

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

CIVIL ACTION NO. 6:21-cv-694-CEM-DCI

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

HARBOR CITY CAPITAL CORP.,
HARBOR CITY VENTURES, LLC,
HCCF-1 LLC,
HCCF-2 LLC,
HCCF-3 LLC,
HCCF-4 LLC,
HCCF-5 LLC,
HARBOR CITY DIGITAL VENTURES, INC.,
HCC MEDIA FUNDING, LLC,
JONATHAN P. MARONEY,

Defendants,

and

CELTIC ENTERPRISES, LLC and
TONYA L. MARONEY,

Relief Defendants.

Uniform Case Management Report

1. Date and Attendees

The parties conducted the planning conference on 6/7/2021. Alise Johnson, counsel for Plaintiff, and Randy Lambert, O'Mara Law Group, counsel for Defendant Jonathan Maroney attended the conference.

2. Deadlines and Dates

The parties request these deadlines and dates:

Action or Event	Date
Deadline for providing mandatory initial disclosures. <i>See</i> Fed. R. Civ. P. 26(a)(1).	6/22/2021

Deadline for moving to join a party, <i>see</i> Fed. R. Civ. P. 14, 19, and 20, or amend the pleadings, <i>see</i> Fed. R. Civ. P. 15(a).	7/28/2021
Plaintiff's deadline for disclosing any expert report. <i>See</i> Fed. R. Civ. P. 26(a)(2).	11/5/2021
Defendant's deadline for disclosing any expert report.	11/19/2021
Deadline for disclosing any rebuttal expert report.	12/3/2021
Deadline for completing discovery and filing any motion to compel discovery. <i>See</i> Fed. R. Civ. P. 37; <i>Middle District Discovery</i> (2021).	12/10/2022
Deadline for filing any dispositive and <i>Daubert</i> motion. <i>See</i> Fed. R. Civ. P. 56. (Must be at least five months before requested trial date.)	1/6/2022
Deadline for participating in mediation. <i>See</i> Local Rules, ch. 4. Mediator to be determined at a later date.	2/28/2022
Date of the final pretrial meeting. <i>See</i> Local Rule 3.06(a).	5/9/2022
Deadline for filing the joint final pretrial statement, any motion in limine, proposed jury instructions, and verdict form. <i>See</i> Local Rule 3.06(b). (Must be at least seven days before the final pretrial conference.)	5/16/2022
Date of the final pretrial conference. <i>See</i> Fed. R. Civ. P. 16(e); Local Rule 3.06(b).	5/23/2022
Month and year of the trial term.	6/6/2022

The trial will last approximately 5-8 days and be

jury.

non-jury.

3. Description of the Action

In this complex action, the Securities and Exchange Commission filed an emergency action and obtained a temporary restraining order and an asset freeze to stop an alleged Ponzi scheme and misappropriation of investor proceeds perpetrated by Defendant Jonathan P. Maroney through Defendant Harbor City Capital and several other entities he controls.

According to the SEC's complaint, since about May 2015, Maroney and his companies raised at least \$17.1 million from more than 100 investors in a series of fraudulent securities offerings. The SEC's complaint charges the defendants with violating the antifraud and registration provisions of the federal securities laws. Specifically, the

complaint alleges that the defendants violated Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933, and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder. The complaint seeks a permanent injunctions, disgorgement, prejudgment interest, and a civil penalty from each of the defendants.

4. Disclosure Statement

The parties have filed their disclosure statement as required by Federal Rule of Civil Procedure 7.1 and Local Rule 3.03.

5. Related Action

The parties acknowledge their continuing duty under Local Rule 1.07(c) to notify the judge of a related action pending in the Middle District or elsewhere by filing a "Notice of a Related Action." No notice need be filed if there are no related actions as defined by the rule.

6. Consent to a Magistrate Judge

"A United States magistrate judge in the Middle District can exercise the maximum authority and perform any duty permitted by the Constitution and other laws of the United States." Local Rule 1.02(a). With the parties' consent, a district judge can refer any civil matter to a magistrate judge for any or all proceedings, including a non-jury or jury trial. 28 U.S.C. § 636(c).

The Court asks the parties and counsel to consider the benefits to the parties and the Court of consenting to proceed before a magistrate judge. Consent can provide the parties certainty and flexibility in scheduling. Consent is voluntary, and a party for any reason can decide not to consent and continue before the district judge without adverse consequences. *See* Fed. R. Civ. P. 73(b)(2).

The parties do consent and file with this case management report a completed Form AO 85 "Notice, Consent, and Reference of a Civil Action to a Magistrate Judge," which is available on the Court's website under "Forms."

The parties do not consent at this time.

7. Preliminary Pretrial Conference

The parties do not request a preliminary pretrial conference before the Court enters a scheduling order.

The parties do request a preliminary pretrial conference, and the parties want to discuss enter discussion points.

8. Discovery Practice

The parties confirm they will comply with their duty to confer with the opposing party in a good faith effort to resolve any discovery dispute before filing a motion. *See* Local Rule 3.01(g); *Middle District Discovery* (2021) at § I.A.2.

9. Discovery Plan

The parties submit the following discovery plan under Rule 26(f)(2):

A. The parties agree to the timing, form, or requirement for disclosures under Rule 26(a):

Yes.

No; instead, the parties agree to these changes: enter changes.

B. Discovery may be needed on these subjects:

a. Payments to Harbor City by third parties.

b. Harbor City banking records

c. Harbor City's employees' participation in Harbor City fundraising

d. Third parties' participation in Harbor City fundraising

C. Discovery should be conducted in phases:

No.

Yes; describe the suggested phases.

D. Are there issues about disclosure, discovery, or preservation of electronically stored information?

No.

Yes; describe the issue(s).

E. The parties have considered privilege and work-product issues, including whether to ask the Court to include any agreement in an order under Federal Rule of Evidence 502(d).

F. The parties stipulate to changes to the limitations on discovery imposed under the Federal Rules of Civil Procedure and Local Rule 3.04 or other limitations:

No.

Yes; describe the stipulation.

10. Request for Special Handling

- The parties do not request special handling.
- The parties request special handling. Specifically, describe requested special handling.
- Enter party's name unilaterally requests special handling. Specifically, describe requested special handling.

11. Certification of familiarity with the Local Rules

- The parties certify that they have read and are familiar with the Court's Local Rules.

12. Signatures

s/ Alise M. Johnson

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