EFiled: Sep 19 2019 12:30PM EDT
Transaction ID 64222731
Case No. 2019-0760-

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

KATHLEEN JENNINGS, Attorney General of the State of Delaware,	)	
Plaintiff,	)	
v.	)	C.A. No. _____
200G PSA HOLDINGS LLC, a Delaware limited liability company,	)	
Defendant.	)	

VERIFIED COMPLAINT

Plaintiff Kathleen Jennings, Attorney General of the State of Delaware, by and through undersigned counsel, for her complaint against Defendant 200G PSA Holdings LLC (the "Defendant"), alleges, upon verified information, as follows:

Nature of the Action

1. This is an action for the cancellation of the certificates of formation of a Delaware limited liability company that was placed on the United States Department of the Treasury Office of Foreign Asset Control ("OFAC") Specially Designated Nationals List ("SDN") for involvement in laundering money obtained by narcotics trafficking into the United States.

2. Under Section 18-112 of Delaware's Limited Liability Company Act, 6 *Del. C.* § 18-101, *et seq.* ("LLC Act"), the Attorney General is authorized to request that the Court of Chancery cancel the certificate of formation of a Delaware limited liability company when the powers, privileges, or existence of that limited liability company have been abused or misused.

3. The Attorney General seeks cancellation of Defendant's certificate of formation because the Defendant has been implicated in money laundering and other felony criminal offenses relating to drug trafficking. The Attorney General also seeks cancellation of Defendant's certificates of formation because the Defendant have been placed on the OFAC sanctions list for violations of the Foreign Narcotics Kingpin Designation Act (the "Kingpin Act"), 21 U.S.C. §§ 1901 *et seq*. Additionally, the Defendant has serious deficiencies in compliance with the requirement to retain its Delaware entity status, as described in further detail below.

4. Delaware law has never permitted or condoned the use of business entities formed under its laws for unlawful or nefarious purposes. Defendant's SDN designation by OFAC, and failure to comply with Delaware legal requirements, establish that Defendant abused and misused its entity powers and privileges. Having abandoned the responsibilities that come with status as a Delaware limited liability company, Defendant must be forever denied the rights and privileges that

also come with that status, and its certificates of formation must therefore be canceled.

Parties

5. Plaintiff Kathleen Jennings ("Attorney General") is the Attorney General of the State of Delaware.

6. Defendant 200G PSA Holdings LLC is a limited liability company organized under the laws of the State of Delaware which had a Registered Agent known as Registered Agent Solutions, Inc. The Registered Agent resigned as of July 24, 2018.[1]

7. The OFAC administers and enforces economic and trade sanctions based on United States foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security.[2]

8. OFAC publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of targeted countries, terrorists and narcotics

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[1] The formation documents for this entity are attached as Exhibit A. The resignation documents for the Registered Agent are also included with this exhibit.

[2] https://www.treasury.gov/about/organizational-structure/offices/pages/office-of-foreign-assets-control.aspx

traffickers known as the SDN. These entities assets are blocked and United States citizens are generally prohibited from dealing with them.[3]

9. The Delaware Department of State ("DOS") enacted regulations, effective January 1, 2019 to require registered agents to verify the identity of their customer business entities.[4] In addition to the collection of background identifying information, this regulation mandates that registered agents check the OFAC listings prior to filing on behalf of a business entity and to periodically update the entity's status on the SDN to ensure that such entities are blocked from conducting business. These regulations may be found at 20 Del. Admin. Code § 101.[5]

Factual Allegations

10. On or about February 13, 2017, the United States Government placed the Defendant on the OFAC list and notified Delaware of this decision.

11. The basis for placing the Defendant's assets on the OFAC list is that the Defendant is linked to El Aissimi Maddah, a Venezuelan drug trafficker and former Vice President of Venezuela. The Defendant is also linked to Lopez Bello,

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[3] https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx

[4] House Bill 404 of the 149th Delaware General Assembly, as amended by House Amendment No. 1 and Senate Amendment No. 2, 81 *Del. Laws*, Ch. 334, modified 8 *Del.C.* §132; 6 *Del.C.* §§15-111, 17-104 and 18-104 to enable the Secretary to establish regulations for Registered Agents to verify the identification of their customer business entities.

[5] A copy of the Regulations is attached as Exhibit B.

a fugitive billionaire who used the Defendant to launder the financial proceeds of narcotics trafficking on behalf of El Aissimi Maddah.[6]

12. At the request of OFAC, Delaware suspended the Defendant on or about June 1, 2017, forbidding the transfer of assets to or from this entity.

13. The Defendant has also garnered significant deficiencies which hinder its ability to retain Delaware entity status.

14. 200G PSA LLC has failed to appoint a registered agent.

15. The District Court for the Southern District of Florida has found that the Defendant was used to launder money on behalf of the "Cartel of the Suns," an organization consisting of upper-echelon members of the Venezuelan armed forces who smuggled cocaine into Mexico and the United States on behalf of the Revolutionary Armed Forces of Colombia.[7]

16. The placement of the Defendant on the OFAC list, combined with its Delaware-specific deficiency, proves that the powers, privileges, or existence of the limited liability company have been abused or misused by the Defendant.

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[6] A chart explaining the network involving the Defendant is attached as Exhibit C. A Notice of OFAC Action announcing the decision to place the Defendant on the OFAC list is attached as Exhibit D.

[7] A copy of this decision is attached as Exhibit E. The matter is currently under appeal before the Eleventh Circuit.

Causes of Action

Count I—Cancellation of Certificate of formation of 200G PSA LLC

17. Paragraphs 1 through 16 of this Complaint are repeated and realleged as if fully set forth herein.

18. Section 18-112 of the LLC Act authorizes the Court of Chancery, upon motion of the Attorney General, to cancel the certificate of formation of a Delaware limited liability company when the powers, privileges, or existence of that limited liability company have been abused or misused.

19. On information and belief, 200G PSA LLC is controlled by El Aissimi Maddah and Bello Lopez.

20. The owners and operators of the Defendant are alleged drug traffickers.

21. The Defendant has been subjected to OFAC listing, and its assets have been frozen.

22. 200G PSA LLC has been placed on the OFAC list.

23. 200G PSA LLC has also failed to appoint a registered agent.

24. The above-referenced allegations demonstrate that 200G PSA LLC has engaged in acts of fraud, immorality, or violations of statutory law in connection with its operations.

25. 200G PSA LLC has abused the powers, privileges, and existence granted to it as a Delaware limited liability company, as a result of which it should

be denied the rights and privileges that also come with status as a Delaware limited liability company, and its certificate of formation should therefore be canceled.

26. The Attorney General has no adequate remedy at law.

★ ★ ★

WHEREFORE, the Attorney General prays for judgment and requests that the Court enter an Order:

A. Directing the Delaware Division of Corporations to cancel the certificate of formation of 200G PSA LLC; , and

B. Granting such other and further relief as the Court deems just and appropriate.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/Lawrence W. Lewis

Lawrence W. Lewis (#2539)
Oliver J. Cleary (#5830)
Deputy Attorneys General
Delaware Department of Justice
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400

Attorneys for Kathleen Jennings, Attorney General of the State of Delaware

Dated: September 19, 2019

EFiled: Sep 19 2019 12:30PM EDT
Transaction ID 64222731
Case No. 2019-0760-

EXHIBIT A

State of Delaware
Secretary of State
Division of Corporations
Delivered 05:05 PM 01/29/2013
FILED 05:05 PM 01/29/2013
SRV 130105150 - 5282414 FILE

STATE *of* DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE *of* FORMATION

First: The name of the limited liability company is 200G PSA HOLDINGS LLC

Second: The address of its registered office in the State of Delaware is 1679 S DUPONT HWY STE 100 in the City of Dover. Zip code 19901. The name of its Registered agent at such address is REGISTERED AGENT SOLUTIONS, INC.

Third: (Use this paragraph only if the company is to have a specific effective date of dissolution: "The latest date on which the limited liability company is to dissolve is _____.")

Fourth: (Insert any other matters the members determine to include herein.)

In Witness Whereof, the undersigned have executed this Certificate of Formation this 29th day of January, 2013.

By: _____
Authorized Person (s)

Name: Bryan J. Rush

STATE OF DELAWARE
CERTIFICATE OF RESIGNATION OF REGISTERED AGENT WITHOUT APPOINTMENT OF A SUCCESSOR REGISTERED AGENT

Pursuant to the provisions of Section 18-104(d) of Title 6 of the Delaware Limited Liability Company Act, the undersigned agent for service of process, in order to resign as agent without appointment of a successor agent, hereby certifies that:

1. The name of the Limited Liability Company is 200G PSA HOLDINGS LLC.

2. The name of the resigning agent is Registered Agent Solutions, Inc.

3. That written notice of resignation was given to the affected Limited Liability Company at least 30 days prior to the filing of the certificate by mailing or delivering such notice to the Limited Liability Company at its address last known to the registered agent on 06/08/2018.

State of Delaware
Secretary of State
Division of Corporations
Delivered 02:24 PM 07/24/2018
FILED 02:24 PM 07/24/2018
SR 20185814798 - File Number 5282414

By: Registered Agent Solutions, Inc.
Registered Agent

Name: Justine Karnell
Print or Type

Title: Assistant Secretary

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EXHIBIT B

DEPARTMENT OF STATE
Division of Corporations

101 Registered Agent Customer Entity Verification Requirements

1.0 Enabling Legislation

House Bill 404 of the 149th Delaware General Assembly, as amended by House Amendment No. 1 and Senate Amendment No. 2, 81 **Del. Laws**, Ch. 334, modifies 8 **Del.C.** §132; 6 **Del.C.** §§15-111, 17-104 and 18-104 to enable the Secretary to establish regulations for Registered Agents to verify the identification of their customer business entities.

2.0 Purpose

The purpose of this regulation is to clarify the obligation of Registered Agents in Delaware to comply with regulations issued by the Secretary pertaining to Business Entity Formation in matters involving filings submitted to the Secretary on behalf of corporations, partnerships, trusts, limited partnerships, and limited liability companies. This regulation outlines the standards for Registered Agents regarding verification of customer entities in accordance with House Bill 404 of the 149th Delaware General Assembly, as amended by House Amendment No. 1 and Senate Amendment No. 2, 81 **Del. Laws**, Ch. 334.

3.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"**Business Entity Formation**" means the act of any person, partnership, association, corporation, company, singly or jointly with others, in organizing under the Delaware Code and filing the required documents with the Division of Corporations in the Department of State.

"**Business Entity Representation**" means any person, partnership (whether general (including a limited liability partnership) or limited (including a limited liability limited partnership)), association, corporation, company, singly or jointly with others, that acts on behalf of any person or entity as a registered agent.

"**Corporation**" means an entity that is organized or incorporated in accordance with the Delaware Code and as expressly set forth at Title 8 of the Delaware Code.

"**Customer**" means the person or persons intending to form, and/or otherwise conduct activities through, a business entity formed, registered or qualified in Delaware.

"**Customer Information**" means any and all information or documents relating to the true and correct identity of a potential customer of a Registered Agent that includes, but is not limited to, full name, complete address (to include background information related to a P.O. Box address), photographs, background information, or any other information as needed to verify identification.

"**Department**" means the Delaware Department of State.

"**Limited Liability Company**" means an entity that is organized or created in accordance with the requirements of a "limited liability company" or a "series" as set forth in the Delaware Code and as expressly defined at 6 **Del.C.** §18-101, as amended.

"**Limited Partnership**" means an entity that is organized or created in accordance with the requirements of a "limited liability partnership" as set forth in the Delaware Code and as expressly defined at 6 **Del.C.** §17-101 as amended.

"**Office of Foreign Assets Control**" means the office or its equivalent office(s) as created by federal laws and administered by order of the United States Department of the Treasury or its successor(s) or equivalent department(s).

"**Partnership**" means an entity that is organized or created in accordance with the requirements of a "partnership" as set forth in the Delaware Code at 6 **Del.C.** §15-202 as amended.

"**Registered Agents**" means an agent or agents as defined or described in accordance with the Delaware Code and as expressly set forth at 8 **Del.C.** §132 and 6 **Del.C.** §§15-111, 17-104 and 18-104.

"**Secretary**" means the Secretary of the Delaware Department of State.

"**Specially Designated Nationals and Blocked Persons (SDN)**" means individuals, groups and entities as defined or described as "Specially Designated Nationals" by the Office of Foreign Assets Control.

"**Trust**" means a statutory trust as set forth in the Delaware Code and as expressly defined in 12 **Del.C.** Ch. 38 as amended.

4.0 Procedures

4.1 Registered Agents are required to complete the following steps to verify filings submitted to the Secretary on behalf of corporations, partnerships, limited partnerships, trusts, and limited liability companies in the course of Business Entity Representation:

4.1.1 Prior to engaging in business:

4.1.1.1 Registered Agents will take reasonable steps to verify the identity of potential customers. Such steps may include, but are not limited to, manual verification, the use of software or third party services to perform background or identification verification or obtaining such documents sufficient for identity.

4.1.2 New Customer Information:

4.1.2.1 Registered Agents shall compare new customer information against the register and lists of the Office of Foreign Assets Control ("OFAC"), before performing services on behalf of any new customer. Customer information shall include the full name and complete address of the submitting customer (whether business or individual).

4.1.2.2 For Business Entity Formation or Business Entity Representation, Registered Agents shall collect and retain the full name, business address and business telephone number of the current communications contact(s) and any other such information that shall hereafter be required by statute. In addition, Registered Agents may collect additional information, including, but not limited to officers, directors, members, managing members, partners, or owners. All such information collected shall be compared against OFAC.

4.1.3 Updating names and addresses of related parties:

4.1.3.1 Registered Agents shall request (at minimum annually) updates to the communications contact(s) and any other information required by statute. To the extent additional information has been collected, Registered Agents may, at their discretion, request updates to such information. All updated information shall be compared against OFAC.

4.1.4 Entity and Customer Information transferred from another Registered Agent:

4.1.4.1 Registered Agents shall compare all entity and customer information transferred from another registered agent against the register and lists of OFAC, or its successor, before accepting the customer.

4.1.4.2 Entity information shall include the full name, business address and business telephone number of communications contact(s), any other information required by statute along with any additional information collected by the previous registered agent.

4.1.5 Quarterly Review:

4.1.5.1 Registered Agents shall review complete customer registry against the OFAC register or lists at a minimum on a quarterly basis.

4.1.6 Notifications:

4.1.6.1 Registered Agents shall sign up for notifications and updates from OFAC, to include but not limited to updates on specific sanctions.

4.1.7 OFAC Search Lists:

4.1.7.1 Registered Agents shall search for either individuals or corporate entities on all OFAC lists, to include but not limited to "Specially Designated Nationals" and "Blocked Persons" lists. Registered Agents may use software or third party services to perform a search of OFAC lists.

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EXHIBIT C

EL AISSAMI & LOPEZ BELLO Network
February 2017

U.S. Department of the Treasury
Office of Foreign Assets Control
Foreign Narcotics Kingpin Designation Act

Tareck Zaidan EL AISSAMI MADDAH
a.k.a. Tarek EL AISSAMI
DOB 12 Nov 1974
POB El Vigia, Merida, Venezuela
Citizen Venezuela
Identification Number 12.354.211 (Venezuela)

Frontman

Samark Jose LOPEZ BELLO
a.k.a. Samark LOPEZ DELGADO
DOB 27 Jul 1974
POB Venezuela
Citizen Venezuela
Identification Number 11.208.888 (Venezuela)

Designated foreign entities linked to LOPEZ BELLO

YAKIMA TRADING CORPORATION
Panama
RUC # 3196611412868

Owned or controlled by

YAKIMA OIL TRADING, LLP
London, United Kingdom
Commercial Registry Number OC390985

PROFIT CORPORATION, C.A.
Caracas, Venezuela
RIF # J-00317392-4

GRUPO SAHECT, C.A.
Caracas, Venezuela
RIF # J-29620174-9

SMT TECNOLOGIA, C.A.
Caracas, Venezuela
RIF # J-40068226-6

MFAA HOLDINGS LIMITED
Tortola, British Virgin Islands
Company Number 1793372

SERVICIOS TECNOLOGICOS INDUSTRIALES, C.A.
Puerto Ordaz, Venezuela
RIF # J-31103570-2

ALFA ONE, C.A.
Puerto Ordaz, Venezuela
RIF # J-31482089-3

Blocked U.S. entities linked to LOPEZ BELLO

AGUSTA GRAND I LLC
Miami, FL
Tax ID No. 36-4802365

1425 BRICKELL AVE 63-F LLC
Miami, FL
Tax ID No. 71-1053365

1425 BRICKELL AVENUE 64E LLC
Miami, FL
Tax ID No. 90-1019707

1425 BRICKELL AVENUE UNIT 46B, LLC
Miami, FL
Tax ID No. 90-0865341

200G PSA HOLDINGS LLC
Miami, FL
Tax ID No. 80-0890696

Owned or controlled by

Blocked aircraft

N200VR
Registered in Miami, FL
Gulfstream 200
Manufacturer's Serial Number 133

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EXHIBIT D

B, from SH 288 to IH 45 South, in Brazoria and Galveston Counties. The project will be a four-lane, controlled-access tollway facility, consisting of two lanes in each direction within a 400-foot-wide right-of-way (ROW) and auxiliary lanes between on-ramps and off-ramps where appropriate. The actions by TxDOT and the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) issued on April 28, 2016 and Record of Decision (ROD) issued on November 30, 2016, and in other documents in the TxDOT project file. The FEIS, ROD, and other documents in the TxDOT project file are available by contacting TxDOT at the addresses provided above. The TxDOT FEIS and ROD can be viewed and downloaded from the project Web site at *http://www.grandpky.com/Segment-B-Documents* or by visiting the TxDOT Houston District Office at 7600 Washington Avenue, Houston, TX 77007.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act, 42 U.S.C. 7401–7671(q).
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.
8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Authority: 23 U.S.C. 139(l)(1).

Michael T. Leary,
Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2017–03126 Filed 2–16–17; 8:45 am]
BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1901–1908.

DATES: OFAC's actions described in this notice were effective on February 13, 2017.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available from OFAC's Web site at *http://www.treasury.gov/ofac.*

Notice of OFAC Actions

On February 13, 2017, OFAC blocked the property and interests in property of the following persons pursuant to section 805(b) of the Kingpin Act and placed them on the SDN List.

Individuals

1. EL AISSAMI MADDAH, Tareck Zaidan (a.k.a. EL AISSAMI, Tareck; a.k.a. EL AISSAMI, Tarek), Venezuela; DOB 12 Nov 1974; POB El Vigia, Merida, Venezuela; citizen Venezuela; Gender Male; Passport C1668015 (Venezuela); Identification Number 12.354.211 (Venezuela); Executive Vice President; Former Governor of Aragua State (individual) [SDNTK]. Playing a significant role in international narcotics trafficking, and therefore meets the criteria for designation pursuant to section 805(b)(4) of the Kingpin Act, 21 U.S.C. 1904(b)(4).
2. LOPEZ BELLO, Samark Jose (a.k.a. LOPEZ DELGADO, Samark), Caracas, Venezuela; DOB 27 Jul 1974; POB Venezuela; citizen Venezuela; Gender Male; Passport 122560011 (Venezuela); alt. Passport 055439970 (Venezuela); alt. Passport 002494535 (Venezuela); Identification Number 11.208.888 (Venezuela) (individual) [SDNTK] (Linked To: PROFIT CORPORATION, C.A.; Linked To: YAKIMA TRADING CORPORATION; Linked To: GRUPO SAHECT, C.A.; Linked To: ALFA ONE, C.A.; Linked To: SMT TECNOLOGIA, C.A.; Linked To: SERVICIOS TECNOLOGICOS INDUSTRIALES, C.A.; Linked To: MFAA HOLDINGS LIMITED; Linked To: 1425 BRICKELL AVE 63–F LLC; Linked To: 1425 BRICKELL AVENUE UNIT 46B, LLC; Linked To: 1425 BRICKELL AVENUE 64E LLC; Linked To: AGUSTA GRAND I LLC; Linked To: 200G PSA HOLDINGS LLC). Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of, and acting for or on behalf of, Tareck Zaidan EL AISSAMI MADDAH, and therefore meets the criteria for designation pursuant to sections 805(b)(2) and (3) of the Kingpin Act, 21 U.S.C. 1904(b)(2) and (3).

Entities

1. 1425 BRICKELL AVE 63–F LLC, 1425 Brickell Ave 63–F, Miami, FL 33131, United States; Tax ID No. 71–1053365 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO, and therefore is blocked

pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

2. 1425 BRICKELL AVENUE 64E LLC, 1425 Brickell Avenue 64E, Miami, FL 33131, United States; Tax ID No. 90–1019707 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO and/or MFAA HOLDINGS LIMITED, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

3. 1425 BRICKELL AVENUE UNIT 46B, LLC, 1425 Brickell Avenue Unit 46B, Miami, FL 33131, United States; Tax ID No. 90–0865341 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

4. 200G PSA HOLDINGS LLC, 80 SW 8th Street Suite 2000, Miami, FL 33130, United States; Tax ID No. 80–0890696 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

5. AGUSTA GRAND I LLC, 80 SW 8th Street Suite 2000, Miami, FL 33130, United States; Tax ID No. 36–4802365 (United States) [SDNTK]. Property within the United States that is owned or controlled by Samark Jose LOPEZ BELLO, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

6. ALFA ONE, C.A., Av. Principal, Manzana 26, Cto. Empres. Piacoa, piso 1, Ofic. 4, Zona In. Los Pinos, Puerto Ordaz, Estado Bolivar, Venezuela; RIF #J–31482089–3 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

7. GRUPO SAHECT, C.A., Av. Guaicaipuro, con Calle Urdaneta, Edificio San Marco, piso 9, Ofic. 9–2, Chacao, Caracas, Venezuela; RIF #J–29620174–9 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

8. MFAA HOLDINGS LIMITED, 281 Waterfront Drive, Road Town, Tortola, Virgin Islands, British; Company Number 1793372 (Virgin Islands, British) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

9. PROFIT CORPORATION, C.A., Av. Venezuela con Calle Mohedano, Torre JWM, piso 4, Oficina 4, El Rosal, Caracas, Venezuela; RIF #J–00317392–4 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

10. SERVICIOS TECNOLOGICOS INDUSTRIALES, C.A., 1a Transversal, Parcela 304–26–06, Zona Industrial Los Pinos, Puerto Ordaz, Estado Bolivar, Venezuela; RIF #J–31103570–2 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

11. SMT TECNOLOGIA, C.A., Av. Venezuela, Edificio JWM, piso 7, Ofic. 72 (al lado de Banavih), El Rosal, Caracas, Venezuela; RIF #J–40068226–6 (Venezuela) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

12. YAKIMA OIL TRADING, LLP, 7 Welbeck Street, London W1G 9YE, United Kingdom; Commercial Registry Number OC390985 (United Kingdom) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, YAKIMA TRADING CORPORATION, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

13. YAKIMA TRADING CORPORATION, Ph Ocean Business Plaza (Torre Banesco) Plaza Marbella, Piso 24, Oficina 24–08, Calle Aquilino de la Guardia y Calle 47 (Zona Bancaria), Panama; Barbados; RUC #3196611412868 (Panama) [SDNTK]. Owned, controlled, or directed by, or acting for or on behalf of, Samark Jose LOPEZ BELLO, and therefore meets the criteria for designation pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3).

Aircraft

1. N200VR, 80 SW 8th Street, Suite 2000, Miami, FL 33130, United States; Aircraft Model Gulfstream 200; Aircraft Manufacturer's Serial Number (MSN) 133; Aircraft Tail Number N200VR (aircraft) [SDNTK] (Linked To: 200G PSA HOLDINGS LLC). Owned or controlled by 200G PSA HOLDINGS LLC, and therefore is blocked pursuant to section 805(b) of the Kingpin Act, 21 U.S.C. 1904(b).

Dated: February 13, 2017.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–03209 Filed 2–16–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Disability Compensation

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Disability Compensation ("the Committee"). In accordance with 38 U.S.C. 546, the Committee advises the Secretary on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. In providing advice to the Secretary, the Committee assembles and reviews relevant information relating to the needs of Veterans with disabilities; provides information relating to the nature and character of the disabilities arising from service in the Armed Forces; provides an ongoing assessment of the effectiveness of VA's Schedule for Rating Disabilities; and provides ongoing advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation in the future. In carrying out its duties, the Committee takes into special account the needs of Veterans who have served in a theater of combat operations. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

Authority: The Committee is authorized by 38 U.S.C. 546 and operates under the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on March 31, 2017. Packages received after this time will not be considered for the current membership cycle. All nomination packages should be sent to the Advisory Committee Management Office by email (recommended) or mail. Please see contact information below.

Advisory Committee Management Office (00AC), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, *VA.Advisory.Cmte@va.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established pursuant to 38 U.S.C. 546. The Committee responsibilities include:

(1) Advising the Secretary and Congress on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities.

(2) Providing a biennial report to congress assessing the needs of Veterans with respect to disability compensation and outlining recommendations, concerns and observations on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities.

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts on the maintenance and periodic

EFiled: Sep 19 2019 12:30PM EDT
Transaction ID 64222731
Case No. 2019-0760-

EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-20896-CV-SCOLA/TORRES

KEITH STANSELL, *et al.*,

Plaintiffs,

v.

REVOLUTIONARY ARMED FORCES OF COLOMBIA, *et al.*,

Defendants.
_____/

REPORT AND RECOMMENDATION ON MOVANTS' MOTIONS TO DISSOLVE AND MOTION FOR SUMMARY JUDGMENT

This Report and Recommendation pertains to seven Motions filed by SAMARK JOSE LOPEZ BELLO, YAKIMA TRADING CORPORATION, EPBC HOLDINGS, LTD., 1425 BRICKELL AVE 63-F, LLC, 1425 BRICKELL AVE UNIT 46B LLC, 1425 BRICKELL AVE 64E LLC, and 200G PSA HOLDINGS LLC (hereinafter, "Lopez Bello" or "Movants"). Six of the Motions seek dissolution of writs of garnishment issued to various banking institutions [D.E. 97, 103, 112, 123, 125, 134]; the seventh involves Movants' Motion for Summary Judgment. [D.E. 109]. Each Motion is now fully-briefed and ripe for disposition. For the reasons stated below, we **RECOMMEND** that the Motions be **DENIED**.

I. FACTUAL BACKGROUND

In 2003, members of the Revolutionary Armed Forces of Colombia ("FARC") targeted a reconnaissance airplane carrying Plaintiffs, forcing the aircraft to crash

land in the Colombian jungle. FARC forces immediately executed Plaintiff Thomas Janis on the day of the crash,[1] and held the other Plaintiffs in captivity for the next five years. In 2013, seeking justice for all they endured, Plaintiffs sued the FARC in federal court; FARC never appeared. The Middle District of Florida entered default judgment against the paramilitary group, and Plaintiffs were awarded $318,030,000 in damages.

Plaintiffs registered their judgment against the FARC in this Court on June 15, 2010. [D.E. 1]. The pending Motions seek to satisfy the $318 million judgment by seizing assets owned, maintained or operated by Samark Jose Lopez Bello, a Venezuelan national, purported billionaire, and current fugitive-at-law.[2] To do so, Plaintiffs utilize language found within the Terrorist Risk Insurance Act of 2002 ("TRIA"), which states

> Notwithstanding any other provision of law, … in every case in which a person has obtained judgment against a terrorist party on a claim based upon an act of terrorism, or for which a terrorist party is not immune under section 1605(a)(7) of title 28, United States Code, the blocked assets of that terrorist party (including the blocked assets of any agency or instrumentality of that terrorist party) shall be subject to execution or attachment in aid of execution in order to satisfy such judgment to the extent of any compensatory damages for which such terrorist party has been adjudged liable.

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[1] Janis' interests are represented by his wife and sons, the personal representatives of his estate.

[2] The United States Immigration and Customs Enforcement Agency recently named Lopez Bello as one of its "10 Most Wanted" fugitives. *See* ASSOCIATED PRESS, *Former Venezuelan VP Among 10 Most Wanted Fugitives*, ABC NEWS, July 31, 2019, https://abcnews.go.com/International/wireStory/ice-venezuelan-vp-10-wanted-fugitives-64685419.

Pub.L. No. 107-297, § 201(a), 116 Stat. 2322.[3] Plaintiffs argue that they can show that Lopez Bello's activities can be traced back to the FARC, which would allow us to deem him an "agency or instrumentality" of that organization. If this were to be the case, any "blocked" assets belonging to Lopez Bello could be used to satisfy the $300 million that remains outstanding on the judgment entered against the FARC.

Plaintiffs submit that Lopez Bello's assets are "blocked" as a result of action taken by the U.S. Department of the Treasury's Office of Foreign Asset Control ("OFAC") on February 13, 2017. [D.E. 18-2]. On that date, OFAC issued a press release designating Lopez Bello and a second individual, Tareck Zaidan El Aissami Maddah ("El Aissami"), as "specially designated narcotics traffickers," or "SDNTs," under the Foreign Narcotics Kingpin Designation Act ("Kingpin Act"). *Id.* OFAC designated El Aissami for his purported ties to international drug trafficking operations throughout South America; Lopez Bello's designation stems from his alleged role as El Aissami's "primary frontman," and for providing material assistance and financial support for the narco-trafficking activities engaged in by El Aissami and his associates. *Id.* As a result of this designation, OFAC blocked assets belonging to Lopez Bello and thirteen companies owned or controlled by him. *Id.*

Lopez Bello has never been directly linked to FARC forces. Plaintiffs instead seek to connect Lopez Bello to FARC utilizing *indirect* connections he maintains with

[3] This provision is codified as a note to 28 U.S.C. § 1610. For ease of reference, we will continue to refer to the provision as Section 201 of TRIA.

El Aissami. This argument zeroes in on El Aissami's association with an organization known as the "Cartel of the Suns." The cartel, led by members of the Venezuelan armed forces,[4] allegedly traffic cocaine manufactured and produced by the FARC. To prevail, then, Plaintiffs must show that Lopez Bello can be connected to the FARC – the terrorist group on the hook for the $318 million judgment – through El Aissami and his related affiliates, including the Cartel of the Suns.

Seeking to do just that, Plaintiffs filed an *ex parte* motion on February 13, 2019, asking for this Court to issue post-judgment writs of garnishment and execution against assets located in the Miami area and belonging to Lopez Bello. [D.E. 18]. In support of that Motion, Plaintiffs submitted affidavits and other documents that allegedly tied Lopez Bello to El Aissami, and reflected El Aissami's connections to the FARC. As a result, Plaintiffs asked the Honorable Judge Robert N. Scola to deem Lopez Bello an "agency or instrumentality" of the FARC so that each could attach on Movant's assets, which appear to be significant.

Judge Scola granted Plaintiffs' Motion on February 15, 2019. [D.E. 22]. The Court found that Plaintiffs' evidence supported a finding that El Aissami and Lopez Bello each served as agencies or instrumentalities of the FARC, and that the assets Stansell sought to attach were "blocked" as the term is defined by TRIA and the Antiterrorism Act ("ATA"), 18 U.S.C. § 2333. *Id*. Judge Scola then ordered that the Clerk of Court issue writs of garnishment on various bank accounts. *Id*.

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[4] The cartel purportedly gets its name from the yellow sun insignia decorating the uniforms worn by high-ranking military officials in Venezuela.

Lopez Bello, upon receiving notice of the proceedings brought against him, moved to intervene in this matter on February 27, 2019. [D.E. 55]. In doing so, Movants argued that the *ex parte* proceedings violated their rights to due process, and that Judge Scola erroneously declared him to be an agency or instrumentality of the FARC. *Id*. Movants then filed a Motion to Amend the February 15 Order pursuant to Rule 59(e) of the Federal Rules of Procedure, asking that the sale of four Miami-area properties be delayed until Lopez Bello could contest Judge Scola's designation. [D.E. 80]. The Motion failed to persuade the Court, and Judge Scola denied it on March 22, 2019. [D.E. 101].[5]

Lopez Bello now challenges Plaintiffs' attempts to execute on bank accounts held in his name and to which the writs of garnishment have been issued. To do so, Movants filed Motions to Dissolve the Writs of Garnishment for accounts maintained with the following institutions: (1) UBS Financial Services, Inc. [D.E. 97]; (2) Raymond James & Associates, Inc. [D.E. 103]; (3) Branch Banking & Trust Co. [D.E. 112]; (4) Morgan Stanley Smith Barney, LLC [D.E. 123]; (5) Safra National Bank of New York [D.E. 125]; and (6) Citibank, N.A. [D.E. 134]. Lopez Bello also has sought summary judgment on the writs [D.E. 109], relying on the same arguments he raises in his Motions to Dissolve.[6]

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[5] Lopez Bello asked for reconsideration of that Order the following week, which Judge Scola again denied on March 28. [D.E. 106, 108].

[6] Judge Scola referred all pretrial proceedings to the undersigned on March 28, 2019. [D.E. 108].

The undersigned held a hearing on these Motions on June 11, 2019. [D.E. 209]. There, we heard testimony from witnesses offered by both parties, including William C. Marquardt and Ernesto Carrasco Ramirez, Movants' two experts. Marquardt, a forensic accountant, compared a list of sixty-eight entities associated with Lopez Bello, looking to see if any traced back to the FARC. He testified that no such association could be found. Ramirez, a Colombian attorney that previously practiced criminal law in that country, testified that he never met, came across, or heard of Lopez Bello during his time in Colombia, despite the time he spent investigating corruption, bribery of public officials, and the inner workings of Colombian and Venezuelan drug cartels.

The Court also heard testimony from Douglas Farah and Col. Luis Miguel Cote, Plaintiffs' proffered witnesses. According to Farah, a national security consultant who previously worked for the Washington Post as a foreign correspondent covering South America, Lopez Bello laundered money for El Aissami, a well-known affiliate of the Cartel of the Suns. Similar evidence was heard from Cote and Paul Crain, who each connected El Aissami directly to the FARC – and Lopez Bello directly to El Aissami.

In addition to this testimony, both parties have filed evidentiary materials to support their respective Motions. All such Motions are now fully briefed and ripe for disposition. As we discuss in detail below, we hereby find that Plaintiffs have sufficiently linked Lopez Bello to the FARC via his connection to El Aissami, and the

arguments Movants raise in opposition to the issuance of the writs do not support dissolution. As such, Movants' Motions should be denied

II. APPLICABLE LEGAL PRINCIPLES

Plaintiffs obtained judgment against the FARC by way of the ATA, 18 U.S.C. § 2333, which allows any person "injured…by an act of international terrorism" to bring suit against the responsible terrorist organization in federal district court. 18 U.S.C. § 2333(a). Having done so, Plaintiffs now seek to enforce the judgment awarded in the Middle District of Florida pursuant to the Section 201 of TRIA. In order to execute against the assets of a terrorist party's agency or instrumentality under that statute, the moving party must: (1) establish that it obtained judgment against a terrorist party for a claim based on an act of terrorism; (2) show that the assets of the terrorist party are blocked, as that term is defined by TRIA; and (3) establish that the purported agency or instrumentality is actually an agency or instrumentality of the terrorist party. *Stansell v. Revolutionary Armed Forces of Colombia*, 771 F.3d 713, 722-23 (11th Cir. 2014) (citations omitted).

The Motions to Dissolve also raise arguments related Florida's post-garnishment statute,[7] which states:

> Every person or entity who has sued to recover a debt or has recovered judgment in any court against any person or entity has a right to a writ of garnishment, in the manner hereinafter provided, to subject any debt

[7] Movants, at several points in their papers, argue that we must analyze the issue using Florida's pre-judgment statute. We reject this contention. There is no question that Plaintiffs are seeking post-judgment relief here, and Movants fail to support their argument with citation to legal authority that would allow us to find otherwise.

> due to defendant by a third person…and any tangible or intangible personal property of defendant in the possession or control of a third person.

Fla. Stat. § 77.01. The statute outlines specific requirements for notice and an opportunity to be heard. *See* Fla. Stat. § 77.055 (requiring service of garnishee's answer to the writ on "any…person disclosed in the garnishee's answer to have any ownership interest in the" asset); § 77.07(2) (permitting "any other person having an ownership interest in [garnished] property" to move to dissolve the writ with a motion "stating that any allegation in plaintiff's motion for writ is untrue."). "In a nutshell, Florida law provides certain protections to third parties claiming an interest in property subject to garnishment or execution." *Stansell*, 771 F.3d at 725.

III. ANALYSIS

In seeking to dissolve the writs, Movants set forth four main arguments: (1) Florida's post-garnishment statute, as applied to third party non-judgment debtors under TRIA, is unconstitutional because it violates due process; (2) this Court lacks subject matter jurisdiction over the accounts at issue because each is allegedly located outside the state of Florida; (3) the agency or instrumentality designation is erroneous or, at minimum, disputed to the point that a jury must resolve the issue; and (4) we cannot order TRIA turnover for accounts that name other entities, in addition to Lopez Bello, as having an interest in those accounts. We reject each of these arguments, discussing why below.

*A. **Due Process***

"Due process requires that persons deprived of a right must be afforded notice and an opportunity to be heard." *First Assembly of God of Naples, Fla., Inc. v. Collier County, Fla.*, 20 F.3d 419, 422 (11th Cir. 1994). Lopez Bello challenges Florida's post-judgment statute, arguing that it must be deemed unconstitutional as applied to non-judgment debtors under TRIA because it fails to afford such individuals sufficient notice and an opportunity to contest an agency or instrumentality designation.

This argument misses the mark. First, we note that Bello Lopez's claim rests on faulty logic: he contends that *Stansell* is not applicable here because it did not involve writs issued to accounts maintained in the name of non-original defendants and non-judgment debtors. *See generally* D.E. 97-5, p. 10 ("The *Stansell* court, however, was never asked and never addressed the questions presented herein: whether Florida garnishment law is sufficient to satisfy the requirements of due process as it applies to [non-original defendants or judgment debtors]."). This is incorrect.

Indeed, in *Stansell*, the Court confronted due process challenges made by third parties in Lopez Bello's exact position – non-original defendants who had never been linked to the FARC by OFAC or any other judicial or executive authority. *Stansell*, 771 F.3d at 739. To be specific:

> Typically…[post-judgment motions] are directed at the judgment debtor, *not at third parties* such as Claimants. The difference – one that the district court did not appropriately consider – is crucial. Whether the owner of the asset being garnished is the judgment debtor, notice upon [commencement] of a suit is adequate to give a judgment debtor

> advance warning of later proceedings undertaken to satisfy a judgment. That same type of notice is not sufficient where the claimant is a *third party*, who cannot be expected to be on notice of the judgment.
>
> …
>
> Without notice and a fair hearing where both sides are permitted to present evidence, the third party never has an opportunity to dispute the classification as an agency or instrumentality. … Therefore, due process entitled Claimants to actual notice of the post-judgment proceedings against them.

Id. at 726. (emphasis added; quotations and citations omitted). *Stansell* therefore applies. *See also Weinstein v. Islamic Republic of Iran*, 609 F.3d 43, 50 (2d Cir. 2010) ("Section 201(a) of the TRIA provides courts with subject matter jurisdiction over post-judgment execution and attachment proceedings against property held in the hands of an instrumentality of the judgment debtor, even if the instrumentality is not itself named in the judgment.").

Next, Lopez Bello erroneously claims that he should have received notice and an opportunity to be heard *prior to* Judge Scola's issuance of the writs. *See generally* D.E. 103-1, p. 12 ("Thus, any attachment of the Moving Parties' bank accounts required pre-deprivation notice and a hearing."). Once again, Movants ignore the fact that such an argument was raised and rejected in *Stansell*.

> Mere attachment is a minimally intrusive manner of reducing these risks, especially because the blocked assets, by definition, already have more substantial restraints on their alienation. Because the factors weigh in favor of immediate attachment, *Claimants were not constitutionally entitled to a hearing before the writ issued.*

Stansell, 771 F.3d at 729 (citations omitted; emphasis added). Lopez Bello is therefore incorrect when he argues he should have been notified of the *ex parte* proceedings

initiated by Plaintiffs here. *Id*. ("In sum, Claimants were entitled to notice and to be heard before execution, though not necessarily before attachment.").

Third, Lopez Bello's due process argument entirely ignores the fact that he was, in fact, provided actual notice of these proceedings and given an opportunity to contest Judge Scola's findings. *See* D.E. 97, p. 2 (Movants acknowledge each received notice of the proceedings on February 25, 2019). Since that time, and before any execution on the bank accounts at issue have taken place, he has (1) sought to amend the February 15, 2019 Order, (2) asked Judge Scola to reconsider that decision, (3) appeared at a special set hearing before the undersigned to refute the agency or instrumentality designation, and (4) moved to dissolve the writs of garnishment issued to the various banking institutions. In *Stansell*, the Eleventh Circuit deemed this more than sufficient:

> The Partnerships were also afforded an opportunity to be heard. As discussed *supra*, the Partnerships were not entitled to a pre-writ hearing. Nevertheless, they had the opportunity to present evidence refuting the agency or instrumentality designation. They simply did not present any evidence that changed the district court's position on the agency or instrumentality determination.
>
> …The Partnerships were [also] not prevented from taking advantage of Florida law specifically providing for third-party challenges to garnishment proceedings. *See* Fla. Stat. § 77.07(2). The third party can move to dissolve the writ of garnishment by "stating that any allegation in plaintiff's motion for writ is untrue." *Id*. The Partnerships followed this procedure, and the district court, after due consideration of their argument, concluded that the agency or instrumentality allegations [were] "proved to be true." *See id*. It therefore properly denied the motion to dissolve the writ.

Stansell, 771 F.3d at 741-42 ("Any failure by the district court to conform to Florida's notice procedures was harmless because the Partnerships received actual notice and were able to contest the allegations as provided in § 77.07[.]").[8]

We see no reason to deviate from *Stansell* here. The Eleventh Circuit's analysis in that case applied to non-judgment debtors and non-original defendants, and is therefore applicable. And Lopez Bello received actual notice of the proceedings, appeared, and was permitted to submit evidence challenging Judge Scola's agency and instrumentality designation. In light of these facts, the due process challenge to Florida's garnishment statute is unavailing, and Movants' Motions to Dissolve the Writs based on this argument should be denied.

B. <u>Subject Matter Jurisdiction</u>

Movants' briefs raise an additional threshold question: can a court located in Florida exercise subject matter jurisdiction over a bank account if the non-moving party asserts that the assets held in the account are located outside the state? Under the facts as they are presented to us here, we say yes.

We first note that "Florida's garnishment statutes contain no express territorial limitation on the location of the property within the garnishee's control." *Federal Deposit Ins. Corp. for GulfSouth Private Bank v. Amos*, 2017 WL 9439161, at *5 (N.D. Fla. Jan. 10, 2017). "When interpreting a statute and attempting to discern legislative intent, courts must first look to the actual language in the statute." *Joshua*

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[8] As discussed in Section C, *infra*, Movants fail to rebut Judge Scola's agency or instrumentality designation.

v. City of Gainesville, 768 So. 2d 432, 435 (Fla. 2000). Courts "are not at liberty to add to a statute words that the Legislature itself has not used in drafting [the] statute," *Villanueva v. State*, 200 So. 3d 47, 52 (Fla. 2016), and we decline to "read in" a geographical limitation to the garnishment statute at issue. *Cf. Armstrong v. City of Edgewater*, 157 So. 2d 422, 425 (Fla. 1963) ("When there is doubt as to the legislative intent or where speculation is necessary, then the doubts should be resolved against the power of courts to supply missing words.").

We need not, however, determine whether the statutory language bars extraterritorial garnishment because we find the record does not support Movants' contention on this point. The Eleventh Circuit recognizes two forms of attacks on subject matter jurisdiction: (1) facial attacks, and (2) factual attacks. *See Scarfo v. Ginsberg*, 175 F.3d 957, 960 (11th Cir. 1990) (citing *Lawrence v. Dunbar*, 919 F.2d 1525, 1529 (11th Cir. 1990)). Facial attacks "require the court merely to look and see if the plaintiff has sufficiently alleged a basis of subject matter jurisdiction, and the allegations in the complaint are taken as true for the purposes of the motion." *Scarfo*, 175 F.3d at 960 (quotation omitted). Factual attacks, in contrast, challenge the existence of subject matter jurisdiction in fact, and – irrespective of the pleadings – allow a court to consult matters outside the pleadings and weigh the evidence before it. *Id.*

Although not specifically stated, Movants raise a factual attack on the Court's subject matter jurisdiction. After considering both parties' submissions and weighing the evidence, we find Plaintiffs have met their burden in showing that subject matter

exists. *See McElmurray v. Consolidated Govt. of Augusta-Richmond Cty.*, 501 F.3d 1244, 1251 (11th Cir. 2007). Plaintiffs point to record evidence showing that each blocking act conducted by OFAC pertain to assets located solely in Florida, and that all four of the levied properties are located here in Miami. Additionally, many of the entities challenging Plaintiffs' actions here are Florida corporations.[9] This is sufficient to determine that we have subject matter jurisdiction over the accounts at issue, unless Movants can rebut this *prima facie* evidence. They fail to do so.

Indeed, Movants cannot point us to any evidence that could support its claim that the assets are located outside the state. It is not as if this would be terribly difficult to do: Movants could have provided deposit slips, documents related to each account's opening, or other information showing that the accounts are "located" in a different state. The fact that Movants failed to do so is quite telling, and allows us to conclude that he cannot make such a showing. For purposes of these Motions, vague arguments about the *possibility* that the funds are being "held" elsewhere is insufficient to prevail on a factual attack to this Court's subject matter jurisdiction.

After all, modern banking is mostly performed online, with customers having worldwide access to electronic accounts, maintained by large financial institutions without the need to hold such "funds" at a fixed situs. *See McCarthy v. Wachovia*

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[9] OFAC, in the press release designating Lopez Bello an SDNT, wrote that it had blocked "[f]ive U.S. companies owned or controlled by Lopez Bello and/or MFAA Holdings Limited" – 1425 Brickell Ave 63-F LLC; 1425 Brickell Avenue Unit 46B, LLC; 1425 Brickell Avenue 64E, LLC; Agusta Grand I LLC; and 200G PSA Holdings LLC. [D.E. 18-2]. Those five companies were found by OFAC to have been "registered in Florida." *Id.*

Bank, N.A., 2008 WL 5145602, at *5 (E.D.N.Y. Dec. 4, 2008) ("It can certainly be argued that such assets are located both everywhere, and nowhere. … There is no question that modern banking makes Plaintiff's funds available to him at any branch in the country and likely, the world."). So Plaintiffs' *prima facie* showing is sufficient given these practical considerations. To rebut such a showing, Lopez Bello must *demonstrate* – not merely allege – that these funds do, indeed, have a fixed situs elsewhere. He failed to do so.

Further, when looking at the cases Movants cite to in support of their argument, we notice a key distinction: in each of those cases, there was no dispute that the accounts were located outside of this State. *See Stansell v. Revolutionary Armed Forces of Colombia (FARC)*, 149 F. Supp. 3d 1337, 1338 (M.D. Fla. 2015) (garnished funds "all held at bank branches in the State of New York."); *APR Energy, LLC v. Pakistan Power Resources, LLC*, 2009 WL 425975, at *2 (M.D. Fla. Feb. 20, 2009) ("It is undisputed that the bank account Plaintiff seeks to garnish is located in Oklahoma."); *Skulas v. Loiselle*, 2010 WL 1790439, at *2 (S.D. Fla. Apr. 9, 2010) (no dispute that defendant maintained its account in Pennsylvania); *Burns v. State, Dept. of Legal Affairs*, 147 So. 2d 95, 96-97 (Fla. 5th DCA 2014) (evidence showed accounts were held in New York, Oklahoma, Missouri, Iowa, and Indiana). Here, the record supports the opposite conclusion.

Absent any evidence to the contrary, we retain subject matter jurisdiction to garnish the accounts at issue. Accordingly, Judge Scola's decision to do so was not in error.

C. The "Agency or Instrumentality" Designation

Movants' third challenge, which support the Motions to Dissolve and the Motion for Summary Judgment, pertain to the argument that the evidence does not support Judge Scola's "agency or instrumentality" finding, and that the allegations about Lopez Bello's connections to the FARC are untrue. *See* Fla. Stat. § 77.07(2) (writ of garnishment may be dissolved if person with ownership interest in the garnished property states the allegations in plaintiff's motion for the writ is untrue). Movants contend that the evidence Judge Scola relied upon in making his ruling contained hearsay, is unreliable, and includes countless false statements of fact. We disagree.

As an initial matter, we note that we must give great deference to OFAC with regard to its designation of El Aissami and Lopez Bello as SDNTs. *De Cuellar v. Brady*, 881 F.2d 1561, 1565 (11th Cir. 1989); *Paradissiotis v. Rubin*, 171 F.3d 983, 987 (5th Cir. 1999). We also note that the mere fact that OFAC designated Movants as SDNTs, standing alone, does not necessarily require us to grant the relief requested by Plaintiffs here; the evidence presented by Plaintiffs must link Lopez Bello *to the FARC*. *See* TRIA Section 201.

The Eleventh Circuit adopted the following definition as to who – or what – can be considered an "agency or instrumentality" of the FARC under TRIA:

> Any SDNT person, entity, drug cartel or organization, including all of its individual members, divisions *and networks*, that is or *was ever involved* in the cultivation, manufacture, processing, purchase, sale, trafficking, security, storage, shipment or transportation, distribution of FARC cocaine paste or cocaine, *or that assisted the FARC's financial or*

> *money laundering network*, is an agency or instrumentality of the FARC under TRIA because it was either:
>
> > (1) materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a specially designated narcotics trafficker (FARC); and/or
> >
> > (2) owned, controlled, or directed by, or acting for or on behalf of, a specially designated narcotics trafficker (FARC); and/or
> >
> > (3) playing a significant role in international narcotics trafficking (related to coca leaf, paste or cocaine manufactured or supplied by the FARC).

Stansell v. Revolutionary Armed Forces of Colombia (FARC), 2013 WL 12133661, at *2 (M.D. Fla. May 2, 2013) (emphasis added); *adopted by Stansell*, 771 F.3d at 731-32. This definition makes several things clear: past association with the FARC can result in a finding that a person is an agency or instrumentality under TRIA; indirect connections will suffice; and a person or group may be deemed an "agency or instrumentality" of the FARC even if that individual or group does not participate in the production, trafficking, or distribution of cocaine. *See Stansell*, 771 F.3d at 732, 742. Money laundering qualifies as an associated act. *Id*. at 732 ("Indeed, the agencies or instrumentalities here were, according to OFAC, part of FARC's money laundering operations.").

Based on the evidence before him, and applying the definition approved in *Stansell*, we find no error in Judge Scola's designation of Movants as "agencies or instrumentalities" of the FARC. In fact, we believe the evidence proves that the allegations about Movants' "agency or instrumentality" status are true, which is

within our discretion to do. *See Stansell*, 771 F.3d at 741 ("The Partnerships followed [the statutory procedures] and the district court, after due consideration of their argument, concluded that the agency or instrumentality allegation was 'proved to be true.'") (citing Fla. Stat. § 77.07(2)). For this reason, we find no support for Movants' demand that the writs be dissolved.

The evidence in support of Plaintiffs' argument includes testimony elicited from Douglas Farah, who testified that Lopez Bello operates as the "frontman," or *testaferro*, for El Aissami, laundering and moving money flowing to El Aissami as a result of his ties to the Cartel of the Suns – an organization, in turn, that earns significant income from the sale and exportation of FARC cocaine. Farah's testimony therefore establishes an indirect link between Movants and the FARC, connecting the two through Lopez Bello's financial activities undertaken on behalf of El Aissami.

Plaintiffs also establish a link between Lopez Bello and the FARC through the testimony elicited from Col. Luis Miguel Cote, a retired member of the Colombian Marine Corps. Cote served in the military for 31 years and planned and executed numerous military operations against the FARC and its drug-trafficking operations. He testified that FARC relied on high-ranking members of the Cartel of the Suns to safeguard cocaine-producing laboratories and to help escort drug shipments from Colombia into Venezuela, where it was ultimately shipped to locations in the U.S., Europe, and Asia.[10] According to Cote, El Aissami was a known member of the Cartel

[10] The Court also heard testimony from Paul Craine, who worked for the DEA for 27 years and testified that he first became aware of Lopez Bello sometime in 2014 or 2015 during his investigation of El Aissami's financial activities. Crain echoed

of the Suns, and Lopez Bello was equally well-known as El Aissami's primary "frontman." Thus, we can draw a line from Lopez Bello to the FARC through El Aissami.

Indeed, El Aissami is the key link in the chain; his connection to the FARC, and Lopez Bello's connections to him, go unrebutted. Such a failure by Movants make it impossible for us to conclude that Plaintiffs' allegations are untrue. As but one example, Movants entirely failed to rebut Plaintiffs' submissions showing El Aissami's connection to Daniel Barrera Barrera, an individual OFAC described as "a Colombian drug lord" for whom El Aissami provided protection. [*See* D.E. 18-2]. In 2010, Barrera Barrera was designated as an SDNT due, in part, *to his partnership with the FARC*. *See* Press Release, U.S. Dept. of the Treasury, Office of Foreign Assets Control, *Treasury Targets Financial Network of Colombian Drug Lords Allied with the FARC* (Dec. 14, 2010), https://www.treasury.gov/press-center/press-releases/Pages/tg1002.aspx.[11] Lopez Bello's connection to El Aissami, and El Aissami's connection to the FARC through Barrerra Barrera, entirely undermines any serious argument that Lopez Bello cannot be connected to the FARC, at least

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Farah's comments, testifying that Lopez Bello laundered and moved money for El Aissami that had been derived from the sale of cocaine produced and manufactured by the FARC.

[11] From that release: "Daniel Barrera Barrera and Pedro Oliveiro Guerrero Castillo maintain a partnership with the FARC (*Fuerzas Armadas Revolucionarias de Colombia*), a narco-terrorist organization identified by the President as a kingpin pursuant to the Kingpin Act in 2003. Barrera Barrera also faces narcotics-related criminal charges in the U.S. District Courts for the Southern and Eastern Districts of New York."

indirectly. As we stated above, such indirect ties are sufficient to support an "agency or instrumentality" designation. *See Stansell*, 771 F.3d at 742 ("The evidence Plaintiffs presented to the district court was sufficient to establish the required relationship between FARC and the Partnerships, even if that relationship was indirect.").

Movants' evidence, on the other hand, fails to raise a factual dispute as to this indirect connection. In his submissions, Lopez Bello relies on the testimony of William Marquardt, a forensic accountant tasked with examining the many entities owned or operated by Lopez Bello. [*See* D.E. 109-1]. Marquardt compared a list of 68 entities to determine whether any could be "traced back" to FARC, concluding that "none of the companies, directors, officers, shareholders and managers" of the entities disclosed as "owned or controlled by [ ] Lopez Bello are associated with the FARC." *Id*. But as discussed above, this is not what needs to be shown for purposes of an agency or instrumentality designation; *indirect* ties are sufficient, so simply looking at whether the companies are connected to FARC is useless for purposes of our analysis. As there is no requirement that Plaintiffs establish direct connection between the FARC and the 68 companies Marquardt was tasked with analyzing, his opinions are entirely unhelpful.[12]

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[12] This is also why we are not persuaded by the opinions offered by Richard Gregorie. He opines that (1) Lopez Bello has never been involved with narcotics or financial transactions with the FARC; (2) he has no relationship with any members of the FARC; and (3) the Cartel of the Suns is not the FARC. What is left unsaid – and goes unrebutted – by Gregorie's opinions is the fact that Plaintiffs tie Lopez Bello to El Aissami, and El Aissami to individuals associated with the FARC – i.e., Barrera Barrera. Such an indirect link is left unbroken by Gregorie's report and testimony.

Likewise, Lopez Bello's reliance on the testimony and declarations submitted by Ernesto Carrasco Ramirez offer nothing that might allow us to reconsider Judge Scola's decision. Ramirez stated that he never met with, heard of, or discussed Lopez Bello during his time as an attorney in Colombia; but he also admitted was not present in Colombia in 2013 through 2016, the *exact* timeframe in which Plaintiffs' evidence suggests Lopez Bello emerged as a key player in El Aissami's orbit. *See* Testimony of P. Craine, D.E. 230, pp. 166-67. This significantly diminishes any weight we might otherwise give his testimony.

Faced with such a predicament, Lopez Bello attempts to argue that his own evidence, at minimum, raises a factual dispute as to the truth of Plaintiffs' allegations, and that the agency or instrumentality issue must be decided by a jury. Fla. Stat. § 77.07(2) ("On such motion this issue shall be tried, and if the allegation in plaintiff's motion which is denied is not proved to be true, the garnishment shall be dissolved."). While Movants are correct that Florida garnishment law provides for jury trials in such actions, *see id.*; § 77.08, the Eleventh Circuit has also held that "the right to a jury trial in a garnishment action is not absolute, notwithstanding the statute's use of the word 'shall.' " *Zelaya/Capital Intern. Judgment, LLC v. Zelaya*, 769 F.3d 1296, 1304 (11th Cir. 2014); *cf.* Fla. Stat. § 77.07(1) ("The defendant, by motion, may obtain the dissolution of a writ of garnishment *unless the petitioner proves the grounds upon which the writ was issued*[.]") (emphasis added).

Along these lines, we find that Movants have failed to create a genuine dispute over a material fact that requires a jury to resolve the conflict. At best, Movants'

evidence serves as a *denial* of the allegations – not a *rebuttal*. This distinction is key; in order for the matter to be tried, Lopez Bello's evidence must create a genuine issue of material fact as to his status as an agency or instrumentality of the FARC, especially in the face of such strong evidence submitted by Plaintiffs. Lopez Bello fails.

We are simply past the point of dealing with mere allegations; at this stage of the proceedings, and as discussed in detail above, Plaintiffs have not only alleged that Lopez Bello is an agency or instrumentality of the FARC, but shown – with competent, reliable evidence and testimony – this to actually be true. *See* Fla. Stat. 77.07(1) (dissolution of writ of garnishment must take place *unless* the petitioner proves the grounds upon which the writ was issued). The evidence establishes that (1) OFAC deemed Lopez Bello to be the "frontman" for El Aissami; (2) El Aissami had previously been connected to both Barrerra Barrera and the Cartel of the Suns; and (3) both Barrerra Barrera and the Cartel of the Suns have been accused by OFAC of supporting and assisting the FARC's narco-trafficking activities. We simply do not see anything that would allow us to dissolve the writs of garnishment in the face of such evidence. *Cf. Doug Sears Consulting, Inc. v. ATS Servs, Inc.*, 752 So. 2d 668, 669-670 (Fla. 1st DCA 2000) (reversing trial court's refusal to dissolve writ in light of "woefully insufficient" evidence submitted to prove statutory grounds for issuance of the writs).

Stated as simply as possible, Movants have not only failed to convince us that Plaintiffs' allegations are untrue, *see* Fla. Stat. § 77.07(2), but Plaintiffs' claims have

been proven. *See Stansell*, 771 F.3d at 742; *cf. Doug Sears Consulting*, 752 So. 2d at 670 (finding insufficient a single affidavit used to support allegations because statements in affidavit were inadmissible hearsay and party seeking to dissolve writ did not have ability to cross-examine the witness). In light of the evidence before us, we find that dissolution of the writs would be improper under Fla. Stat. § 77.07(1), as Plaintiffs have established that the "grounds upon which the writ was issued" are indeed true.

We therefore recommend that Movants' Motions to Dissolve be denied, in addition to the Motion for Summary Judgment that raises identical arguments as grounds for creating a triable issue of fact. [D.E. 109].

D. Other Entities Named in the Garnished Accounts

Lopez Bello offers one final argument with his Motions to Dissolve: this Court cannot order garnishment of account funds unless the accounts *only* name Lopez Bello as having an interest in those accounts.[13] According to this argument, we must dissolve the writs directed at BB&T, Safra and Citibank because the accounts holds funds for entities that are not subject to TRIA attachment. [*See generally* D.E. 112, 125, 134].

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[13] The writs of garnishment are directed at two categories of accounts – those that hold assets in Bello's name only, and those that name Lopez Bello in addition to other entities. The accounts holding funds solely for Bello are those maintained at UBS Financial Services, Inc. [D.E. 58], Raymond James & Associates, Inc. [D.E. 61], and Morgan Stanley Smith Barney, LLC [D.E. 76]. The writs directed at Branch Banking & Trust Company [D.E. 71], Safra Securities LLC [D.E. 77], and Citibank, N.A. [D.E. 87] name other entities as having an interest in each account.

To the extent that there is any validity to this argument – which, in our view, does not appear credible in light of the fact that each of the entity's accounts have been blocked by OFAC – we would nevertheless reject it; these arguments are improperly raised by Movants here. *See Alterra Healthcare Corp. v. Estate of Shelley*, 827 So. 2d 936, 941 (Fla. 2002) ("[A] litigant must assert his or her own legal rights and interests, and cannot rest a claim to relief on the legal rights or interests of third parties.").[14] If the entities were truly independent of Lopez Bello and his related corporations, it was necessary for *those entities* to appear before this Court and set forth the reasons why execution cannot take place. *See Navon, Kopelman & O'Donnell, P.A. v. Synnez Information Technologies, Inc.*, 720 So. 2d 1167, 1168 (Fla. 4th DCA 1998) (affirming denial of motion to dissolve writ of garnishment for lack of standing); *Merriman Investments, LLC v. Ujowundu*, 123 So. 3d 1191, 1193 (Fla. 3d DCA 2013) (judgment debtor lacked standing to move to dissolve writ of garnishment on behalf of religious order when order did not intervene in the action or otherwise file affidavit claiming that the garnished property belong to it and not the judgment debtor).

Any such challenge at this stage of the proceedings would also be untimely. The writs were issued in February, six months prior to the date of this Report. The

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[14] Florida's garnishment statute allows for third parties to challenge the assets held by a garnishee by filing an affidavit swearing an interest in the subject property. Fla. Stat. § 77.16(1) (" If any person other than defendant claims that the debt due by a garnishee is due to that person and not to defendant, or that the property in the hands or possession of any garnishee is that person's property and shall make an affidavit to the effect, the court shall impanel a jury to determine the right of property between the claimant and plaintiff unless a jury is waived.").

banks answered the writs a month later, in March of 2019. At the latest, then, the entities named in the accounts have been on notice of these proceedings for more than five months; yet none have appeared to argue that the accounts contain funds that are not subject to TRIA execution. *See* Fla Stat. § 77.07(2) ("The defendant and *any other person having an ownership interest in the property*, as disclosed by the garnishee's answer, shall file and serve a motion to dissolve the garnishment within 20 days after the date indicated in the certificate of service) (emphasis added). The time to do so has long passed.

The fact that those entities remain silent to this day makes it quite easy to draw the conclusion that (1) the other entities named in the accounts are controlled by Lopez Bello, and (2) no such challenge has occurred for this very reason. Even if this were not the case, however, this argument is not Lopez Bello's to make, and Movants' half-hearted attempt to assert such a claim for these purported unrelated entities cannot save him from the fact that each failed to timely appear and contest the issued writs. For this reason, the argument fails to set forth good cause to grant the Motions to Dissolve, and we will deny the requested relief on this basis.

III. CONCLUSION

We once again reiterate that a party may be deemed an "agency or instrumentality" as the result of *indirect* ties to a terrorist organization. *Stansell*, 771 F.3d at 742. Movants here fall squarely within that definition. As such, we find that dissolution of the writs at issue would be improper and contrary to the law of this Circuit, and we therefore **RECOMMEND** that Movants' Motions to Dissolve the

Writs of Garnishment [D.E. 97, 103, 112, 123, 125, and 134], and Motion for Summary Judgment [D.E. 109], should all be **DENIED**.

Pursuant to Local Magistrate Rule 4(b) and Fed. R. Civ. P. 73, the parties have fourteen (14) days from service of this Report and Recommendation within which to file written objections, if any, with the Honorable Judge Robert N. Scola. Failure to timely file objections shall bar the parties from *de novo* determination by the District Judge of any factual or legal issue covered in the Report *and* shall bar the parties from challenging on appeal the District Judge's Order based on any unobjected-to factual or legal conclusions included in the Report. 28 U.S.C. § 636(b)(1); 11th Cir. Rule 3-1; *see, e.g., Patton v. Rowell,* 2017 WL 443634 (11th Cir. Feb. 2, 2017); *Cooley v. Commissioner of Social Security,* 2016 WL 7321208 (11th Cir. Dec. 16, 2016).

DONE AND SUBMITTED in Chambers at Miami, Florida this 21st day of August, 2019.

/s/ *Edwin G. Torres*
EDWIN G. TORRES
United States Magistrate Judge

EFiled: Sep 19 2019 12:30PM EDT
Transaction ID 64222731
Case No. 2019-0760-

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

KATHLEEN JENNINGS, Attorney General of the State of Delaware,	)	
Plaintiff,	)	
v.	)	C.A. No. _____
200G PSA HOLDINGS LLC, a Delaware limited liability company,	)	
Defendants.	)	

VERIFICATION OF JOSEPH RAGO

STATE OF DELAWARE)
) SS:
COUNTY OF NEW CASTLE)

Joseph Rago, being duly sworn, does depose and say:

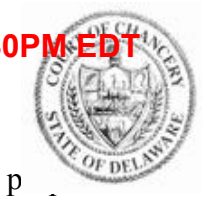
1. I have read the foregoing VERIFIED COMPLAINT and it is true and correct.

_____
Joseph Rago, Department of Justice

SWORN AND SUBSCRIBED before me this 17 day of SEPTEMBER, 2019

_____
Notary Public

EFiled: Sep 19 2019 12:30PM EDT
Transaction ID 64222731
Case No. 2019-0760-



SUPPLEMENTAL INFORMATION PURSUANT TO RULE 3(A)
OF THE RULES OF THE COURT OF CHANCERY

The information contained herein is for the use by the Court for statistical and administrative p only. Nothing stated herein shall be deemed an admission by or binding upon any party.

1. Caption of Case:
Kathleen Jennings, Attorney General of the State of Delaware, Plaintiff, v. 200G PSA Holdings LLC, a Delaware limited liability company, Defendant

2. Date Filed: September 19, 2019

3. Name and address of counsel for plaintiff(s):
Lawrence Lewis, Deputy Attorney General (#2539) Delaware Department of Justice, Carvel State Office Building, 820 N. French Street, Wilmington, DE 19801

4. Short statement and nature of claim asserted:

Verified Complaint to Cancel Certificate of Formation

5. Substantive field of law involved (check one):

____Administrative law	____Labor law	____Trusts, Wills and Estates
____Commercial law	____Real Property	____Consent trust petitions
____Constitutional law	____348 Deed Restriction	____Partition
____Corporation law	____Zoning	____Rapid Arbitration (Rules96,97)
____Trade secrets/trade mark/or other intellectual property		x ____Other

6. Related cases, including any Register of Wills matters (this requires copies of all documents in this matter to be filed with the Register of Wills):
None

7. Basis of court's jurisdiction (including the citation of any statute(s) conferring jurisdiction):
6. Del C. § 18-112

8. If the complaint seeks preliminary equitable relief, state the specific preliminary relief sought.
Not Applicable

9. If the complaint seeks a TRO, summary proceedings, a Preliminary Injunction, or Expedited Proceedings, check here ___. (If #9 is checked, a Motion to Expedite must accompany the transaction.)

10. If the complaint is one that in the opinion of counsel should not be assigned to a Master in the first instance, check here and attach a statement of good cause. ___

/s/Lawrence Lewis (#2539)
Signature of Attorney of Record
& Bar ID