court-appointed receiver (the “Receiver”), hereby gives notice of authority in support of the Receiver’s Unopposed Motion for Entry of Consent Judgments Against Defendants Accanito Equity LLC, Accanito Equity II LLC, Accanito Equity III LLC, Accanito Equity IV LLC, Accanito Capital Group LLC, Surge LLC, and Accanito Holdings LLC and Relief Defendant Surge Capital Ventures, LLC (collectively, the “Receivership Defendants”) [ECF No. 28].

On December 12, 2022, Ms. Damian became the corporate monitor over the Receivership Defendants pursuant to a pre-receivership agreement with the Defendants. As corporate monitor, she authorized the Defendants’ retention of independent counsel (not the Receiver’s law firm Damian Valori Culmo) and their cooperation and negotiations with the Securities and Exchange Commission (the “SEC”) leading to the settlements memorialized in the following Consents and Consent Judgments which the SEC subsequently submitted to this Court for entry through *Plaintiff’s Unopposed Motion for Entry of Judgments Against Defendants Brent Seaman;*

Accanito Equity, LLC; Accanito Equity II, LLC; Accanito Equity III, LLC; Accanito Equity IV, LLC, Accanito Capital Group, LLC; Surge, LLC; and Accanito Holdings, LLC [ECF No. 6]:

Consent of Defendant Accanito Equity, LLC [ECF No. 6-2];

Consent of Defendant Accanito Equity II, LLC [ECF No. 6-3];

Consent of Defendant Accanito Equity III, LLC [ECF No. 6-4];

Consent of Defendant Accanito Equity IV, LLC [ECF No. 6-5];

Consent of Defendant Accanito Capital Group, LLC [ECF No. 6-6];

Consent of Defendant Surge, LLC [ECF No. 6-7];

Consent of Defendant Accanito Holdings, LLC [ECF No. 6-8];

Judgment as to Defendant Accanito Equity, LLC [ECF No. 6-10];

Judgment as to Defendant Accanito Equity II, LLC [ECF No. 6-11];

Judgment as to Defendant Accanito Equity III, LLC [ECF No. 6-12];

Judgment as to Defendant Accanito Equity IV, LLC [ECF No. 6-13];

Judgment as to Defendant Accanito Capital Group, LLC [ECF No. 6-14];

Judgment as to Defendant Surge, LLC [ECF No. 6-15]; and

Judgment as to Defendant Accanito Holdings, LLC [ECF No. 6-16].

Thus, at a time when the Receivership Defendants were represented by independent counsel, the Receivership Defendants negotiated, agreed to, and signed the foregoing Consents to the entry of the foregoing Judgments.

Then, on October 27, 2023, this Court entered the Order Appointing Receiver [ECF No. 18] granting the Receiver sole authority over the Receivership Defendants, including all rights and powers of the former officers, directors, and members and exclusive authority to manage and control the Receivership Defendants. *See* ECF No. 18 at § II. Accordingly, the Receiver

immediately took full control of the Receivership Defendants. She reviewed the Consents and the proposed Judgments that the SEC had submitted to the Court for entry and determined that it was in the best interests of the Receivership Defendants and the Receivership Estate for the Receivership Defendants to settle with the SEC pursuant to the terms set forth in the proposed Judgments. Accordingly, the Receiver, on behalf of the Receivership Defendants, agreed to the entry of the proposed Judgments against those Defendants and requested that the Court enter those Judgments in her *Unopposed Motion for Entry of Consent Judgments Against the Receivership Defendants* [ECF No. 28].

There is precedent in this District for Court-appointed receivers in SEC enforcement actions to represent receivership entity defendants and enter into consent final judgments on their behalf and for Courts to enter such consent judgments pursuant to requests of the receivers. *See Securities and Exchange Commission v. ABFP Income Fund 3, LLC, et al.*, Case No. 1:23-cv-23721-BB [at ECF No. 9-1], in the United States District Court for the Southern District of Florida (where this Court entered Final Judgment against various corporate receivership defendants pursuant to consents to Final Judgment by those defendants agreed to by the Court-appointed receiver on their behalf, pursuant to the authority granted to the receiver by the appointing Court); *Securities and Exchange Commission v. Natural Diamonds Investment Co., et al.*, Case No. 9:19-cv-80633-RLR [at ECF Nos. 342-2 and 343], in the United States District Court for the Southern District of Florida (where this Court entered a Final Judgment of Permanent Injunction and Other Relief against the corporate receivership defendants pursuant to the consent of those defendants agreed to by the Court-appointed receiver on their behalf, pursuant to the authority granted to the receiver by the appointing Court); and *U.S. Commodity Futures Trading Commission v. Timothy Atkinson, Jay Passerino, All In Publishing LLC and Gasher, Inc., et al.*, Case No. 18-cv-23992-

JEM [at ECF Nos. 206 and 233-1], in the United States District Court for the Southern District of Florida (where this Court entered a Consent Order for Permanent Injunction and Other Statutory and Equitable Relief against each of the corporate receivership defendants pursuant to the consent of those defendants agreed to by the Court-appointed receiver on their behalf, pursuant to the authority granted to the receiver by the appointing Court).

Respectfully Submitted,

/s/Kenneth Dante Murena

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the Receivership Entities, and Relief
Defendant Surge Capital Ventures LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic transmission via this Court's CM/ECF filing system on the 5th day of January, 2024, on all counsel or parties who have appeared in the above-styled action.

/s/Kenneth Dante Murena

Kenneth Dante Murena, Esq.