

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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**RECEIVER'S NOTICE OF INTENT TO RESPOND**

Plaintiff, Grisel Alonso (the "Receiver"), 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, respectfully files this Notice of Intent to Respond to the Motion to Dismiss filed by Defendants Constantino Dos Santos and Eduardo Dos Santos, and states as follows:

1. On January 26, 2017, the Court entered an Order to Show Cause for Lack of Prosecution (the "Order to Show Cause"), ordering the Receiver to move for entry of clerk's default against Constantino Dos Santos and Eduardo Dos Santos, for their failure to file a response to the Amended Complaint. [D.E. 22].

2. The Receiver respectfully notes that on January 20, 2017, Defendants Constantino Dos Santos and Eduardo Dos Santos filed their Motion to Dismiss the Amended Complaint. [D.E. 20].

3. Plaintiff's response to the Motion to Dismiss is due by February 3, 2017. The Receiver will be seeking a brief of enlargement of time to file her response given numerous scheduling issues. That enlargement will be requested in a separate motion.

Dated January 27, 2017.

Respectfully submitted,

**BROAD AND CASSEL**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 27, 2017, a true and correct copy of the foregoing was served via electronic transmission on all counsel or parties of record, including Sherryl Martens Dunaj, sdunaj@miami-law.net, Elizabeth Beck, Esq., elizabeth@beckandlee.com, Deborah Chadsey, Esq., dchadsey@kavinokycocook.com, and Lorne Berkeley, Esq., lberkely@drbdc-law.com.

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