

**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.

NOTICE OF APPEAL

Notice is hereby given that León Cosgrove, LLC and Mitchell Silberberg & Knupp LLP hereby appeal to the United States Court of Appeals for the Eleventh Circuit from the entire Order dated April 6, 2017 (Docket No. 310) and the entire Order dated April 11, 2017 (Docket

No. 312).

Dated: May 8, 2017

Respectfully submitted,

By: s/ James R. Bryan

Scott B. Cosgrove

Florida Bar No. 161365

James R. Bryan

Florida Bar No. 696862

León Cosgrove, LLC

255 Alhambra Circle, Suite 800

Coral Gables, Florida 33133

Telephone: (305) 740-1975

Facsimile: (305) 437-8158

Email: scosgrove@leoncosgrove.com

Email: jbryan@leoncosgrove.com

Email: anoonan@leoncosgrove.com

*Counsel for León Cosgrove, LLC and
Mitchell Silberberg & Knupp LLP*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this May 8, 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/ James R. Bryan _____
James R. Bryan

SERVICE LIST
US District Court, Southern District of Florida
Case No.: 16-cv-21301-DPG

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

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

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

**SECURITIES AND EXCHANGE
COMMISSION**
801 Brickell Avenue, Suite 1800
Miami, Florida 33131
Telephone: (305) 982-6300
Facsimile: (305) 536-4154

Counsel for Plaintiff

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

Counsel for William Stenger

Michael I. Goldberg
AKERMAN LLP
350 E. Las Olas Blvd., Suite 1600
Ft. Lauderdale, Florida 33301
Telephone: (954) 463-2700
Facsimile: (954) 463-2224
Email: michael.goldberg@akerman.com

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

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

Counsel for Court-Appointed Receiver

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

Counsel for Receiver

Mark P. Schnapp, Esq.
Mark D. Bloom, Esq.
Danielle N. Garno, Esq.
GREENBERG TRAURIG, P.A.
333 SE 2nd Avenue, Suite 4400
Miami, Florida 33131
Telephone: (305) 579-0500
Email: schnapp@gtlaw.com
Email: bloomm@gtlaw.com
Email: garnod@gtlaw.com

Counsel for Intervenor, Citibank NA.

J. Ben Vitale
David E. Gurley
GURLEY VITALE
601 S. Osprey Avenue
Sarasota, Florida 32436
Telephone: (941) 365-4501
Email: bvitale@gurleyvitale.com
Email: dgurley@gurleyvitale.com

Counsel for Blanc & Bailey Construction, Inc.

Haas A. Hatic
GREENSPOON MARDER, P.A.
200 East Broward Blvd.
Suite 1500
Fort Lauderdale, FL 33301
Telephone: 954-491-1120
Email: haas.hatic@gmlaw.com

Counsel for North East Contract Services, Inc.

Melanie Damian
Melissa Visconti
DAMIAN & VALORI LLP
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
305-371-3960 (office)
305-371-3965 (fax)
mdamian@dvllp.com
mvisconti@dvllp.com

Counsel for Ariel Quiros

EXHIBIT 1

From: cmecfautosender@flsd.uscourts.gov
Sent: Thursday, April 06, 2017 4:41 PM
To: flsd_cmecf_notice@flsd.uscourts.gov
Subject: Activity in Case 1:16-cv-21301-DPG Securities and Exchange Commission v. Quiros et al Order on Motion to Intervene

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 4/6/2017 at 4:40 PM EDT and filed on 4/6/2017

Case Name: Securities and Exchange Commission v. Quiros et al

Case Number: [1:16-cv-21301-DPG](#)

Filer:

Document Number: 310(No document attached)

Docket Text:

ENDORSED ORDER denying [303] Leon Cosgrove, LLC and Mitchell, Silberberg & Knupp's Expedited Motion to Intervene for the Limited Purpose of Addressing the Use of Insurance Proceeds at the April 12, 2017 Hearing. While the Court has provided Defendant Quiros with limited access to some of the insurance proceeds to pay some of his current counsel's fees and costs, Leon Cosgrove, LLC and Mitchell, Silberberg & Knupp are no longer Quiros's counsel or actively involved in this action. The Court does not find it appropriate to resolve a private attorney's fee issue between Quiros and his prior counsel in this action. There will be NO hearing on April 12, 2017. Signed by Judge Darrin P. Gayles (hs01)

1:16-cv-21301-DPG Notice has been electronically mailed to:

Christopher E. Martin martinc@sec.gov, almontei@sec.gov, benitez-perelladaj@sec.gov, JamesB@SEC.GOV

Danielle N. Garno garnod@gtlaw.com, fernandezfe@gtlaw.com, FLService@gtlaw.com

Haas A. Hatic haas.hatic@gmlaw.com, maria.salgado@gmlaw.com, rene.vazquez@gmlaw.com

James Robert Bryan jrbryan@leoncosgrove.com, anoonan@leoncosgrove.com

Jeffrey Clark Schneider jcs@lklsg.com, lv@lklsg.com

Jeremy L. Kahn jkahn@leoncosgrove.com, eperez@leoncosgrove.com

Joan M. Levit joan.levit@akerman.com, tami.redi@akerman.com

John Benjamin Vitale bvitale@gurleyvitale.com

Jonathan Seth Robbins jonathan.robbins@akerman.com, nancy.alessi@akerman.com,
tami.redi@akerman.com

Karen Linda Stetson karen.stetson@gray-robinson.com, ggn@msk.com, jacqueline.dieguez@gray-
robinson.com, jonathan.gaines@gray-robinson.com, kls@kstetsonlaw.com

Linda Gail Worton LJackson@PardoJackson.com

Mark David Bloom bloomm@gtlaw.com, crossmann@gtlaw.com, miaecfbky@gtlaw.com,
MiaLitDock@gtlaw.com

Mark Paul Schnapp SchnappM@gtlaw.com, Fernandezfe@gtlaw.com, MIALitDock@gtlaw.com,
orizondol@gtlaw.com, torgmana@gtlaw.com

Melanie Emmons Damian mdamian@dvllp.com, lfd@dvllp.com

Melissa Damian Visconti mvisconti@dvllp.com, jserna@dvllp.com, lfd@dvllp.com

Michael Ira Goldberg michael.goldberg@akerman.com, charlene.cerda@akerman.com,
kimberly.matregano@akerman.com

Naim Shakir Surgeon naim.surgeon@akerman.com

Neil Garry Taylor ngt@bellsouth.net, julianacardona923@gmail.com

Robert G. Post rgp@postandromero.com, eservice@postandromero.com

Robert Kent Levenson levensonr@sec.gov, almontei@sec.gov, gonzalezlm@sec.gov, jacqmeinv@sec.gov

Roberto Martinez bob@colson.com, aurora@colson.com

Roberto Villasante rvillasante@villasantelaw.com, abmarks@villasantelaw.com

Samual A. Miller samual.miller@akerman.com

Stanley Howard Wakshlag swakshlag@knpa.com, jruiz@knpa.com

Stephanie Anne Casey scasey@colson.com, michelle@colson.com

Stephanie Reed Traband srt@lklsg.com, lv@lklsg.com

1:16-cv-21301-DPG Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

Total Control Panel

[Login](#)

To: anoonan@leoncosgrove.com [Remove](#) this sender from my allow list

From:
cmecfautosender@flsd.uscourts.gov

You received this message because the sender is on your allow list.

EXHIBIT 2

From: cmecfautosender@flsd.uscourts.gov
Sent: Tuesday, April 11, 2017 1:59 PM
To: flsd_cmecf_notice@flsd.uscourts.gov
Subject: Activity in Case 1:16-cv-21301-DPG Securities and Exchange Commission v. Quiros et al
Order on Motion for Reconsideration

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 4/11/2017 at 1:58 PM EDT and filed on 4/11/2017

Case Name: Securities and Exchange Commission v. Quiros et al

Case Number: [1:16-cv-21301-DPG](#)

Filer:

Document Number: 312(No document attached)

Docket Text:

ENDORSED ORDER denying [311] Leon Cosgrove, LLC and Mitchell, Silberberg & Knupp LLP's Motion for Reconsideration Regarding Motion to Intervene for the Limited Purpose of Addressing Scope of Asset Freeze. While this Court has the authority to permit intervention by Leon Cosgrove, LLC and Mitchell, Silberberg & Knupp, LLP, Quiros's former counsel, it is not warranted here for three reasons. First, the insurance proceeds at issue are clearly covered by the broad scope of the Court's asset freeze order. In fact, all parties to this action recognize that as set forth in their Agreed Motion to Modify Asset Freeze Order [DE 300]. Second, there is no need to address the specific scope of the asset freeze until Judge Cooke renders a decision in the separate action to determine whether insurance proceeds may be used to pay Quiros's attorneys' fees. In that action, the insurance company asserts that attorneys' fees are excluded from coverage under the policy. Third, Quiros's former counsel attempts to assert a position on behalf of Quiros which may conflict with Quiros's position and ability to negotiate with the insurance company in the insurance coverage action. In fact, Quiros was able to obtain an agreement to release some of the insurance proceeds at issue and objects to the instant motion to intervene. Accordingly, the Court declines to reconsider its prior ruling. Signed by Judge Darrin P. Gayles (hs01)

1:16-cv-21301-DPG Notice has been electronically mailed to:

Christopher E. Martin martinc@sec.gov, almontei@sec.gov, benitez-perelladaj@sec.gov,
JamesB@SEC.GOV

Danielle N. Garno garnod@gtlaw.com, fernandezfe@gtlaw.com, FLService@gtlaw.com

Haas A. Hatic haas.hatic@gmlaw.com, maria.salgado@gmlaw.com, rene.vazquez@gmlaw.com

James Robert Bryan jbryan@leoncosgrove.com, anoonan@leoncosgrove.com

Jeffrey Clark Schneider jcs@lklsg.com, lv@lklsg.com

Jeremy L. Kahn jkahn@leoncosgrove.com, eperez@leoncosgrove.com

Joan M. Levit joan.levit@akerman.com, tami.redi@akerman.com

John Benjamin Vitale bvitale@gurleyvitale.com

Jonathan Seth Robbins jonathan.robbins@akerman.com, nancy.alessi@akerman.com,
tami.redi@akerman.com

Karen Linda Stetson karen.stetson@gray-robinson.com, ggn@msk.com, jacqueline.dieguez@gray-
robinson.com, jonathan.gaines@gray-robinson.com, kls@kstetsonlaw.com

Linda Gail Worton LJackson@PardoJackson.com

Mark David Bloom bloomm@gtlaw.com, crossmann@gtlaw.com, miaecfbky@gtlaw.com,
MiaLitDock@gtlaw.com

Mark Paul Schnapp SchnappM@gtlaw.com, Fernandezfe@gtlaw.com, MIALitDock@gtlaw.com,
orizondol@gtlaw.com, torgmana@gtlaw.com

Melanie Emmons Damian mdamian@dvllp.com, lfd@dvllp.com

Melissa Damian Visconti mvisconti@dvllp.com, jserna@dvllp.com, lfd@dvllp.com

Michael Ira Goldberg michael.goldberg@akerman.com, charlene.cerda@akerman.com,
kimberly.matregrano@akerman.com

Naim Shakir Surgeon naim.surgeon@akerman.com

Neil Garry Taylor ngt@bellsouth.net, julianacardona923@gmail.com

Robert G. Post rgp@postandromero.com, eservice@postandromero.com

Robert Kent Levenson levensonr@sec.gov, almontei@sec.gov, gonzalezlm@sec.gov, jacqmein@sec.gov

Roberto Martinez bob@colson.com, aurora@colson.com

Roberto Villasante rvillasante@villasantelaw.com, abmarks@villasantelaw.com

Samual A. Miller samual.miller@akerman.com

Stanley Howard Wakshlag swakshlag@knpa.com, jruiz@knpa.com

Stephanie Anne Casey scasey@colson.com, michelle@colson.com

Stephanie Reed Traband srt@lklsg.com, lv@lklsg.com

1:16-cv-21301-DPG Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

Total Control Panel

[Login](#)

To: anoonan@leocosgrove.com [Remove](#) this sender from my allow list

From:
cmecfautosender@flsd.uscourts.gov

You received this message because the sender is on your allow list.