

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

**CASE NO. 16-CV-21301-GAYLES**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ARIEL QUIROS, *et al.*,

Defendants, and

JAY CONSTRUCTION MANAGEMENT, INC., *et al.*,

Relief Defendants.

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**LEÓN COSGROVE, LLC AND MITCHELL, SILBERBERG & KNUPP, LLP'S NOTICE  
OF OBJECTION TO PLAINTIFF SEC'S UNOPPOSED MOTION FOR ENTRY OF  
JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST  
DEFENDANT ARIEL QUIROS**

León Cosgrove, LLC ("LC") and Mitchell, Silberberg & Knupp, LLP ("MSK"), hereby give notice of their intent to file a response in opposition to the Securities and Exchange Commission's ("SEC") *purportedly* Unopposed Motion for Entry of Judgment of Permanent Injunction and Other Relief against Defendant Ariel Quiros [DE 394], and hereby request that the Court wait 14 days before entering any order on the Motion, so as to allow LC and MSK the opportunity to submit a written explanation of its position in response to the motion. *See* S.D. Fla. L.R. 7.1(c)(1) (providing 14 days to respond to a motion). Prior to filing the instant motion, LC and MSK filed a Motion to Modify the Asset Freeze. [DE 384] That motion is still pending. As parties who may be affected by the asset freeze, the SEC should have met and conferred with LC and MSK before submitting the motion, but did not do so. *See* S.D. Fla. L.R. 7.1(a)(3)

("[C]ounsel for the movant shall confer (orally or in writing), or make reasonable effort to confer (orally or in writing), with all parties or non-parties who may be affected by the relief sought in the motion . . . ." (emphasis added)). LC and MSK did not agree to the relief requested, and object to the Court awarding any relief that may affect LC and MSK without having an opportunity to be heard. LC and MSK are entitled to such opportunity to be heard, even absent leave to intervene in this action. *See United States v. Board of School Commrs. of City of Indianapolis*, 128 F.3d 507, 511 (7th Cir. 1997) ("[A]ny person bound and significantly constrained by an equitable decree may present evidence to show that the decree should be lifted even if the primary wrongdoer is someone else."). Moreover, the Motion to Modify the Asset Freeze should remain on calendar and be heard by the Court; the Court should reject any effort by the parties to this action to circumvent the adjudication of that Motion.

Dated: August 22, 2017

Respectfully submitted,

By: s/ Scott B. Cosgrove

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this on August 22, 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/ Scott B. Cosgrove* \_\_\_\_\_  
Scott B. Cosgrove

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

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

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