

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

GRISEL ALONSO, as Receiver for  
Elm Tree Investment Advisors, LLC,  
Elm Tree Investment Fund, LP,  
Elm Tree 'e'Conomy Fund, LP, and  
Elm Tree Motion Opportunity, LP,

Case No. 16-62603-CIV-DIMITROULEAS  
Proceeding Ancillary to  
No. 15-CV-60082-Dimitrouleas/Snow

Plaintiff,

v.

JAMES BENVENUTO, an individual,  
NGU INVESTORS, LLC, a Florida limited  
liability company; JEAN BENVENUTO, an  
individual, SURJIT WALIA, an individual,  
S.W. EQUITIES CORP., a New York corporation,  
TIMOTHY HARTMANN, an individual,  
ALEXANDER BUKHSHTABER, an individual,  
MVS MEDIA GROUP, LLC, a Florida limited  
liability company, HARRY TAWIL, an individual,  
EDUARDO DOS SANTOS, an individual,  
FILOMENA CALABRIA, an individual,  
JOSE ROFFE, an individual, MIREILLE ROFFE,  
an individual, SOMESWARI NUKALA, an individual,  
Yael TAPIERO, an individual, LAAS W. TURNBULL,  
an individual, OMRI TINTPULVER, an individual,  
CONSTANTINO DOS SANTOS, an individual,  
ARMAND DELMAR, an individual, AHMAD NAQVI,  
an individual, MERCEDES ELMALEH, an individual,  
ELIA BLUMIN, an individual, TED GREENWALD,  
an individual, ALINA TALSKEY, an individual,  
ELVIS PERVAN, an individual,  
ANGELO ISMIRNIOGLOU, an individual, and  
JONATHAN VERK, an individual.

Defendants.

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**MOTION FOR CLERK'S ENTRY OF DEFAULT JUDGMENT**  
**AGAINST ANGELO ISMIRNIOGLOU**

Grisel Alonso, not individually but solely in her capacity as the Receiver appointed over  
Elm Tree Investment Advisors, LLC, Elm Tree Investment Fund, LP, Elm Tree 'e'Conomy Fund,

LP, and Elm Tree Motion Opportunity, LP, and Etopia LP ("Plaintiff"), by and through undersigned counsel, and pursuant to Rule 55(b)(1), Federal Rules of Civil Procedure, files this Motion for Clerk's Entry of Default Judgment against Defendant Angelo Ismirnioglou ("Judgment Defendant"), and in support states as follows:

1. On November 15, 2016, the Receiver filed her Amended Complaint. [D.E. 6].
2. The Clerk entered a Default against the Judgment Defendant on July 6, 2017. [D.E. 150].
3. Rule 55(b)(1), Federal Rules of Civil Procedure, permits the Clerk of the Court to enter judgment by default against the defaulting party when the affirmative relief sought is for a sum certain.
4. The Receiver meets the procedural requirements for obtaining a default judgment from the Clerk.
5. The Receiver does not seek affirmative relief against an infant, an incompetent person, an individual in the military service, or the United States.
6. The Receiver's damages are liquidated and proven by a declaration from Dick Haslam. Mr. Haslam's declaration is attached as **Exhibit A**.

WHEREFORE, for these reasons, Plaintiff asks the Clerk to enter Default Judgment in favor of Plaintiff and against Judgment Defendant Angelo Ismirnioglou for the sum of \$53,800.00, together with pre-judgment and post-judgment interest.

DATED: July 21, 2017

**BROAD AND CASSEL**

Attorneys for Receiver  
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By: s/Daniel S. Newman  
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Christopher Cavallo, Esq.  
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ccavallo@broadandcassel.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 21, 2017, a true and correct copy of the foregoing was served via electronic transmission on all counsel or parties of record.

By: s/Daniel S. Newman  
Daniel S. Newman, P.A.

# **EXHIBIT A**

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an individual, ALINA TALSKY, an individual,  
ELVIS PERVAN, an individual,  
ANGELO ISMIRNIOGLOU, an individual, and  
JONATHAN VERK, an individual.

Defendants.

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**DECLARATION OF DICK HASLAM  
IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT**

PURSUANT TO 28 U.S.C. § 1746, I, **DICK HASLAM**, DECLARE:

1. I work for the Receiver's office in connection with the above-styled matter, and I make this declaration from my own personal knowledge.

2. From December 3, 2013 to August 25, 2014, ETIA and the Elms transferred funds to Defendant Angelo Ismirnioglou ("Ismirnioglou") in the total amount of \$53,800.00 (the "Fraudulent Transfers").

3. The Fraudulent Transfers were derived from the fraudulent scheme perpetrated upon investors by Elm through his use of the Receivership Entities. The Receivership Entities did not receive reasonably equivalent value in exchange for the Fraudulent Transfers, which were made to the detriment of the Receivership Estate.

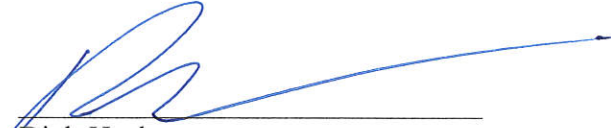
4. On November 15, 2016, the Receiver filed an Amended Complaint in this matter. [D.E. 6].

5. In the Amended Complaint, the Receiver asserted three causes of action against Ismirnioglou for recovery of the Fraudulent Transfers, totaling \$53,800.00. *See* [D.E. 6 at Counts 73-75].

6. As such, the Receiver's claim is for \$53,800.00, a sum certain or a sum that can be made certain by computation pursuant to Fed. R. Civ. P. 55(b)(1).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on July 20, 2017.

  
\_\_\_\_\_  
Dick Haslam

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ANGELO ISMIRNIOGLOU, an individual, and  
JONATHAN VERK, an individual.

Defendants.

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**FINAL DEFAULT JUDGMENT AWARDING DAMAGES**  
**AS TO DEFENDANT ANGELO ISMIRNIOGLOU**

THIS MATTER came before the Court upon Plaintiff's Motion for Default Final Judgment (the "Motion") against Angelo Ismirnioglou ("Defendant") [D.E. 152], filed herein on

July 21, 2017. On July 7, 2017, the Clerk of Court entered a default against Defendant [D.E. 150] for failure to appear, answer, or otherwise plead to the complaint filed herein within the time required by law. Plaintiff has filed a sworn declaration with the Court as to the amount due from Defendant.

UPON CONSIDERATION of the Motion [D.E. 152], and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED as follows:

1. Plaintiff's Motion for Default Final Judgment [D.E. 152] is GRANTED.
2. Final Judgment is hereby entered in favor of Plaintiff Grisel Alonso, as Receiver for Elm Tree Investment Advisors, LLC, Elm Tree Investment Fund, LP, Elm Tree 'e'conomy Fund, LP, and Elm Tree Motion Opportunity, LP, 1883 Marina Mile Boulevard, Suite 106, Fort Lauderdale, FL 33315, and against Defendant Angelo Ismirnioglou, 4944 Dory Drive, New Port Richey, FL 34652, and 1210 Fourth Line, Milton, Ontario, Canada L9T 6J2.

1. Plaintiff shall recover from Defendant the sum of \$53,800.00 in damages, and \$7,509.49 as pre-judgment interest from August 25, 2014, for a total of \$61,309.49, that shall bear interest at the prevailing statutory legal rate of interest, for which let execution issue forthwith.

2. Plaintiff shall file a separate motion as to an award of costs associated with this Defendant.

DONE AND ORDERED in Chambers in Fort Lauderdale, Broward County, Florida this \_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
WILLIAM P. DIMITROULEAS  
United States District Judge

Copies furnished to:  
Counsel of record