

**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., et al.,

Defendants,

and

CELTIC ENTERPRISES, LLC and
TONYA L. MARONEY

Relief Defendants.

_____ /

**RECEIVER’S UNOPPOSED MOTION TO SEAL
CLAIMANT INFORMATION**

Katherine C. Donlon, the Court-appointed receiver over the corporate defendants and relief defendant (the “**Receiver**” and the “**Receivership**” or “**Receivership Estate**”), respectfully moves this Court pursuant to Local Rule 1.11(b) for an order permitting the Receiver to file under seal very limited information relating to the identities of the forty-three individuals who have submitted claims as part of the claims process established in this Receivership (the “**Claimants**”). *See* Docs. 206, 209, 212 (establishing claims process).

1. The Receiver has filed a motion seeking an order approving her determinations, a plan of distribution, and an objection procedure (the “**Claims Determination Motion**”) (Doc. 239).

2. The Claims Determination Motion references and attaches exhibits identifying submitted claims by claim number rather than by Claimant name. These claim numbers were established when the Claimant submitted their claim. The Receiver proposes to file with the Court under seal a separate cross-reference list with the names of each Claimant and the corresponding claim number (the “**Cross-Reference List**”). This filing is necessary to allow the Court to match the Claimants to the claim determinations proposed by the Receiver in the Claims Determination Motion.

3. The purpose of filing this information under seal is to protect the privacy of Harbor City Capital investors and the financial repercussions they experienced. The Receiver believes the preservation of investor privacy, especially with respect to financial information, is a compelling justification to depart from the public’s qualified right of access to judicial filings, as described by Local Rule 1.11(a).

4. Sealing the Cross-Reference List will neither prejudice any party’s interests nor cause any harm to any third parties. In fact, this procedure has been used in other receiverships in the Middle District. *See, e.g., S.E.C. v. Davison, et al.*, Case No. 8:20-cv-000325-T-35NHA , Doc. 747, 763 (M.D. Fla.

2023)(Scriven, J.); *S.E.C. v. Nadel et. al.*, Case No. 8:09-cv-00087-RAL-TBM, Docs. 673, 674 (M.D. Fla. 2012) (Lazzara, J.); *S.E.C. v. Nadel et. al.*, Case No. 8:09-cv-00087-RAL-TBM, Docs. 1362, 1363 (M.D. Fla. 2019) (Covington, J.); *S.E.C. v. HKW Trading LLC*, Case No. 8:05- cv-01076-T-24TBM, Doc. 159 (M.D. Fla. 2008).

5. Pursuant to Local Rule 1.11(b), the Receiver requests that the Cross-Reference List be sealed indefinitely until further order of the Court or to the extent permitted by Local Rule 1.11(e). This will alleviate the need to employ Receivership resources to move to renew the seal and will prevent inadvertent release of sensitive information.

MEMORANDUM OF LAW

The Receiver's narrow request to file under seal a list of the names of the Claimants with corresponding claim numbers used in the Claims Determination Motion to protect the privacy of the Claimants outweighs the public's qualified right of access to this information. The right of access to judicial records pursuant to common law is well established but is not absolute. *Microllumen, Inc. v. Allegrati*, 2007 WL 1247068 (M.D. Fla. Apr. 30, 2007). The presumption of public access must be balanced against any competing interest. *United States v. Maali*, 2004 WL 2656879 (M.D. Fla. Aug. 30, 2004). "[I]n contrast to the compelling justification required for closure of criminal trials, the trial court has broad latitude where only the common-law right of access

to court records is implicated.” *Id.* (quoting *United States v. Noriega*, 752 F. Supp. 1037, 1040 (S.D. Fla. 1990)).

The public has no overriding interest in learning the identities of the victims of the Harbor City Capital scheme or the details relating to their investments. The relief requested in this motion is consistent with Local Rule 1.11(b), which provides:

A motion to seal an item: (1) must include in the title "Motion to Seal Under [Statute, Rule, or Order]" or, if no statute, rule, or order applies, "Motion to Seal"; (2) must describe the item; (3) must establish (A) that filing the item is necessary, (B) that sealing the item is necessary, and (C) that using a redaction, a pseudonym, or a means other than sealing is unavailable or unsatisfactory; (4) must include a legal memorandum; (5) must propose a duration for the seal; (6) must state the name, mailing address, email address, and telephone number of the person authorized to retrieve a sealed, tangible item; (7) must certify the name, mailing address, email address, and telephone number of any non-party the movant knows or reasonably should know has an interest in establishing or maintaining the seal and the day on which, and the means by which, the movant served or otherwise delivered the motion to the non-party; and (8) must include the item, which is sealed pending an order resolving the motion.

L.R. 1.11(b). First, this motion is properly titled.

Second, the item proposed to be sealed is the Cross-Reference List, and as explained above, it consists of the Claimants’ names and their associated claim numbers.

Third, the filing is necessary because the Receiver is required to present her recommended claim determinations to the Court, and the Court should

know the identities of the Claimants for numerous reasons, including to protect against conflicts of interest and, in some cases, to substantively evaluate the Receiver's determinations. Sealing the Claimants' identities and using claim numbers where possible is necessary to avoid disclosing sensitive financial information about hundreds of fraud victims.

In addition, victims are often targeted by secondary or "reloading" scams, which promise recoveries and refunds that never materialize in exchange for upfront payments. Redaction of the Claimants' names is unsatisfactory because doing so would defeat the purpose of filing the names with the Court – *i.e.*, to monitor any potential conflicts of interest and to evaluate the Receiver's determinations. *Cf., e.g.*, Doc. 11 ¶ 39 (imposing on the Receiver "a continuing duty to ensure that there are no conflicts of interest ...").

Fourth, this motion includes a legal memorandum.

Fifth, the Receiver would prefer the names be sealed indefinitely absent further order of the Court, but at minimum, the seal should extend 90 days after this Receivership is closed and all appeals exhausted. *See* L.R. 1.11(e) ("Unless an order states another time, a seal under this rule expires ninety days after a case is closed and all appeals are exhausted.").

Sixth, only the SEC and the Receiver and their attorneys should be permitted to obtain a copy of the Cross-Reference List. Those individuals' contact information is reflected on the docket, but to comply with the language

of L.R. 1.11(b)(8), the information is also attached as **Exhibit A**. Defendant J.P. Maroney already victimized these investors once and should not be privy to information regarding their claims.

Seventh, there are no non-parties that should have an interest in establishing or maintaining the requested seal.

Eighth, the Receiver attaches the Cross-Reference List as **Exhibit B** which should be maintained under seal pending an order resolving this motion as stated in L.R. 1.11(b)(8).

LOCAL RULE 3.01(G) CERTIFICATION

The undersigned counsel for the Receiver has conferred with counsel for the SEC and is authorized to represent to the Court that the SEC has no objection to the relief sought herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 12, 2026, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court through the CM/ECF system, which served counsel of record.

/s/ Nicole Deese Newlon

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E HIBIT A

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EXHIBIT B

	A	B	C
1	Claim Number	LastName	FirstName
2	14	Allsopp	Ralph
3	50	Capital	Anthony
4	95	Chiodini	Jon
5	83	Covert	William
6	107	de la Garza	Miguel
7	111	Draper	Scott
8	102	Eisner	Mark & Yvonne
9	10	Erickson	Robert
10	85	Fordonski	Chris
11	84	Gianuzzio	Ronald
12	177	Golden	Greg
13	35	Greene	Marsha
14	148	Halpin	James
15	65	Handlesman	Michael
16	191	Harr	Darrell
17	134	Hoag	John
18	46	Holdsworth	Brett
19	160	Holm	Stephen
20	140	Hossler	Jeffrey
21	40	Katz	Marty
22	51	Khoury	Wadie
23	192	Lin	Jack
24	193	Lin	John
25	151	Martin	Jason
26	117	Menna	David
27	142	Mohlman	Andrew
28	180	Mouty	Mark
29	11	Odonnell	Curt
30	89	Patrick	Ed
31	32	Pentinen	Diana
32	70	Perez	Mario
33	94	Perez	Nancy
34	48	Pippens	Mark
35	68	Ranieri	Kevin
36	79	Reed	Todd
37	56	Sandoval	Nick
38	20	Schweim	Barry
39	44	Sharma	Jagan
40	110	Sharp	Adam
41	168	Smith	Debbie
42	57	Vincent	Gregory
43	73	Wright	Ernest
44	87	Zehren	Celeste

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