

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 6:21-cv-694-CEM-DCI

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, CELTIC
ENTERPRISES, LLC and TONYA L.
MARONEY,

Defendants.

ORDER

The SEC filed an unopposed motion requesting that the Court appoint a receiver in this case. Doc. 60. In the motion, the SEC explained why a receiver should be appointed and recommended who the receiver should be, but never suggested what powers the Court should vest in the receiver. *Id.* So, the undersigned recommended that a receiver be appointed but also recommended that the SEC be directed “to file a proposed order delineating the receiver’s responsibilities and powers, and that [the receiver] not be authorized to act as receiver until the Court enters an order concerning the scope of her powers as receiver.” Doc. 66.

No party objected to that report and recommendation, but, prior to the expiration of the time to object and without awaiting any further direction by the Court, the SEC filed a “Motion for Entry of Proposed Order Appointing Receiver.” Doc. 67 (the Motion). The entirety of the

body of that Motion reads as follows: “Pursuant to the Magistrate Judge’s Report and Recommendation, the Plaintiff Securities and Exchange Commission moves this Court to adopt the Recommendation and enter the attached proposed Order Granting Unopposed Motion for Appointment of Receiver.” *Id.* So, the Motion is a request for the district judge to adopt the report and recommendation and enter the 24-page proposed order attached to the motion. Docs. 67; 67-1. Shortly thereafter, the district judge entered an order adopting the report and recommendation and referring the Motion to the undersigned for consideration. Doc. 68.

The Motion is due to be denied because it is moot in part and fails to comply with the local rules of this Court. It is moot to the extent it requests the Court to adopt the report and recommendation. It fails to comply with the Local Rule 3.01(a) because it contains no memorandum of law supporting the relief requested. It fails to comply with Local Rule 3.01(g) because it fails to certify conferral or whether it is opposed.

The undersigned recommended that the Court direct the SEC to file a proposed order concerning its motion for appointment of a receiver. The SEC could have filed a notice of no objection to that report and recommendation and awaited the direction of the district judge. Instead, the SEC filed an unsupported motion that fails to comply with the local rules.

Thus, the Motion (Doc. 67) is **DENIED**.

ORDERED in Orlando, Florida on August 11, 2021.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE