

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

CASE NO. 16-21301-CIV-GAYLES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ARIEL QUIROS, *et al*,

Defendant.

_____ /

AGREED MOTION TO MODIFY ASSET FREEZE ORDER

Defendant, Ariel Quiros, files this Agreed Motion to Modify the Asset Freeze Order, [ECF #11], and states:

Undersigned counsel has been retained to represent Defendant Ariel Quiros. Defendant Quiros is an insured under a Directors and Officers Policy issued by Ironshore Indemnity, Inc. (Directors, Officers and Private Company Liability Insurance Policy No. 001100502 issued to QResorts) (the “Policy”) that provides coverage for his defense in this action and other pending litigation against him. The Court-appointed Receiver, Michael Goldberg, and Plaintiff, Securities and Exchange Commission (the “Commission”), have asserted that this Court’s Asset Freeze Orders (ECF#s 11 and 238) encompass the defense costs under the Policy.

Defendant Quiros, through prior counsel, filed a Motion for Expedited Clarification or Modification of Asset Freeze Order seeking clarification or modification of the Asset Freeze Order to permit the advancement of defense costs [ECF# 288] (the “Motion for Clarification”). Defendant Quiros, the Commission, and the Court-appointed Receiver have agreed to a modification of the Asset Freeze Order to permit a payment toward defense costs for Defendant

Quiros' defense. Therefore, concurrent with the filing of the instant Agreed Motion, Defendant Quiros, through undersigned counsel, has withdrawn the Motion for Clarification. All parties agree that the instant Agreed Motion is not intended to prejudice Defendant Quiros' right to seek payment of additional defense costs under the Policy, nor the Plaintiff's or the Receiver's rights to agree to or oppose payment of such additional defense costs, and no party otherwise waives any rights as they relate to the Policy. The parties agree that the relief requested herein is in the best interests of all parties and, by avoiding any further waste of counsel's and the Court's resources, furthers the interests of justice.

Pursuant to Southern District of Florida Local Rule 7.3, and as set forth above, undersigned counsel has conferred with counsel for Plaintiff Securities and Exchange Commission and counsel for the Receiver, Michael Goldberg, and is authorized to represent that they agree to the relief requested herein.

WHEREFORE, Defendant, Ariel Quiros, respectfully requests that this Court GRANT the instant Agreed Motion to Modify Asset Freeze Order and modify the Asset Freeze Orders [ECF#s 11 and 238] to authorize Ironshore Indemnity, Inc. to pay \$100,000 to Damian & Valori LLP, without prejudice to undersigned counsel's ability to request the payment of additional defense costs under the Policy at a later date.

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 31st day of March, 2017, to all counsel of record.

/s/ Melissa D. Visconti
Melissa Damian Visconti