

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(WEST PALM BEACH DIVISION)

CASE NO. 11-80331-CIV-HURLEY/HOPKINS

JONATHAN E. PERLMAN, Esq.,
as court appointed Receiver of
Creative Capital Consortium, LLC, et al.

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

**PLAINTIFF'S INITIAL DISCLOSURES PURSUANT TO RULE 26(A)(1)
OF THE FEDERAL RULES OF CIVIL PROCEDURE AND
S.D. FLA. LOCAL RULE 26.1(A)**

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and S.D. Fla. Local Rule 26.1(A), Plaintiff Jonathan E. Perlman, Esq., the court-appointed Receiver (the "Receiver") of Creative Capital Consortium, LLC, A Creative Capital Concept\$, LLC,¹ United Investment Club, LLC, Reverse Auto Loan, LLC, Wealth Builders Circle, LLC, The Dream Makers Capital Investment, LLC, G\$ Trade Financial, Inc. and Unity Entertainment Group, Inc., (collectively referred to as the "Receivership Entities") hereby makes his initial disclosures:

A. The name, and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

1. Officers, Directors, Employees and Agents of the Defendant, Bank of America, N.A., including, but not limited to, the following individuals:

¹ Creative Capital Consortium, LLC and A Creative Capital Concept\$, LLC shall sometimes collectively be referred to herein as "Creative Capital" or the "Creative Capital Entities."

- (i) Gabriela A. Payot-Borges
- (ii) Armogan S. Manikum
- (iii) Amy Y. Lerma
- (iv) Richard Graham
- (v) Mario Panaif
- (vi) Ida Verrelli
- (vii) Sonia Fletcher
- (viii) Nathan Green
- (ix) Jakino K. Tyson

These individuals may have knowledge concerning the actions of the Defendant as they relate to the Receiver's claims.

- 2. Jonathan E. Perlman, Esq.
Court-appointed Receiver
Genovese Joblove & Battista, P.A.
100 SE 2nd Street, 44th Floor
Miami, FL 33131
Telephone: (305) 349-2300

The Receiver may have knowledge of the business activities conducted by the Receivership Entities.

- 3. Kathleen E. Strandell, Staff Accountant
Securities and Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, Florida 33131
(305) 982-6300

As Staff Accountant for the Securities and Exchange Commission ("Commission"), Ms. Strandell is likely to have knowledge of issues relevant to this case and case no. 08-81565-CIV-HURLEY/HOPKINS, pending in the United States District Court, Southern District of Florida (the "Main Case"), including but not limited to the transfer of funds by the Receivership Entities.

- 4. Soneet R. Kapila, C.P.A.
Kapila & Co., Inc.
1009 South Federal Highway, Suite 200
Fort Lauderdale, FL 33316

The forensic accountant hired by the Receiver is likely to have knowledge of issues relevant to this case, including but not limited to document analysis and transaction summaries.

5. The following individuals were involved in the operations of the Receivership Entities:
 - a. Neptime Dieujuste
Florida Office of Financial Regulation
401 NW 2nd Avenue, Suite N-7
Miami, Florida 33128
 - b. George Theodule
2108 New London Place
Snellville, Georgia 30078
 - c. Dorothy Delisfort
2108 New London Place
Snellville, Georgia 30078
 - d. Berthrum Brewster
739 East 52nd Street
Brooklyn, NY 11203
 - e. William P. Sabarese
6302 Emerald Sky Lane
Green Acres, Florida 33463
 - f. Evelyn Metellus
17152 33rd Road
North Loxahatchee, Florida 33470
 - g. Collin Whitehall
11A Emory Street J
Jersey City, NJ 07304
 - h. Carola Timothee
5942 Casa Del Rey Circle, Apt. A
Orlando, Florida 32809
 - i. Angela Telesco
2519 Grove Dr.
Naples, FL 34120
 - j. Rock Sanozier
4770 N.W. 9th Court
Plantation, FL 33317
 - k. Harold Jean-Pierre
2541 N.W. 9th Terrace
Wilton Manors, FL 33331

- l. Yolette T. Williams
c/o Barry Wax, Esq.
777 Brickell Avenue, Suite 1210
Miami, FL 33131
- m. Kathryn Parker
2207 Shoma Drive
Royal Palm Beach, FL 33414
- n. Carmen Romero-Tejada
Coral Springs, Florida
- o. Gabrielle Alexis
4613 N. University Drive, #558
Coral Springs, Florida 33067
- p. Roger Terma
9599 Shepard Place
Wellington, FL 33414
- q. Louis Dickens Saint Juste
4715 Agate Drive
Alpharetta, GA 30022
- r. Pierre Louis Francois
945 Brandon Ridge Drive
Roswell, GA 30078
- s. Magda Dominique
15953 SW 13th Street
Pembroke Pines, FL 33027
- t. Past or present employees, partners, affiliates, officers, directors, principals, representatives, agents, or other persons acting on the behalf of the (i) Defendant (ii) Creative Capital Entities, and/or (iii) Receivership Entities, not otherwise listed individually herein.

These individuals are likely to have knowledge of issues relevant to this case, including but not limited Defendant's and/or Creative Capital Entities' and/or Receivership Entities' representations, omissions, operations, and practices, among other matters. We have provided information regarding individuals upon whom we will rely who meet this description and of whom we are aware. As additional specific individuals become known to the Receiver relevant to these disclosures, he will disclose their identities.

6. Officers, employees, principals, agents and investors involved with the various investment clubs which participated in the asserted Ponzi scheme identified in the Receiver's Complaint.
7. All individual defendants in the Receiver's ancillary cases stemming from the Main Case. These individuals have knowledge of the issues relevant to the case and knowledge of the various transfers among and between the various defendants and/or the Creative Capital Entities and/or the Receivership Entities. These individuals include:
 - a. Dorothy Delisfort-Theodule
 - b. George Julius Theodule
 - c. Yves Theodule
 - d. Mario Theodule
 - e. Evens Theodule
 - f. Krissy McKeon
 - g. Yolette Williams
 - h. Gabrielle Alexis
 - i. Kathryn Parker
 - j. Michel Beaubrun
 - k. Patrick Eliacin
 - l. Paulette Theodule
 - m. Rony Desvarenes
 - n. Wanda Corominas
 - o. Gerson Corominas
 - p. Georgette Delisfort
 - q. Jean Dupre
 - r. Daniel Madeus
 - s. Daniel L. Lavan, Jr.
 - t. Carolyn J. Lavan
 - u. Nilda Rivera-Cruz
 - v. Carlos Bonilla
 - w. Dan Harper
 - x. Joel Slater
 - y. Marie Alexandre
8. Expert witness to be retained by the Receiver.

B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

The following documents are in the possession, custody, or control of the Receiver and/or the Commission and may be used to support the allegations in the Complaint.

1. Documents obtained through discovery, formally and informally, from the following entities and individuals, who are defendants in ancillary proceedings filed by the Receiver in connection with the Main Case:
 - a) Captin Construction Group, Inc.
 - b) Dorothy Delisfort-Theodule
 - c) Wealth Builders Circle, LLC
 - d) Caribbean Airways, LLC
 - e) Donna Haver, Inc.
 - f) Good Buy Homes, Inc.
 - g) International Development Entrepreneurs of America, Inc.
 - h) Complete Auto Repayment Solutions, Inc.
 - i) George Julius Theodule
 - j) Yves Theodule
 - k) Divine Alliance, Inc.
 - l) Leading Diversity Club
 - m) Mario Theodule
 - n) Smart Investment Management Services, LLC
 - o) Got Swagg, Inc.
 - p) Da Beat House, Inc.
 - q) CEO of Five – 5 Business Solutions, Inc.
 - r) Evens Theodule
 - s) Yolette Williams
 - t) Yopana Staffing Services, LLC
 - u) Gabrielle Alexis
 - v) Law Offices of Gabrielle Alexis, P.A.
 - w) Mondesir & Alexis Title Services, Inc.
 - x) Kathryn Parker
 - y) Earlyviews, Inc.
 - z) Michel Beaubrun
 - aa) Beaubrun Investments, LLC
 - bb) Patrick Eliacin
 - cc) Paulette Theodule
 - dd) Rony Desvarenes
 - ee) Georgette Delisfort
 - ff) Jean Dupre
 - gg) G&R Aviation Services
 - hh) Sky King Air Express, Inc.
 - ii) Ridahs Productions, LLC
 - jj) Wanda Corominas
 - kk) Gerson Corominas
 - ll) Advanced Investors Group of Orlando
 - mm) Lakay Investment, Inc.
 - nn) Five Corners Investors, I, LLC
 - oo) Five Corners Investors, II, LLC
 - pp) CFD-Regency I, LLC
 - qq) CFD-Regency II, LLC

- rr) BW Aspire, LLC
- ss) Development Funding & Services, LLC
- tt) Daniel L. Lavan, Jr.
- uu) Carolyn J. Lavan
- vv) Showcase Investment Group
- ww) Millenium Executive Realty, Inc.
- xx) Nilda Rivera-Cruz
- yy) Dean Mead Egerton Bloodworth Capuano & Bozarth, PA
- zz) Dolce Regency Suites, LLC

2. Documents obtained from Defendant and the following other financial institutions, including documents relating to the accounts of the Receivership Entities, George Theodule, Theodule family members and Delisfort family members and which may show transfers among and between the various defendants and/or the Creative Capital Entities and/or the Receivership Entities:

- a) Sun Trust Bank
- b) WashingtonMutual Bank
- c) Wachovia Bank (n/k/a Wells Fargo Bank)
- d) Charles Schwab
- e) J.P. Morgan Chase Bank
- f) Bank of North Georgia
- g) TD Bank
- h) OptionsXpress
- i) TradeStation
- j) Gain Capital
- k) Thinkorswim (n/k/a TD Ameritrade)

3. Documents obtained from the following governmental bodies:

- a) Florida Secretary of State, Division of Corporations
- b) Georgia Secretary of State
- c) Florida Office of Financial Regulation

4. Documents relating to Defendant's and/or Creative Capital Entities' and/or Receivership Entities' operations, including investment club organization and management, including bylaws, operating procedures, partnership agreements, receipts, membership applications, business plans; and documents related to affiliated entities.

5. Documents obtained from the Commission in connection with their ongoing investigation of George Theodule.

6. Documents and attachments filed with the Court by any party in this case, all ancillary cases filed by the Receiver, and in the Main Case.

7. Testimony transcripts and documents used as exhibits in discovery by any party in this case and/or the Main Case, including exhibits to depositions taken in this case and/or the Main Case.

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and/or as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosures, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

The Receiver has not yet fully calculated the damages arising from his claims in this case. The Receiver anticipates the assistance of his forensic accountant, Kapila & Co., Inc. in calculating damages. The Receiver will provide such calculations at a later date. All supporting information regarding damages is available for review at the offices of Kapila & Co., Inc.

D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

The Receiver is not aware of any insurance that is relevant to this matter. The Receiver reserves his right to supplement or amend this disclosure statement.

Dated: September 21, 2011
Miami, Florida

Respectfully submitted,

By: s/Carmen Contreras-Martinez

David C. Cimo (FBN: 775400)

dcimo@gjb-law.com

David P. Lemoie (FBN: 188311)

dlemoie@gjb-law.com

Carmen Contreras-Martinez (FBN 093475)

ccontreras@gjb-law.com

Genovese Joblove & Battista, P.A.

100 Southeast Second Street, 44th Floor

Miami, Florida 33131

Tel: (305) 349-2300

Fax: (305) 349-2310

Attorneys for Receiver, Jonathan E.

Perlman, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2011, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the below Service List, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/Carmen Contreras-Martinez
Attorney

SERVICE LIST

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United States District Court, Southern District of Florida**

David C. Cimo

dcimo@gjb-law.com

David P. Lemoie

dlemoie@gjb-law.com

Carmen Contreras-Martinez

ccontreras@gjb-law.com

Genovese Joblove & Battista, P.A.

Miami Tower, 44th Floor

100 Southeast 2nd Street

Miami, FL 33131

Telephone: (305) 349-2300

Facsimile: (305) 349-2310

Attorneys for Plaintiff Jonathan E. Perlman, Esq.,

as Court Appointed Receiver of

Creative Capital Consortium, LLC, et al.

Served via CM/ECF

Michael R. Josephs

mrj@josephsjack.com

Josephs Jack P.A.

2699 South Bayshore Drive, 7th Floor

Miami, FL 33133

Telephone: (305) 445-3800

Facsimile: (305) 448-5800

Co-Counsel for Plaintiff Jonathan E. Perlman, Esq.

as Court Appointed Receiver of

Creative Capital Consortium, LLC, et al.

Served via CM/ECF

Mary J. Hackett

mhackett@reedsmith.com

Dustin Pickens

dpickens@reedsmith.com

Reed Smith LLP

225 Fifth Avenue

Pittsburgh, PA 15222

Telephone: (412) 288-3131

Facsimile: (412) 288-3063

Attorneys for Defendant Bank of America

Served via CM/ECF

Dora Faye Kaufman

dfk@lgplaw.com

J. Randolph Liebler

jrl@lgplaw.com

Juan A. Gonzalez

jag@lgplaw.com

Liebler, Gonzalez & Portuondo, P.A.

44 West Flagler Street

25th Floor

Miami, FL 33130

Telephone: (305) 379-0400

Facsimile: (305) 379-9626

Attorneys for Defendant Bank of America

Served via CM/ECF

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