

May 16, 2017

Surjit Walia  
124-01 111<sup>th</sup> Avenue  
South Ozone Park, NY 11420

Hon. William Dimitrouleas  
U.S. Federal Building and Courthouse  
299 East Broward Boulevard  
Courtroom 205B, Chambers 205F  
Fort Lauderdale, FL 33301

RECEIVED HON. WILLIAM DIMITROULEAS  
17 MAY 17 PM 2:23  
U.S. FEDERAL BUILDING AND COURTHOUSE  
299 EAST BROWARD BOULEVARD  
FORT LAUDERDALE, FL 33301

**Re: Alonso vs. Benevunto**  
**Case No. 16-62603CIV**

Dear Judge Dimitrouleas:

Please allow this letter to respond to the Court's order to show cause in the above matter as against my prior business, S.W. Equities, Inc., and as against me personally.

First, it is my position that service was not effectuated properly upon either S.W. Equities, Inc., or myself. The summons against S.W. Equities was presumably served at 124-01 111<sup>th</sup> Avenue, Ozone Park, NY 11420 in November 2016. I am indeed an officer of that (now defunct) corporation, and the official mailing address for the business was my mother's address in Ozone Park. However, I did not receive the summons and complaint because I was not residing at that address on the date of alleged service. Rather, I was residing with my bother and his family in Holbrook, NY, because I was going through marital difficulties with my wife and we were temporarily separated. We ultimately reconciled and moved in together to my mother's address in Ozone Park in February 2017. I do not know the manner in which the plaintiff claims to have served S.W. Equities, but procedural due process could not have been satisfied by mail or substitute service.

As against me personally, service was clearly improper. The address on the summons (40 Broad Street, New York, NY) is an address I have not resided at for years. Regardless of how the plaintiff claims they attempted to serve me, that service could not have been valid because I simply did not have constitutionally sufficient notice of the action. In fact, it is only because of the Court's own action in issuing the present order to show cause that I was even aware of this lawsuit.

On a substantive level, both S.W. Equities, and I have a defense to this action. I was completely unaware that Frederic Elm was operating a ponzi scheme or violating any laws. I was led to believe that Mr. Elm was simply a wealthy individual who was bankrolling a joint project that he and I had started. The goal of the project was to commence a social media website called myecco.com through a Florida limited liability company called Myecco, LLC. As we set up this business, I spent 40 plus hours per week of my time, including travel to and from Florida. All of the funds that I received through S.W. Equities, Inc., were validly earned and did not constitute a fraudulent conveyance because consideration was provided to Myecco, LLC. The case law on fraudulent conveyances clearly holds that the consideration need not actually flow to the person or entity who makes the transfer. All that matters is the transferee actually provide adequate consideration, which in this case was provided to Myecco, LLC, as per the agreement between Mr. Elm and I.

I request that this letter be deemed a motion to vacate the default previously entered in the case and that I be afforded an opportunity to file an answer on behalf of S.W. Equities, Inc. and myself. In the interim, I request that the Court refrain from entering an actual default judgment based on the arguments raised above.

Yours very truly,



Surjit Walia

cc: Broad and Cassel  
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