

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 Defendants¹

RECEIVER'S (I) NOTICE OF JOINDER IN PLAINTIFF'S RESPONSE IN
OPPOSITION TO DEFENDANT ARIEL QUIROS' THIRD MOTION FOR
AN ORDER PERMITTING PAYMENT OF ATTORNEYS' FEES AND
COSTS [ECF NO. 224]; AND (II) NOTICE OF INCORPORATION OF

¹See Order Granting Receiver's Motion to Expand Receivership dated April 22, 2016 [ECF No.:

**RECEIVER'S RESPONSE AND OBJECTION TO DEFENDANT ARIEL QUIROS'
SECOND MOTION FOR AN ORDER PERMITTING PAYMENT OF ATTORNEY'S
FEES AND COSTS [ECF NO. 200] IN RESPONSE AND OBJECTION TO
DEFENDANT ARIEL QUIROS' THIRD MOTION FOR AN ORDER
PERMITTING PAYMENT OF ATTORNEYS' FEES AND COSTS [ECF NO. 219]**

Michael I. Goldberg (the "Receiver"), in his capacity as the court-appointed Receiver for 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 and 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, files this (I) Notice of Joinder in Plaintiff's Response in Opposition to Defendant Ariel Quiros' Third Motion for an Order Permitting Payment of Attorneys' Fees and Costs [ECF No. 224]; and (II) Notice of Incorporating Receiver's Response and Objection to Defendant Ariel Quiros' Second Motion For An Order Permitting Payment of Attorney's Fees and Costs [ECF No. 200] in Opposition to Defendant Ariel Quiros' Third Motion for an Order Permitting Payment of Attorneys' Fees and Costs [ECF No. 219].

WHEREFORE, the Receiver respectfully requests that this Court (i) deny Defendant Ariel Quiros' Third Motion for an Order Permitting Payment of Attorneys' Fees and Costs; (ii) or in the alternative substantially reduce the amount of fees awarded to more equitably reflect the circumstances of this case; (iii) conduct a brief evidentiary hearing on the reasonableness of

Mitchell Silberberg & Knupp LLP rates and its overall bill to the extent it deems it necessary; and
(iv) grant such further relief as is just and proper.

Respectfully submitted,

AKERMAN LLP

350 E. Las Olas Boulevard

Suite 1600

Ft. Lauderdale, Florida 33301

Telephone: (954) 46-2700

Facsimile: (954) 463-2224

By: /s/ Michael I. Goldberg

Michael I. Goldberg, Esq.

Florida Bar No.: 886602

Email: michael.goldberg@akerman.com

Court-Appointed Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this
October 13, 2016 via the Court's notice of electronic filing on all CM/ECF registered users
entitled to notice in this case as indicated on the attached Service List.

By: /s/ Michael I. Goldberg

Michael I. Goldberg, Esq.

SERVICE LIST

1:16-cv-21301-DPG Notice will be electronically mailed via CM/ECF to the following:

Robert K. Levenson, Esq.
Senior Trial Counsel
Florida Bar No. 0089771
Direct Dial: (305) 982-6341
Email: levensonr@sec.gov
almonte@sec.gov, gonzalezlm@sec.gov,
jacqmeinv@sec.gov

Christopher E. Martin, Esq.
Senior Trial Counsel
SD Florida Bar No.: A5500747
Direct Dial: (305) 982-6386
Email: martinc@sec.gov
almonte@sec.gov, benitez-perelladaj@sec.gov

**SECURITIES AND EXCHANGE
COMMISSION**

801 Brickell Avenue, Suite 1800
Miami, Florida 33131
Telephone: (305) 982-6300
Facsimile: (305) 536-4154
Attorneys for Plaintiff

Roberto Martinez, Esq.
Email: bob@colson.com
Stephanie A. Casey, Esq.
Email: scasey@colson.com
COLSON HICKS EIDSON, P.A.
255 Alhambra Circle, Penthouse
Coral Gables, Florida 33134
Telephone: (305) 476-7400
Facsimile: (305) 476-7444
Attorneys for William Stenger

Jeffrey C. Schneider, Esq.
Email: jcs@lklsg.com
**LEVINE KELLOGG LEHMAN
SCHNEIDER + GROSSMAN**
Miami Center, 22nd Floor
201 South Biscayne Blvd.
Miami, Florida 33131
Telephone: (305) 403-8788
Co-Counsel for Receiver

Jonathan S. Robbins, Esq.
jonathan.robbins@akerman.com
AKERMAN LLP
350 E. Las Olas Blvd., Suite 1600
Ft. Lauderdale, Florida 33301
Telephone: (954) 463-2700
Facsimile: (954) 463-2224

Naim Surgeon, Esq.
naim.surgeon@akerman.com
AKERMAN LLP
Three Brickell City Centre
98 Southeast Seventh Street, Suite 1100
Miami, Florida 33131
Telephone: (305) 374-5600
Facsimile: (305) 349-4654
Attorney for Court-Appointed Receiver

Scott B. Cosgrove, Esq.
Email: scosgrove@leoncosgrove.com

James R. Bryan, Esq.
Email: jbryan@leoncosgrove.com
LEON COSGROVE
255 Alhambra Circle
Suite 800
Coral Gables, Florida 33133
Telephone: (305) 740-1975
Facsimile: (305) 437-8158
Attorney for Ariel Quiros

David B. Gordon, Esq.
Email: dbg@msk.com
MITCHELL SILBERBERG & KNOPP, LLP
12 East 49th Street – 30th Floor
New York, New York 10017
Telephone: (212) 509-3900
Co-Counsel for Ariel Quiros

Jean Pierre Nagues, Esq.

Email: jpn@msk.com

Mark T. Hiraide, Esq.

Email: mth@msk.com

MITCHELL SILBERBERG & KNOPP, LLP

11377 West Olympic Blvd.

Los Angeles, CA 90064-1683

Telephone (310) 312-2000

Co-Counsel for Ariel Quiros

Mark P. Schnapp, Esq.

Email: schnapp@gtlaw.com

Mark D. Bloom, Esq.

Email: bloomm@gtlaw.com

Danielle N. Garno, Esq.

E-Mail: garnod@gtlaw.com

GREENBERG TRAUIG, P.A.

333 SE 2nd Avenue, Suite 4400

Miami, Florida 33131

Telephone: (305) 579-0500

Attorney for Intervenor, Citibank N.A.

J. Ben Vitale, Esq.

Email: [bvital@gurleyvitale.com](mailto:bvitale@gurleyvitale.com)

David E. Gurley, Esq.

Email: dgurley@gurleyvitale.com

GURLEY VITALE

601 S. Osprey Avenue

Sarasota, Florida 32436

Telephone: (941) 365-4501

Attorney for Blanc & Bailey Construction, Inc.

Stanley Howard Wakshlag, Esq.

Email: swkshlag@knpa.com

KENNY NACHWALTER, P.A.

Four Seasons Tower

1441 Brickell Avenue

Suite 1100

Miami, FL 33131-4327

Telephone: (305) 373-1000

*Attorneys for Raymond James & Associates
Inc.*