

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, and

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

Relief Defendants.

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

Additional Receivership Defendants<sup>1</sup>

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**ORDER GRANTING RECEIVER'S MOTION FOR ENTRY  
OF ORDER CLARIFYING THE SCOPE OF THE ORDER [D.E. 162]  
MODIFYING THE PRELIMINARY INJUNCTION AND/OR**

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<sup>1</sup>See Order Granting Receiver's Motion to Expand Receivership dated April 22, 2016 [D.E. No.: 60].

**RECEIVERSHIP ORDER TO AUTHORIZE A STIPULATED  
WRIT OF ATTACHMENT FOR THE BURKE CONTRACTORS  
AND SUBCONTRACTORS INCORPORATES TRANE US INC.**

**THIS MATTER** comes before the Court upon the receiver, Michael I. Goldberg's (the "Receiver") Motion for Entry of an Order Clarifying the Scope of the Order [D.E. 162] Modifying the Preliminary Injunction and/or Receivership Order to Authorize a Stipulated Writ of Attachment for the Burke Contractors and Subcontractors Incorporates Trane US Inc. (the "Motion") [ECF No. 210];

**WHEREAS**, by Orders of this Court ("District Court") filed April 13, 2016 and April 22, 2016, the District Court appointed Michael Goldberg as receiver to take possession of, *inter alia*, all real property of the Receivership Entities,<sup>2</sup> with title to such property being vested by operation of law in the Receiver.

**WHEREAS**, On June 10, 2016, the Court entered an Order Granting Receiver's Motion [D.E. 160] to Modify the Preliminary Injunction and/or Receivership Order to Authorize a Stipulated Writ of Attachment for the Burke Contractors and Subcontractors to Preserve Their Lien Rights [D.E. 162] (the "Burke Order").

**WHEREAS**, Trane US Inc. who provided heating, ventilating and air conditioning equipment to VHV Company, d/b/a Vermont Heating & Ventilating ("VHV"), a subcontractor to Peak CM, LLC, the general contractor for the construction of a hotel and other facilities on Burke mountain, believes it is necessary for the Court to expand the Burke Order for Trane US Inc. to preserve its lien rights under 9 V.S.A. § 1921 *et seq.*

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<sup>2</sup> The "Receivership Entities are Defendants, 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, L.P., Jay Peak GP Services, Inc., Jay Peak Biomedical Research Park L.P., and AnC Bio Vermont GP Services, LLC, Relief Defendants Jay Construction Management, Inc., GSI of Dade County, Inc., North East Contract Services, Inc., and Q Burke Mountain Resort, LLC, and Additional Receivership Defendants Q Burke Mountain Resort, Hotel and Conference Center, L.P. and Q Burke Mountain Resort GP Services, LLC.

**WHEREAS**, the Court has been advised that all parties consent to the Motion and the relief requested therein; and

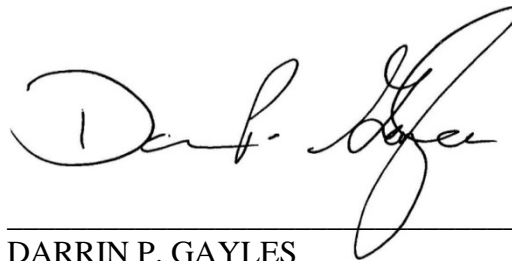
**WHEREAS**, the Court finds that the Receiver has made a sufficient and proper showing in support of the relief requested;

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**, as follows:

1. The Motion is **GRANTED**.
2. The scope of the Burke Order includes Trane US Inc.
3. All terms in the Burke Order apply to Trane US Inc., including but not limited to the Receiver's right to object to claims, amounts, validity, timeliness, priority and any other objection to Trane US Inc.'s claim.

This Court shall retain jurisdiction of this matter for all purposes, including but not limited to determining the validity of claims and liens and priority thereof as well as to authorize payment in the event an agreement cannot be reached.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 22nd day of September, 2016.



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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE