

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

Defendants.

MOTION FOR CLERK'S ENTRY OF DEFAULT JUDGMENT
AGAINST AHMAD NAQVI

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 Ahmad Naqvi ("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 April 14, 2017 [D.E. 82].
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 Ahmad Naqvi for the sum of \$46,785.00, together with pre-judgment and post-judgment interest.

DATED: May 2, 2017

BROAD AND CASSEL

Attorneys for Receiver
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 2, 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.

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

Defendants.

**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 September 9, 2014 through November 20, 2014, ETIA transferred funds to Defendant Ahmad Naqvi ("Naqvi") in the total amount of \$46,785.00 (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 Naqvi for recovery of the Fraudulent Transfers, totaling \$46,785.00. *See* [D.E. 6 at Counts 55-57].

6. As such, the Receiver's claim is for \$46,785.00, 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 May 1, 2017.



Dick Haslam