

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-CV-21301-GAYLES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ARIEL QUIROS, *et al.*,

Defendants, and

JAY CONSTRUCTION MANAGEMENT, INC., *et al.*,

Relief Defendants.

**DEFENDANT ARIEL QUIROS'S MOTION FOR *EXPEDITED* BRIEFING SCHEDULE
AND HEARING ON MOTION FOR EXPEDITED CLARIFICATION OR
MODIFICATION OF ASSET FREEZE ORDER**

Defendant Ariel Quiros respectfully moves for an expedited briefing schedule and hearing on his Motion for Expedited Clarification or Modification of the Asset Freeze Order. In further support of the reasons set forth in the Motion, Quiros states the following:

1. Quiros's Motion concerns a matter of immediate urgency requiring expedited consideration.
2. By way of background, on October 20, 2016, this Court entered an Order Permitting Payment of Attorneys' Fees and Costs and permitting the Receiver to release \$80,000 to pay for Quiros's attorney's fees, experts, and/or other costs [ECF No. 232]. Since the entry of that Order, Quiros's attorneys investigated other means to pay for the significant cost of defense that Quiros is incurring.

3. To that end, on or about December 6, 2016, Quiros filed a lawsuit against Ironshore Indemnity, Inc. (“Ironshore”), demanding that Ironshore pay for the defense costs that Quiros is incurring. As noted in Quiros’s Motion for Expedited Clarification or Modification of Asset Freeze, Ironshore has agreed to advance certain defense costs.

4. Recently, however, the Receiver advised Quiros’s counsel that he will object to Quiros’s counsel receiving any payment from Ironshore. Due to the Receiver’s recent objection, Quiros promptly moved for an order to confirm that it is not in violation of the asset freeze for Quiros to have his defense costs paid by Ironshore.

5. On a daily and ongoing basis, Quiros’s counsel have been incurring significant attorneys’ fees and out-of-pocket costs that they cannot continue to advance without assurance that they will be permitted to obtain reimbursement under the Policy pursuant to the agreement with Ironshore. For example, counsel expects to incur or pay over \$150,000 in out-of-pocket costs, to say nothing of the significant legal fees that continue to mount. It is not possible to adequately defend Quiros under the present circumstances.

6. Quiros’s attorneys believe they have an important role in ensuring justice is done in the pending matters, but they simply cannot continue to expend additional time and funds on this case under the present circumstances.

WHEREFORE, Quiros respectfully requests that the Court enter an order setting the following expedited briefing schedule and hearing to simply confirm that it is not a violation of the Asset Freeze Order to allow Ironshore’s advancement of defense costs.

A. Any opposition to the Motion be filed by **Friday, March 17, 2017**;

B. Mr. Quiros will file a reply by **Monday, March 20, 2017**; and

C. Subject to the Court's availability, this matter be heard on **Wednesday, March 22, 2017.**¹

Dated: March 13, 2017

Respectfully submitted,

By: s/ Scott B. Cosgrove_____

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Counsel for Defendant Ariel Quiros

¹ A proposed order is attached hereto and will also be submitted via e-mail to the Court as prescribed by Section 3I(6) of the CM/ECF Administrative Procedures.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this on March 13, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing documents are being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in the manner stated in the service list attached.

s/ Scott B. Cosgrove _____
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SERVICE LIST
US District Court, Southern District of Florida
Case No.: 16-cv-21301-DPG

Securities and Exchange Commission v. Ariel Quiros, et al.

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