

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

**CASE NO. 09-81226-CIV-HURLEY/HOPKINS  
(Ancillary Proceeding to U.S.D.C. Case No. 08-81565-CIV-HURLEY/HOPKINS)**

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

Plaintiff,

v.

DEVELOPMENT FUNDING AND SERVICES, LLC,  
and DANIEL LAVAN, and individual,

Defendants.

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**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,<sup>1</sup> 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.,<sup>2</sup> hereby makes his initial disclosures:

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<sup>1</sup> 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.”

<sup>2</sup> Since the filing of the Complaint, the Receivership has again been expanded and now includes Creative Capital Consortium, LLC, A Creative Capital Concept\$, LLC, 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. which entities shall sometimes be collectively referred to as the “Receivership Entities.””

**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.**

The Receiver at this time believes the following witnesses may have discoverable information relating to the material facts supporting his allegations, including: the representations, misrepresentations, and omissions Defendants made in connection with the purchase or sale of the relevant securities.<sup>3</sup>

1. Development Funding and Services, LLC,  
Daniel Lavan, Jr., and  
Carolyn J. Lavan  
c/o Earnest DeLoach, Esq.  
DeLoach Law LLC  
37 North Orange Avenue, Suite 500  
Orlando, Florida 32801  
Telephone: (407) 926-4037  
Facsimile: (407) 926-4051

The Defendants are likely to have knowledge of issues relevant to this case, including but not limited to Defendant's representations, misrepresentations, and omissions made in connection with the purchase or sale of securities.

2. Jonathan E. Perlman, Esq.  
Court-appointed Receiver  
Genovese Joblove & Battista,  
4400 Bank of America Tower  
100 SE 2nd Street  
Miami, FL 33131  
Telephone: (305) 349-2300

The Receiver is likely to have knowledge of issues relevant to this case, including but not limited to assets that are or were under the control or authority of Defendants and Defendants' dealings.

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

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<sup>3</sup> The Receiver is updating addresses and contact information and will provide such updated information as confirmed.

The Commission Staff Accountant 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 flow of funds based on her analysis of bank records.

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. Neptime Dieujuste  
Florida Office of Financial Regulation  
401 NW 2nd Avenue, Suite N-7  
Miami, Florida 33128

This individual is likely to have knowledge of issues relevant to this case, including but not limited to Defendants’ and/or Creative Capital Entities’ and/or Receivership Entities’ representations, operations, and practices.

6. George Theodule  
2204 Victor Court  
Loganville, GA 30052

George Theodule is likely to have knowledge of issues relevant to this case, including but not limited to Defendants’ and/or Creative Capital Entities’ and/or Receivership Entities’ representations, misrepresentations, and omissions made in connection with the purchase or sale of securities.

7. Berthrum Brewster  
739 East 52nd Street  
Brooklyn, NY 11203

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants’ and/or Creative Capital Entities’ and/or Receivership Entities’, as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

8. William P. Sabarese  
6302 Emerald Sky Lane  
Green Acres, Florida 33463

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

9. Evelyn Metellus  
17152 33rd Road  
North Loxahatchee, Florida 33470

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

10. Collin Whitehall  
11A Emory Street J  
Jersey City, NJ 07304

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

11. Carola Timothee  
5942 Casa Del Rey Circle, Apt. A  
Orlando, Florida 32809

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

12. Angela Telesco  
2519 Grove Dr.  
Naples, FL 34120

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

13. Osvaldo Olivencia  
1408 South Lake Pleasant Road  
Apopka, FL 32203

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

14. Rock Sanozier  
4770 N.W. 9th Court  
Plantation, FL 33317

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

15. Harold Jean-Pierre  
2541 N.W. 9th Terrace  
Wilton Manors, FL 33331

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

16. Mohan Singh  
New York, New York

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

17. Marie Clerge  
West Palm Beach, FL

This investor is likely to have knowledge of issues relevant to this case, including but not limited to representations or omissions made by or on behalf of the Defendants' and/or Creative Capital Entities' and/or Receivership Entities', as well as the dealings and/or

assets invested by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

18. Dorothy Delisfort  
2204 Victor Court  
Loganville, GA 30052

Mrs. Delisfort (George Theodule's wife) is likely to have knowledge of issues relevant to this case, including but not limited to Defendants' and/or Creative Capital Entities' and/or Receivership Entities' operations, practices, and assets obtained.

19. Yolette T. Williams c/o Barry Wax, Esq.  
777 Brickell Avenue, Suite 1210  
Miami, FL 33131

Ms. Williams (George Theodule's sister) is likely to have knowledge of issues relevant to this case, including but not limited to Defendants' and/or Creative Capital Entities' and/or Receivership Entities' operations, practices, and assets obtained.

20. Kathryn Parker

This individual is likely to have knowledge of issues relevant to this case, including but not limited to Defendants' and/or Creative Capital Entities' and/or Receivership Entities' operations and practices, including SIMS, and assets obtained.

21. Carmen Romero-Tejada

This individual is likely to have knowledge of issues relevant to this case, including but not limited to of Defendants' and/or Creative Capital Entities' and/or Receivership Entities' accounting analysis and flow of funds.

22. Sharon Hogarth

This former employee of Creative Capital is likely to have knowledge of issues relevant to this case, including but not limited to operations, practices, and assets obtained by the Defendants and/or Creative Capital Entities and/or Receivership Entities.

23. Gabrielle Alexis  
c/o Kenneth S. Pollock, Esq.  
Shendell & Pollock, P.L.  
One Park Place  
621 NW 53rd Street  
Boca Raton, FL 33487  
-and-  
Barry Wax, Esq.  
777 Brickell Avenue, Suite 1210

Miami, FL 33131

These attorneys are likely to have knowledge of issues relevant to this case, including but not limited to Defendant's and/or Creative Capital Entities' and/or Receivership Entities' operations, practices, and assets obtained.

24. Roger Tenna

This head of the United Investment Club is likely to have knowledge of issues relevant to this case, including but not limited to Defendants' and/or Creative Capital Entities' and/or Receivership Entities' operations.

25. Individuals who have submitted Declarations or Affidavits in support of any party's motions to the Court in this case or in the Main Case.

These individuals may have knowledge of issues relevant to this case, including but not limited Defendant's and/or Creative Capital Entities' and/or Receivership Entities' representations, operations, and practices, among other matters.

26. Past or present employees, partners, affiliates, officers, directors, principals, representatives, agents, or other persons acting on the behalf of any of the (i) Defendant(s), (ii) Creative Capital Entities, and/or (iii) Receivership Entities.

These individuals are likely to have knowledge of issues relevant to this case, including but not limited to Defendants' 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, we will disclose their identities.

27. Investors in Defendant(s) and/or Creative Capital Entities and/or Receivership Entities, including through the investment clubs.

These individuals are likely to have knowledge of issues relevant to this case, including but not limited Defendants' 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.

28. 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:

- (i) Dorothy Delisfort-Theodule;

- (ii) George Julius Theodule;
- (iii) Yves Theodule;
- (iv) Mario Theodule;
- (v) Evens Theodule;
- (vi) Krissy McKeon;
- (vii) Yolette Williams;
- (viii) Gabrielle Alexis;
- (ix) Kathryn Parker;
- (x) Michel Beaubrun;
- (xi) Patrick Eliacin;
- (xii) Paulette Theodule;
- (xiii) Rony Desvareennes;
- (xiv) Wanda Corominas;
- (xv) Gerson Corominas;
- (xvi) Georgette Delisfort;
- (xvii) Jean Dupre;
- (xviii) Daniel L. Lavan, Jr.;
- (xix) Carolyn J. Lavan;
- (xx) Nilda Rivera-Cruz.

**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 Securities and Exchange Commission (“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 financial institutions, including documents relating to the accounts of Defendants and Theodule family members and Delisfort family members and which may show payments by investors, from:
  - a) Sun Trust Bank;
  - b) WaMuBank;
  - c) Bank of America;

- d) Charles Schwab;
  - e) J.P. Morgan Chase & Co.;
  - f) OptionsXpress;
  - g) Trade Station Securities Account;
  - h) Societe Generale;
  - i) Thinkorswim
3. Documents obtained from Defendants' and/or Creative Capital Entities' and/or Receivership Entities' past or present employees or agents or others acting on behalf of Defendants and/or Creative Capital Entities and/or Receivership Entities.
  4. Documents obtained from governmental bodies:
    - a) Florida Secretary of State, Division of Corporations;
    - b) Georgia Secretary of State;
    - c) Florida Office of Financial Regulation;
  5. Documents relating to Defendants' 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;
  6. Documents obtained from the Commission in connection with their ongoing investigation of George Theodule.
  7. 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;
  8. 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.**

In general, the Receiver seeks a final judgment to avoid and recover fraudulent transfers made to or for the benefit of the Defendant(s), and all equitable causes of action related to said transfers, which each received as a result of the acts or courses of conduct alleged in the Complaint. See The Receiver's Complaint. [DE 1] (or any Amended Complaint subsequently filed). The damages sought by the Receiver are identified with specificity in the Receiver's Complaint (or any Amended Complaint subsequently filed) and are subject to further amendment during the ongoing course of discovery. To the extent that the Receiver's Complaint in this case seeks the recovery of funds misappropriated by insiders of George Theodule and the Receivership Entities, then in addition, those damages associated with the Receiver's fraudulent

transfers claims and/or equitable causes of action (as previously identified), the Receiver also seeks the recovery of the total sum of investment funds misappropriated by George Theodule in connection with the underlying Ponzi Scheme.

**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 its right to supplement or amend this disclosure statement.

Dated: November 16, 2009  
Miami, Florida

Respectfully submitted,

By: /s/ Harris J. Koroglu

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*Attorneys for Receiver,  
Jonathan E. Perlman, Esq.*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2009, 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.

/s/ Harris J. Koroglu \_\_\_\_\_

Harris J. Koroglu, Esq.  
Florida Bar No. 32597

**SERVICE LIST**

**JONATHAN E. PERLMAN, ESQ., as court appointed Receiver of Creative Capital Consortium, LLC, et al. v. DEVELOPMENT FUNDING SERVICES, LLC, et al.  
CASE NO. 09-81226-CIV-HURLEY/HOPKINS  
United States District Court, Southern District of Florida**

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