

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

**CASE NO.: 16-cv-21301-GAYLES**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

V.

ARIEL QUIROS, WILLIAM STENGER,  
JAY PEAK, INC., Q RESORTS, INC.,  
JAY PEAK HOTEL SUITES L.P.,  
JAY PEAK HOTEL SUITES PHASE II. L.P.,  
JAY PEAK MANAGEMENT, INC.,  
JAY PEAK PENTHOUSE SUITES, L.P.,  
JAY PEAK GP SERVICES, INC.,  
JAY PEAK GOLF AND MOUNTAIN SUITES L.P.,  
JAY PEAK GP SERVICES GOLF, INC.,  
JAY PEAK LODGE AND TOWNHOUSES L.P.,  
JAY PEAK GP SERVICES LODGE, INC.,  
JAY PEAK HOTEL SUITES STATESIDE L.P.,  
JAY PEAK GP SERVICES STATESIDE, INC.,  
JAY PEAK BIOMEDICAL RESEARCH PARK L.P.,  
AnC BIO VERMONT GP SERVICES, LLC,

Defendants,

JAY CONSTRUCTION MANAGEMENT, INC.,  
GSI OF DADE COUNTY, INC., NORTH EAST  
CONTRACT SERVICES, INC., Q BURKE  
MOUNTAIN RESORT, LLC,

Relief Defendants, and

Q BURKE MOUNTAIN RESORT, HOTEL AND  
CONFERENCE CENTER, L.P.,  
Q BURKE MOUNTAIN RESORT GP SERVICES, LLC

Additional Defendants

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**NOTICE OF FILING JOINT MOTION TO VOLUNTARILY DISMISS APPEAL**

Defendant Ariel Quiros, by and through undersigned counsel, files the attached copy of the Joint Motion to Voluntarily Dismiss With Prejudice By Appellant Ariel Quiros and Appellees Mitchell Silberberg & Knupp, LLP, David B. Gordon, and David B. Gordon a Professional Corporation, filed on August 31, 2021 in the United States Court of Appeal, Eleventh Circuit, Case No. 21-12616, attached hereto as **Exhibit A**.

The instant Notice and attached document is submitted solely for the purpose of notifying the Court and all parties to this case that Defendant Quiros and the MSK parties have agreed to resolution and dismissal of the appeal of this Court's Final Order (I) Approving Settlement Among Receiver, Putative Class Plaintiffs, and MSK; and (II) Barring, Restraining, and Enjoining Claims Against MSK [ECF No. 690], and, therefore, Defendant Quiros respectfully submits that this Court's September 8, 2021, Order Granting the Receiver's Motion to Require Filing Of An Appeal Bond [ECF No. 696] and requiring compliance by September 20, 2021, is now moot.

Dated: September 9, 2021.

Respectfully submitted,

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/s/ Melissa D. Visconti

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via e-mail via CM/ECF, on this 9th day of September, 2021, to all counsel of record.

/s/ *Melissa D. Visconti*

Melissa Damian Visconti

# EXHIBIT A

Case No. 21-12616

IN THE UNITED STATES COURT OF APPEALS  
ELEVENTH CIRCUIT

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On Appeal from the United States District Court for the  
Southern District of Florida, Case No. 16-cv-21301-DPG

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ARIEL QUIROS,

Appellant,

vs.

MITCHELL SILBERBERG & KNUPP LLC, ET AL.

Appellees.

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**JOINT MOTION TO VOLUNTARILY DISMISS WITH PREJUDICE BY  
APPELLANT ARIEL QUIROS AND APPELLEES MITCHELL  
SILBERBERG & KNUPP, LLP, DAVID B. GORDON, AND DAVID B.  
GORDON A PROFESSIONAL CORPORATION**

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*Counsel for Appellees Mitchell  
Silberberg & Knupp, LLP, David  
B. Gordon, and David B. Gordon  
a Professional Corporation*

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*Counsel for Appellant Ariel Quiros*

**CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT**

Appellant Ariel Quiros and Appellees Mitchell Silberberg & Knupp, LLP, David B. Gordon, and David B. Gordon a Professional Corporation (collectively “MSK”), by and through undersigned counsel, jointly certify that the following persons may have an interest in the outcome of this case:

1. Akerman LLP (counsel for Receiver)
2. AnC Bio Vermont GP Services, LLC (Defendant-Appellee)
3. Atkinson, David R., (counsel for MSK Appellees)
4. Calderwood, Philip (nonparty)
5. Casseres-Pinto, Jose R. (nonparty)
6. Cortinas, Angel A. (counsel for MSK Appellees)
7. Daccache, Alexandre (nonparty)
8. Damian & Valori, LLP (counsel for Appellant-Quiros)
9. Damian, Melanie E. (counsel for Appellant-Quiros)
10. David B. Gordon, a Professional Corporation (Appellee)
11. Gayles, Hon. Darrin P. (U.S. District Judge, S.D. Fla.)
12. Goldberg, Michael I. (Receiver-Appellee)
13. Gordon, David B. (Appellee)
14. GSI of Dade County, Inc. (Defendant-Appellee)

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15. Gunster (counsel for MSK Appellees)
16. Jay Construction Management, Inc. (Defendant-Appellee)
17. Jay Peak Biomedical Research Park, L.P. (Defendant-Appellee)
18. Jay Peak Golf and Mountain Suites L.P. (Defendant-Appellee)
19. Jay Peak GP Services Golf, Inc. (Defendant-Appellee)
20. Jay Peak GP Services Lodge, Inc. (Defendant-Appellee)
21. Jay Peak GP Services Stateside, Inc. (Defendant-Appellee)
22. Jay Peak GP Services, Inc. (Defendant-Appellee)
23. Jay Peak Hotel Suites Phase II, L.P. (Defendant-Appellee)
24. Jay Peak Hotel Suites Stateside, L.P. (Defendant-Appellee)
25. Jay Peak Hotel Suites, L.P. (Defendant-Appellee)
26. Jay Peak Lodge and Townhouses L.P. (Defendant-Appellee)
27. Jay Peak Management, Inc. (Defendant-Appellee)
28. Jay Peak Penthouse Suites L.P. (Defendant-Appellee)
29. Jay Peak, Inc. (Defendant-Appellee)
30. Kaskel, Jonathan H. (counsel for MSK Appellees)
31. Kellogg, Jason (counsel for Receiver-Appellee)
32. Kozyak Tropin & Throckmorton, LLP (Interim Class Counsel and Putative Class Plaintiffs)

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33. Levenson, Robert K. (counsel for Plaintiff).
34. Lifshitz, Tal J. (Interim Class Counsel and Putative Class Plaintiffs)
35. Louis, Hon. Lauren Fleischer (Magistrate Judge, S.D. Fla.)
36. Martin, Christopher E. (counsel for Plaintiff)
37. Mitchell Silberberg & Knupp, LLP (Appellee)
38. Pietri, Jose Antonio (nonparty)
39. Q Burke Mountain Resort, LLC (Defendant-Appellee)
40. Q Resorts, Inc. (Defendant-Appellee)
41. Quiros, Ariel (Appellant)
42. Qureshi, Almasood (nonparty)
43. Robbins, Jonathan S. (counsel for Receiver)
44. Sanchez, Carlos Enrique Hiller (nonparty)
45. Schneider, Jeffrey, Levine, Kellogg, Lehman, Schneider & Grossman LLP  
(counsel for Receiver-Appellee)
46. Surgeon, Naim (counsel for Receiver)
47. Tongyi Wang (nonparty)
48. Traband, Stephanie Reed (counsel for Receiver-Appellee)
49. Tropin, Harley S. (Interim Class Counsel and Putative Class Plaintiffs)
50. U.S. Securities and Exchange Commission (Plaintiff)



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51. Visconti, Melissa D. (counsel for Appellant-Quiros)

By: /s/ Angel A. Cortiñas

By: /s/ Melissa D. Visconti

Pursuant to Federal Rules of Appellate Procedure 26.1 and 28, and Eleventh Circuit Rule 26.1-1, MSK, by and through undersigned counsel, hereby certifies that no publicly held corporation owns 10% or more of Mitchell Silberberg & Knupp, LLP or David B. Gordon a Professional Corporation.

By: /s/ Angel A. Cortiñas

By: /s/ Melissa D. Visconti

Pursuant to Federal Rule of Appellate Procedure 42(a) and 11th Cir. R. 42-1, Appellant Ariel Quiros, and Appellees, Mitchell Silberberg & Knupp, LLP, David B. Gordon, and David B. Gordon a Professional Corporation, jointly move to dismiss this appeal with prejudice with each party to bear its and his own attorneys' fees and costs, if any.

Respectfully submitted,

By: /s/ Angel A. Cortiñas

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*Attorneys for Appellant*

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 56 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Times New Roman 14 point font.

By: /s/ Angel A. Cortiñas

By: /s/ Melissa D. Visconti

**CERTIFICATE OF SERVICE**

I certify that on August 31, 2021, I electronically filed this document with the Clerk of the Court using CM/ECF. I also certify that this document is being served today on all counsel of record either by transmission of Notices of Electronic Filing generated by CM/ECF or by e-mail.

By: /s/ Angel A. Cortiñas  
Angel A. Cortiñas, FBN 797529