

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**UNITED STATES 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.

REPORT AND RECOMMENDATION

This cause comes before the undersigned on referral of the Receiver's Unopposed Motion to (1) Approve Determination of Claims, (2) Approve Plan of Distribution, and (3) Establish Objection Procedure. Doc. 239 (the Motion). Neither the United States Securities and Exchange Commission nor any other party has opposed the requested relief.

Having considered the Motion and the caselaw cited therein,¹ it is respectfully **RECOMMENDED** that the Motion (Doc. 239) be **GRANTED**, such that:

¹ See, e.g., *S.E.C. v. Davison, et al.*, No. 8:20-cv-00325-MSS-NHA, Docs. 781, 966 (M.D. Fla. 2023); *S.E.C. v. Nadel et al.*, No. 8:09-cv-00087-RAL-TBM, Docs. 675, 776 (M.D. Fla. 2012); *S.E.C. v. Stinson*, 2015 WL 115495, at *4 (E.D. Pa. Jan. 8, 2015); *S.E.C. v. AmeriFirst Funding, Inc.*, 2008 WL 919546, at *6 (N.D. Tex. Mar. 13, 2008); *Quilling v. Trade Partners, Inc.*, 2007 WL 107669, at *2 (W.D. Mich. 2007).

1. The Receiver's determination of claims as set forth in the Motion and itemized in the attached Exhibits 1-5 is fair, reasonable, and equitable, and should be approved by the Court; specifically, the undersigned finds that:
 - a. The 16 claims identified in Exhibit 1 (Doc. 239-1) should be allowed in full;
 - b. The 23 claims identified in Exhibit 2 (Doc. 239-2), while initially claiming amounts in excess of each claimant's Net Investment Amount, were adjusted after the Receiver was able to confer with each claimant and recommend a recovery based on amounts consistent with the receivership's records and confirmed with each claimant – as such, these claims should be allowed in the amounts recommended by the Receiver;
 - c. The one claim identified in Exhibit 3 (Doc. 239-3) should be allowed in the amount recommended² by the Receiver;
 - d. The two claims identified in Exhibit 4 (Doc. 239-4), while initially claiming amounts less than each claimant's Net Investment Amount, should be allowed in the amounts recommended by the Receiver³; and
 - e. The one claim identified in Exhibit 5 (Doc. 239-5) should not be allowed.⁴

² The Receiver notes that the claimant “did not have access to his distribution information and therefore would not affirm the Receiver's information” (Doc. 239 at 14), but the \$1,500 discrepancy between the claimant's claimed amount and the Net Investment Amount “is likely attributable to unaccounted for distributions” (Doc. 239-3). The undersigned finds the Receiver's recommended claim amount of \$15,000.00 reasonable, fair, and equitable after evaluating the slight discrepancy.

³ The Receiver states that she “has confirmed the correct information with [each] Claimant” (Doc. 239-4) and that the claim amount recommended for each claimant is “consistent with Receivership Records.” *Id.*

⁴ As the Receiver points out:

This claimant made his investment in and through the Anthony Capital Bond Fund (“Anthony Capital”) not directly through Harbor City. Anthony Capital invested in

2. The Receiver's use of the Net Investment Method in determining the amounts of the claims evaluated is fair, reasonable, and equitable; the Court should approve its use.
3. The Receiver's plan to distribute the funds in the Receivership account on a *pro rata* basis is fair, reasonable, and equitable; the Court should approve its use.
4. The Receiver's proposed procedure⁵ for handling objections to the plan of distribution and claim determinations is fair, reasonable, and equitable; the Court should approve its use.
5. The Court should preclude "further claims existing on or before the Claims Bar Date against Receivership Entities, Receivership property, the Receivership Estate, or the Receiver by any claimant, taxing authority, or any other public or private person or entity" (Doc. 239 at 25) and preclude "any proceedings or other efforts to enforce or otherwise collect on any lien, debt, or other asserted interest in or against Receivership Entities, Receivership property, or the Receivership estate" (*Id.*).

NOTICE TO PARTIES

The party has fourteen days from the date the party is served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. § 636(b)(1)(C). A party's failure to serve and file written objections waives that party's right to challenge on appeal any unobjected-

Harbor City on behalf of its investors and the bond fund itself is a claimant in this matter. Anthony Capital is currently in receivership in the District Court, Denver County, Colorado, Case No. 2022CV30574.⁷ Any monies that may be due to Anthony Capital shareholders who were invested in Harbor City will be paid out in the Anthony Capital receivership, not this one.
Doc. 239 at 15.

⁵ The proposed procedure is described in full in the Motion. Doc. 239 at 20-22.

to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1; 28 U.S.C. § 636(b)(1).

Recommended in Orlando, Florida on October 6, 2026.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE