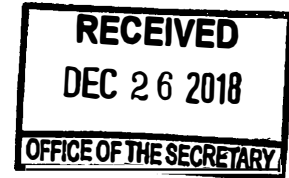


HARD COPY

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-18867



In the Matter of

DANIEL JOSEPH TOUIZER,

Respondent.

RESPONSE TO DANIEL JOSEPH TOUIZER'S
MOTION FOR STAY OF ADMINISTRATIVE
PROCEEDINGS

The Division of Enforcement ("Division") submits this Response in Opposition to Respondent Daniel Joseph Touzier's Motion for Stay of Administrative Proceedings.

I. PROCEDURAL HISTORY

The Commission issued the Order Instituting Proceedings ("OIP") on October 12, 2018. This proceeding is a "follow-on" pursuant to Section 15(b) of the Securities Exchange Act of 1934 based on Respondent's criminal conviction. In the underlying criminal case, on May 11, 2018, Respondent pleaded guilty to Count 1 of an Indictment, which charged him with Conspiracy to Commit Mail and Wire Fraud, in violation of 18 U.S.C. § 1349. DE 92 (Paperless Minute Entry), *United States v. Touizer*, Case No. 0:17-cr-60286 (S.D. Fla.).¹ On July 24, 2018, Touizer was sentenced to 68 months imprisonment. After sentencing, there were further proceedings with respect to restitution and forfeiture, culminating in the Court's entry of an amended judgment of

¹A copy of the docket for Respondent's criminal case is attached as Exhibit 1.

conviction on November 16, 2018. *Id.*, DE 231. On November 27, 2018, Respondent filed a notice of appeal. *Id.*, DE 232; *see United States v. Touizer*, No. 18-14951 (11th Cir.).

II. THIS PROCEEDING SHOULD NOT BE STAYED

The Commission has denied requests to stay follow-on proceeding during the pendency of an appeal of the conviction, and Respondent provides no reason to deviate from this policy. *E.g.*, *Don Warner Reinhard*, Exchange Act Rel. No. 63720, at 10 n.29, 2011 WL 121451 (Jan. 14, 2011) (citing cases); *compare Michael Steinberg*, Advisers Act Rel No. 4008, 2015 WL 331125 (Jan. 27, 2015) (postponing briefing when appellate court's recent opinion in a similar case would have resulted in Steinberg's conviction being vacated).

Here, Respondent does not specify the issues he intends to raise on appeal. However, those relating to the custodial or monetary aspects of his sentence would not impact the conviction that forms the basis for this proceeding. With respect to the conviction, which resulted from a guilty plea Respondent never sought to withdraw, he makes no showing he can successfully demonstrate that the district court committed plain error in the absence of which he would have proceeded to trial. *United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004) (“[A] defendant who seeks reversal of his conviction after a guilty plea, on the ground that the district court committed plain error under [Fed. R. Crim. P.] 11, must show a reasonable probability that, but for the error, he would not have entered the plea.”); *United States v. Chubbuck*, 252 F.3d 1300, 1302 (11th Cir. 2001) (“A defendant who failed to object to the Rule 11 colloquy or move to withdraw his guilty plea prior to sentencing, must show plain error on appeal.”).

Finally, Respondent will suffer no prejudice from the Commission hearing this matter prior to the resolution of his appeal. In the unlikely event his conviction were reversed, he could ask the Commission to vacate any sanctions it had ordered. *Linus N. Nwaigwe*, Exchange Act Rel.

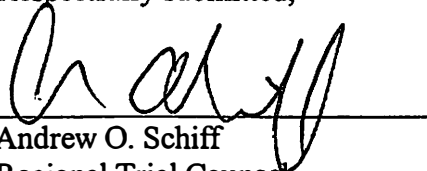
No. 69967, 2013 WL 3477085 (July 11, 2013); *Jimmy Dale Swink, Jr.*, Exchange Act Rel. No. 36042, 1995 WL 467600 (Aug. 1, 1995).

CONCLUSION

For the reasons stated above, the Division requests that the Commission deny Respondent's request for a stay.

December 21, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Schiff", is written over a horizontal line.

Andrew O. Schiff
Regional Trial Counsel
Direct Line: (305) 982-6390
schiffa@sec.gov

DIVISION OF ENFORCEMENT
SECURITIES AND EXCHANGE COMMISSION
801 Brickell Avenue, Suite 1800
Miami, FL 33131
Phone: (305) 982-6300
Fax: (305) 536-4154

CERTIFICATE OF SERVICE

I hereby certify that an original and three copies of the foregoing were filed with the Securities and Exchange Commission, Office of the Secretary, 100 F Street, N.E., Washington, D.C. 20549-9303, and that a true and correct copy of the foregoing has been served on this 21st day of December 2018, on the following persons entitled to notice:

USPS CERTIFIED MAIL

Daniel J. Touizer

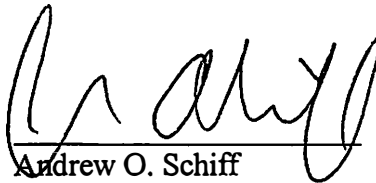
I.D. [REDACTED]

[REDACTED]

[REDACTED]

P.O. Box [REDACTED]

Miami, FL. [REDACTED]



Andrew O. Schiff
Regional Trial Counsel

**U.S. District Court
Southern District of Florida (Ft Lauderdale)
CRIMINAL DOCKET FOR CASE #: 0:17-cr-60286-BB-1**

Case title: USA v. Touizer et al
Magistrate judge case number: 0:17-mj-06341-BSS

Date Filed: 11/21/2017
Date Terminated: 07/25/2018

Assigned to: Judge Beth Bloom

Appeals court case number:
18-14951-J

Defendant (1)

Daniel Joseph Touizer

[REDACTED]
Miami [REDACTED]
[REDACTED]
Inmate Mail/Parcels
Post Office Box [REDACTED]
Miami, FL [REDACTED]
YOB 1973 English
TERMINATED: 07/25/2018
agent of
Joseph Touizer
TERMINATED: 07/25/2018

represented by **Ana M. Davide**
2929 SW 3rd Avenue
Miami, FL 33129
305-854-6100
Fax: 854-6197
Email: ADAVIDE@aol.com
TERMINATED: 11/29/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Gerard Lyons
Mase Lara, PA
2601 South Bayshore Drive
Suite 800
Miami, FL 33133
305-377-3770
Fax: 305-377-0080
Email: clyons@maselaw.com
TERMINATED: 09/11/2018
Designation: Retained

Howard Milton Srebnick
Black Srebnick Kornspan & Stumpf
201 S Biscayne Boulevard
Suite 1300
Miami, FL 33131
305-371-6421
Fax: 358-2006
Email: HSrebnick@RovBlack.com
TERMINATED: 09/11/2018
Designation: Retained

Jason Wyatt Kreiss
Jason W. Kreiss
1824 SE 4th Avenue
Fort Lauderdale, FL 33316
954-525-1971
Fax: 525-1978
Email: jwk@kreisslaw.com
TERMINATED: 09/29/2017
Designation: Temporary

Jonathan S. Friedman
1 E Broward Boulevard
Suite 925



Fort Lauderdale, FL 33301
954-713-2820
Fax: 954-713-2894
Email: JFriedmanlawfirm@gmail.com
TERMINATED: 12/07/2017
Designation: Temporary

Michael James Entin
Michael J. Entin, P.A.
1 E Broward Boulevard
Fort Lauderdale, FL 33301
954-745-4900
Fax: 954-745-4910
Email: MJEntin@aol.com
TERMINATED: 12/07/2017
Designation: Temporary

Ronald Gainor
Ronald Gainor, Attorney At Law
Suite 405
3250 Mary Street
Miami, FL 33131
305-537-2000
Fax: 305-537-2001
Email: gainorlaw@gmail.com
TERMINATED: 09/11/2018
Designation: Retained

Roy Jeffrey Kahn
800 Brickell Avenue
Suite 1400
Miami, FL 33131
305-358-7400
Fax: 358-7222
Email: rik@roykahnlaw.com
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

CONSPIRACY TO COMMIT
MAIL AND WIRE FRAUD
(1)

Highest Offense Level (Opening)

Felony

Terminated Counts

MAIL FRAUD
(2-7)
FRAUD BY WIRE, RADIO, OR
TELEVISION
(8)
CONSPIRACY TO COMMIT
MONEY LAUNDERING
(9)
MONEY LAUNDERING
(10-11)

Highest Offense Level

Disposition

AMENDED: Restitution Amount PRIOR
JUDGMENT: Imprisonment 68 months; Supervised
Release 36 months;

Disposition

Dismissed

Dismissed

Dismissed

Dismissed

(Terminated)

Felony

Complaints**Disposition**

18:1341.F, 18:1343.F, 18:1349.F

Plaintiff

USA

represented by **Roger Cruz**
 United States Attorney's Office
 99 N.E 4th Street
 Miami, FL 33132
 305-961-9207
 Fax: 305 530-7976
 Email: roger.cruz@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Daren Grove
 United States Attorney's Office
 99 NE 4 Street
 Miami, FL 33132
 954-660-5774
 Email: daren.grove@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/19/2017	<u>1</u>	COMPLAINT as to Daniel Joseph Touizer (1). (dd) [0:17-mj-06341-BSS] (Entered: 09/19/2017)
09/19/2017	<u>2</u>	MOTION to seal complaint, motion & order to seal and arrest warrant by USA as to Daniel Joseph Touizer. (dd) [0:17-mj-06341-BSS] (Entered: 09/19/2017)
09/19/2017	<u>3</u>	ORDER granting <u>2</u> Motion to seal as to Daniel Joseph Touizer (1). Signed by Magistrate Judge Barry S. Seltzer on 9/18/2017. (dd) [0:17-mj-06341-BSS] (Entered: 09/19/2017)
09/20/2017		Set Hearings as to Daniel Joseph Touizer: Initial Appearance set for 9/20/2017 AT 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. (at) [0:17-mj-06341-BSS] (Entered: 09/20/2017)
09/20/2017		Arrest of Daniel Joseph Touizer (at) [0:17-mj-06341-BSS] (Entered: 09/20/2017)
09/20/2017	<u>5</u>	Order to Unseal as to Daniel Joseph Touizer Signed by Magistrate Judge Barry S. Seltzer on 9/20/2017. (dd) Modified on 9/20/2017 (dd). [0:17-mj-06341-BSS] (Entered: 09/20/2017)
09/20/2017	<u>6</u>	Minute Order for proceedings held before Magistrate Judge Barry S. Seltzer: Initial Appearance as to Daniel Joseph Touizer held on 9/20/2017. Arraignment set for 10/4/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. Detention Hearing set for 9/25/2017 10:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. Report Re: Counsel Hearing set for 10/4/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. Attorney added: Jason Wyatt Kreiss (temp) for Daniel Joseph Touizer (Digital 11:09:59) Signed by Magistrate Judge Barry S.

		Seltzer on 9/20/2017. (dd) [0:17-mj-06341-BSS] (Entered: 09/20/2017)
09/21/2017	<u>7</u>	MOTION for Pretrial Detention by USA as to Daniel Joseph Touizer. Responses due by 10/5/2017 (Cruz, Roger) [0:17-mj-06341-BSS] (Entered: 09/21/2017)
09/22/2017	<u>8</u>	NOTICE OF TEMPORARY ATTORNEY APPEARANCE: Jason Wyatt Kreiss appearing for Daniel Joseph Touizer (Kreiss, Jason) [0:17-mj-06341-BSS] (Entered: 09/22/2017)
09/25/2017	<u>9</u>	WAIVER of Preliminary Hearing by Daniel Joseph Touizer (dd) [0:17-mj-06341-BSS] (Entered: 09/25/2017)
09/25/2017	<u>10</u>	Minute Entry for proceedings held before Magistrate Judge Barry S. Seltzer: Detention Hearing as to Daniel Joseph Touizer held on 9/25/2017, (Arraignment reset for 10/25/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate., Preliminary Examination reset for 10/25/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate.) PTD ORDERED. (Digital 10:03:43) (dd) [0:17-mj-06341-BSS] (Entered: 09/25/2017)
09/25/2017	<u>11</u>	ORDER OF DETENTION as to Daniel Joseph Touizer. Please see Detention Order for details. Signed by Magistrate Judge Barry S. Seltzer on 9/25/2017. (ccy) [0:17-mj-06341-BSS] (Entered: 09/25/2017)
09/28/2017		Hearings as to Daniel Joseph Touizer: Report Re: Counsel Hearing set for 10/25/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. (tw) [0:17-mj-06341-BSS] (Entered: 09/28/2017)
09/28/2017	<u>12</u>	NOTICE OF TEMPORARY ATTORNEY APPEARANCE: Michael James Entin appearing for Daniel Joseph Touizer (Entin, Michael) [0:17-mj-06341-BSS] (Entered: 09/28/2017)
09/28/2017	<u>13</u>	NOTICE OF TEMPORARY ATTORNEY APPEARANCE: Jonathan S. Friedman appearing for Daniel Joseph Touizer as Co-Counsel (Friedman, Jonathan) [0:17-mj-06341-BSS] (Entered: 09/28/2017)
09/28/2017	<u>14</u>	Unopposed MOTION to Withdraw as Attorney by Jason Kreiss and Christopher Bruno. by Daniel Joseph Touizer. (Kreiss, Jason) [0:17-mj-06341-BSS] (Entered: 09/28/2017)
09/29/2017	<u>15</u>	ORDER granting <u>14</u> Motion to Withdraw as Attorney. Jason Wyatt Kreiss withdrawn from case. as to Daniel Joseph Touizer (1). (Signed by Magistrate Judge Barry S. Seltzer on 9/29/2017). (at) [0:17-mj-06341-BSS] (Entered: 09/29/2017)
10/06/2017	<u>16</u>	TRANSCRIPT of Hearing Proceedings as to Daniel Joseph Touizer held on 9/20/2017 before Magistrate Judge Barry S. Seltzer, 1-6 pages, Court Reporter: Bonnie Joy Lewis, 954-985-8875. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/27/2017. Redacted Transcript Deadline set for 11/6/2017. Release of Transcript Restriction set for 1/4/2018. (Attachments: # <u>1</u> Designation Access Form)(apz) [0:17-mj-06341-BSS] (Entered: 10/10/2017)
10/06/2017	<u>17</u>	TRANSCRIPT of Hearing Proceedings as to Daniel Joseph Touizer held on 9/25/2017 before Magistrate Judge Barry S.

		Seltzer, 1-56 pages, Court Reporter: Bonnie Joy Lewis, 954-985-8875. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/27/2017. Redacted Transcript Deadline set for 11/6/2017. Release of Transcript Restriction set for 1/4/2018. (Attachments: # <u>1</u> Designation Access Form)(apz) [0:17-mj-06341-BSS] (Entered: 10/10/2017)
10/10/2017	<u>18</u>	Defendant's MOTION FOR REVIEW OF MAGISTRATES DETENTION ORDER GRANTING GOVERNMENTS MOTION FOR PRETRIAL DETENTION AND INCORPORATED MEMORANDUM AND REQUEST TO RE-OPEN DETENTION HEARING re <u>11</u> Order of Detention by Daniel Joseph Touizer. Responses due by 10/24/2017 (Attachments: # <u>1</u> Transcripts Transcript of Detention Hearing[DE 17])(Friedman, Jonathan) [0:17-mj-06341-BSS] (Entered: 10/10/2017)
10/18/2017	19	PAPERLESS NOTICE OF HEARING ON MOTION in case as to Daniel Joseph Touizer <u>18</u> Defendant's MOTION FOR REVIEW OF MAGISTRATES DETENTION ORDER GRANTING GOVERNMENTS MOTION FOR PRETRIAL DETENTION AND INCORPORATED MEMORANDUM AND REQUEST TO RE-OPEN DETENTION HEARING re <u>11</u> Order of Detention : Motion Hearing set for Thursday, 10/26/2017 03:00 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (tas) Modified text on 10/18/2017 (tas). [0:17-mj-06341-BSS] (Entered: 10/18/2017)
10/23/2017	<u>20</u>	RESPONSE in Opposition by USA as to Daniel Joseph Touizer re <u>18</u> Defendant's MOTION FOR REVIEW OF MAGISTRATES DETENTION ORDER GRANTING GOVERNMENTS MOTION FOR PRETRIAL DETENTION AND INCORPORATED MEMORANDUM AND REQUEST TO RE-OPEN DETENTION HEARING re <u>11</u> Order of Detention Replies due by 10/30/2017. (Cruz, Roger) [0:17-mj-06341-BSS] (Entered: 10/23/2017)
10/24/2017	<u>21</u>	Unopposed MOTION to Continue <i>Detention Hearing</i> re 19 Notice of Hearing on Motion, by Daniel Joseph Touizer. Responses due by 11/7/2017 (Friedman, Jonathan) [0:17-mj-06341-BSS] (Entered: 10/24/2017)
10/24/2017	22	PAPERLESS ORDER granting <u>21</u> Motion to Continue as to Daniel Joseph Touizer (1). Re: <u>18</u> Defendant's MOTION FOR REVIEW OF MAGISTRATES DETENTION ORDER GRANTING GOVERNMENTS MOTION FOR PRETRIAL DETENTION AND INCORPORATED MEMORANDUM AND REQUEST TO RE-OPEN DETENTION HEARING re <u>11</u> Order of Detention . Motion Hearing reset for Monday, 11/13/2017 02:30 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. Signed by Judge Beth Bloom on 10/24/17. (tas) [0:17-mj-06341-BSS] (Entered: 10/24/2017)
10/25/2017	<u>23</u>	Minute Entry for proceedings held before Magistrate Judge Patrick M. Hunt: Status re prelim/arraignment as to Daniel Joseph Touizer held on 10/25/2017, (Arraignment reset for 11/15/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate., Report Re: Counsel Hearing set for 11/15/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate.) (Digital 11:05:48) (dd)

		[0:17-mj-06341-BSS] (Entered: 10/25/2017)
11/13/2017	24	<p>PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Motion Hearing as to Daniel Joseph Touizer held on 11/13/2017 re <u>18</u> Defendant's MOTION FOR REVIEW OF MAGISTRATES DETENTION ORDER GRANTING GOVERNMENTS MOTION FOR PRETRIAL DETENTION AND INCORPORATED MEMORANDUM AND REQUEST TO RE-OPEN DETENTION HEARING re <u>11</u> Order of Detention filed by Daniel Joseph Touizer. Government Witness sworn and testified: Cherice Avblard. Defense Witness sworn and testified: Michael Alan Crain. The Government admits exhibit 1 into evidence and the Defense admits exhibit 1,2,3,4,5 and 6 into evidence. Ruling Deferred, ORDER TO FOLLOW. The parties ore tenus request to continue the arraignment is granted for the reasons set forth on the record. The defendant has no objection to this continuance and waives speedy on the record. The interests of justice served by a continuance outweigh any interest of the public or these Defendants in a speedy trial. As a result, the period of delay resulting from this continuance November 13, 2017, to including the date of arraignment is excludable time under the Speedy Trial Act. See 18 U.S.C. ' 3161. ARRAIGNMENT RESET for Tuesday, 11/28/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate, 299 East Broward Boulevard, Fort Lauderdale, FL. NOTICE OF NEW POLICY RE ELECTRONIC SUBMISSION OF EXHIBITS. Unless otherwise ordered by the presiding Judge, Administrative Order 2016-70 directs that within three (3) days of the conclusion of a proceeding, parties must file in the CMECF system electronic versions of most documentary exhibits admitted into evidence (excluding sealed exhibits in criminal cases), including photographs of non-documentary physical exhibits. At the time of filing the electronic exhibits, the attorney for the filing party shall complete and file a Certificate of Compliance Re Admitted Evidence. Electronically filed exhibits are subject to CM/ECF Administrative Procedures, Section 6, Redaction of Personal Information, Privacy Policy, and Inappropriate Materials. Failure to file the electronic exhibits and Notice of Compliance within three (3) days may result in the imposition of sanctions. The Certificate of Compliance Re Admitted Evidence, a Quick Reference Guide to Electronically Filing Trial Exhibits, and the full text of Administrative Order 2016-70 can be found at the Court's website, http://www.flstd.uscourts.govTotal time in court: 3 hours. Attorney Appearance(s): Roger Cruz,AUSA; Michael James Entin,Esq.; Jonathan S. Friedman,Esq. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flstd.uscourts.gov. (tas) [0:17-mj-06341-BSS] (Entered: 11/13/2017)</p>
11/14/2017		<p>Reset Hearings as to Daniel Joseph Touizer: Report Re: Counsel Hearing RESET for 11/28/2017 AT 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. **AT DEFENSE COUNSEL REQUEST ** (at) [0:17-mj-06341-BSS] (Entered: 11/14/2017)</p>
11/16/2017	<u>25</u>	<p>NOTICE of Compliance <i>in re: Admitted Evidence</i> by Daniel Joseph Touizer (Friedman, Jonathan) [0:17-mj-06341-BSS] (Entered: 11/16/2017)</p>
11/21/2017	<u>26</u>	<p>INDICTMENT as to Daniel Joseph Touizer (1) count(s) 1, 2-7, 8, 9, 10-11, Saul Daniel Suster (2) count(s) 1, 5-6, John Kevin Reech (3) count(s) 1, 2, 4, Forfeiture (mno) (Additional</p>

		attachment(s) added on 11/29/2017: # <u>1</u> Restricted Unredacted Indictment) (ch1). (Entered: 11/22/2017)
11/27/2017	<u>29</u>	ORDER denying <u>18</u> MOTION FOR REVIEW OF MAGISTRATES DETENTION ORDER GRANTING GOVERNMENTS MOTION FOR PRETRIAL DETENTION AND INCORPORATED MEMORANDUM AND REQUEST TO RE-OPEN DETENTION HEARING as to Daniel Joseph Touizer (1). Defendant is ordered detained pending trial. Signed by Judge Beth Bloom on 11/27/17. (tas) (Entered: 11/27/2017)
11/28/2017		SYSTEM ENTRY – Docket Entry 30 restricted/sealed until further notice. (cbr) (Entered: 11/28/2017)
11/28/2017	<u>32</u>	Minute Order for proceedings held before Magistrate Judge Alicia O. Valle: Defense Oral Motion for a Continuance is GRANTED. Arraignment set for 12/29/2017 10:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. Report Re: Counsel Hearing set for 12/29/2017 10:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. (Digital 10:14:19,10:48:30) Signed by Magistrate Judge Alicia O. Valle on 11/28/2017. (tw) (tw). (Entered: 11/28/2017)
11/28/2017	31	ORDER TO CONTINUE – Ends of Justice as to Daniel Joseph Touizer Time excluded from 11/28/17 until 12/29/17. Signed by Magistrate Judge Alicia O. Valle on 11/28/2017. (tw) (Entered: 11/28/2017)
11/28/2017	<u>33</u>	NOTICE OF ATTORNEY APPEARANCE Daren Grove appearing for USA. <i>regarding criminal forfeiture matters.</i> Attorney Daren Grove added to party USA(pty:pla). (Grove, Daren) (Entered: 11/28/2017)
11/30/2017		SYSTEM ENTRY – Docket Entry 35 restricted/sealed until further notice. (cbr) (Entered: 11/30/2017)
12/04/2017	<u>41</u>	ORDER REGARDING PRETRIAL PROCEDURES as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech. Signed by Judge Beth Bloom on 12/4/2017. (asl) (Entered: 12/04/2017)
12/04/2017	<u>42</u>	ORDER SETTING TRIAL DATE as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech. Calendar Call set for 1/16/2018 01:30 PM in Miami Division before Judge Beth Bloom. Jury Trial set for 1/22/2018 09:00 AM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 12/4/2017. (asl) <u><i>Pattern Jury Instruction Builder – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here.</i></u> (Entered: 12/04/2017)
12/05/2017	<u>43</u>	NOTICE OF ATTORNEY APPEARANCE: Ronald Gainor appearing for Daniel Joseph Touizer <i>Permanent</i> . Attorney Ronald Gainor added to party Daniel Joseph Touizer(pty:dft). (Gainor, Ronald) (Entered: 12/05/2017)
12/05/2017		Reset Hearings as to Daniel Joseph Touizer: Arraignment RESET for 12/7/2017 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. **AT THE REQUEST OF DEFENSE COUNSEL ** (at) (Entered: 12/05/2017)
12/06/2017		Terminate Deadlines and Hearings as to Daniel Joseph Touizer (RRC cancelled attorney Ronald Gaynor filed permanent appearance ECF No. 43) (at) (Entered: 12/06/2017)

12/07/2017	<u>46</u>	Minute Entry for proceedings held before Magistrate Judge Lurana S. Snow: ARRAIGNMENT as to Daniel Joseph Touizer (1) Count 1,2-7,8,9,10-11 held on 12/7/2017 (Digital 11:04:36) PAPERLESS STANDING DISCOVERY ORDER: The defendant(s) having been arraigned this date in open Court, it is Ordered that within 14 days of the date of this order that all parties to this action shall review and comply with Southern District of Florida Local Rules 88.10 (Criminal Discovery), and 88.9(c) (Motions in Criminal Cases). Upon a sufficient showing, the Court may at any time, upon a properly filed motion, order that the discovery or inspection provided for by this Standing Order be denied, restricted or deferred, or make such other order as is appropriate. It is expected by the Court, however, that counsel for both sides shall make a good faith effort to comply with the letter and spirit of this Standing Order. It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of Local Rule 88.10. (at) (Entered: 12/07/2017)
12/18/2017	<u>48</u>	RESPONSE to Standing Discovery Order by USA as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech <i>GOVERNMENT'S RESPONSE TO THE STANDING DISCOVERY ORDER</i> (Cruz, Roger) (Entered: 12/18/2017)
01/09/2018	<u>50</u>	MOTION to Continue Trial by Daniel Joseph Touizer. Responses due by 1/23/2018 (Gainor, Ronald) (Entered: 01/09/2018)
01/09/2018	<u>51</u>	ORDER Granting 49 Unopposed MOTION to Continue Trial, Granting <u>50</u> MOTION to Continue Trial; Time excluded from 1/9/2018 until 4/2/2018 as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech. (Plea Agreement due by 3/23/2018., Calendar Call set for 3/27/2018 01:30 PM in Miami Division before Judge Beth Bloom., Jury Trial set for 4/2/2018 09:00 AM in Miami Division before Judge Beth Bloom.) Signed by Judge Beth Bloom on 1/9/2018. (ls) (Entered: 01/10/2018)
01/24/2018	<u>52</u>	Unopposed MOTION for Protective Order <i>Regulating Disclosure of Discovery and Sensitive Information Contained Therein</i> by USA as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech. Responses due by 2/7/2018 (Attachments: # <u>1</u> Text of Proposed Order)(Cruz, Roger) Modified Text on 1/24/2018 (ls). (Entered: 01/24/2018)
01/24/2018	<u>53</u>	PROTECTIVE ORDER Regulating Disclosure of Discovery and Sensitive Information Contained Therein granting <u>52</u> Motion for Protective Order as to Daniel Joseph Touizer (1), Saul Daniel Suster (2), John Kevin Reech (3). Signed by Judge Beth Bloom on 1/24/2017. (ls) (Entered: 01/24/2018)
02/13/2018	<u>54</u>	RESPONSE to Standing Discovery Order by USA as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech <i>First Supplemental</i> (Cruz, Roger) Modified Text on 2/21/2018 (ls). (Entered: 02/13/2018)
03/14/2018	<u>60</u>	Unopposed MOTION to Continue <i>Trial Date</i> by Daniel Joseph Touizer. Responses due by 3/28/2018 (Attachments: # <u>1</u> Text of Proposed Order)(Gainor, Ronald) (Entered: 03/14/2018)
03/14/2018	61	PAPERLESS ORDER denying <u>60</u> Motion to Continue Pre-Trial Deadlines and Trial Date as to Daniel Joseph Touizer (1). The Court will address counsel's schedule at the

		Calendar Call and endeavor to schedule the trial on a date that does not conflict with counsel's travel. Signed by Judge Beth Bloom (BB) (Entered: 03/14/2018)
03/20/2018	<u>68</u>	Unopposed MOTION to Continue <i>Deadline for Tendering Guilty Pleas</i> by Daniel Joseph Touizer. Responses due by 4/3/2018 (Attachments: # <u>1</u> Text of Proposed Order)(Gainor, Ronald) (Entered: 03/20/2018)
03/21/2018	69	PAPERLESS ORDER granting <u>68</u> Motion to Continue Deadline to April 6, 2018 for Tendering Guilty Pleas by Daniel Joseph Touizer (1). Signed by Judge Beth Bloom (BB) (Entered: 03/21/2018)
03/26/2018	<u>70</u>	NOTICE OF ATTORNEY APPEARANCE: Christopher Gerard Lyons appearing for Daniel Joseph Touizer <i>as Co-Counsel</i> . Attorney Christopher Gerard Lyons added to party Daniel Joseph Touizer(pty:dft). (Lyons, Christopher) (Entered: 03/26/2018)
03/27/2018	75	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Calendar Call as to Daniel Joseph Touizer held on 3/27/2018, (Calendar Call set for 4/24/2018 01:30 PM in Miami Division before Judge Beth Bloom., Jury Trial set for 4/30/2018 09:00 AM in Miami Division before Judge Beth Bloom.), (Plea Agreement due by 4/13/2018.) Total time in court: 20 minutes. Attorney Appearance(s): Roger Cruz, Ronald Gainor, Christopher Gerard Lyons. Court Reporter: Diane Peede, 305-523-5048 / Diane_Peede@flsd.uscourts.gov. NOTICE OF POLICY RE ELECTRONIC SUBMISSION OF EXHIBITS. Local Rule 5.3 provides that within ten (10) days of the conclusion of a hearing or trial, a party must file in CM/ECF an electronic version of most exhibits offered or introduced into evidence. Before electronically filing, the filer must redact any sensitive, confidential, or private information in accordance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and CM/ECF Administrative Procedures, Section 6, or seek an order from the Court either to seal the exhibit or to exempt the exhibit from electronic filing under subsection (b)(3)(C) of the rule. Failure to electronically file exhibits and the The Certificate of Compliance Re Admitted Evidence within ten (10) days may result in the imposition of sanctions. The Local Rule, The Certificate of Compliance Re Admitted Evidence, and the Quick Reference Guide to Electronically Filing Trial Exhibits can be found on the Courts website: http://www.flsd.uscourts.gov . (tas) (Entered: 03/28/2018)
03/28/2018	<u>76</u>	ORDER Granting Ore Tenus Motion for Continuance as to Daniel Joseph Touizer Time excluded from 3/27/2018 until 4/30/2018. Plea Agreement due by 4/13/2018. Calendar Call set for 4/24/2018 01:30 PM in Miami Division before Judge Beth Bloom. Jury Trial set for 4/30/2018 09:00 AM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 3/28/2018. (ls) (Entered: 03/29/2018)
04/12/2018	79	PAPERLESS NOTICE OF CHANGE OF PLEA HEARING as to Daniel Joseph Touizer. Change of Plea Hearing set for Monday, 4/30/2018 02:00 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (Calendar Call scheduled for 4/24/18 is CANCELLED). (tas) (Entered: 04/12/2018)
04/27/2018	83	PAPERLESS NOTICE RESETTING CHANGE OF PLEA HEARING as to Daniel Joseph Touizer. Change of Plea

		Hearing reset for Friday, 5/11/2018 03:30 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (tas) (Entered: 04/27/2018)
04/30/2018	<u>85</u>	OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT by Saul Daniel Suster as to Daniel Joseph Touizer (Reizenstein, Philip) (Entered: 04/30/2018)
05/09/2018	90	PAPERLESS NOTICE OF CHANGE OF PLEA HEARING **TIME CHANGE ONLY** as to Daniel Joseph Touizer. Change of Plea Hearing reset for Friday, 5/11/2018 02:00 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (tas) (Entered: 05/09/2018)
05/11/2018	91	PAPERLESS NOTICE OF SENTENCING HEARING as to Daniel Joseph Touizer. Sentencing set for Tuesday, 7/24/2018 03:00 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (1.5 hours set aside for this hearing).(tas) (Entered: 05/11/2018)
05/11/2018	92	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Change of Plea Hearing as to Daniel Joseph Touizer held on 5/11/2018. Daniel Joseph Touizer (1) Guilty Count 1. Defendant remanded into USM custody. Total time in court: 40 minutes. Attorney Appearance(s): Roger Cruz, Ronald Gainor, Christopher Gerard Lyons, Court Reporter: Yvette Hernandez, 954-769-5698 / Yvette_Hernandez@flsd.uscourts.gov. (ch1) (Entered: 05/11/2018)
05/11/2018	<u>93</u>	PLEA AGREEMENT as to Daniel Joseph Touizer (ch1) (Entered: 05/14/2018)
05/11/2018	<u>94</u>	FACTUAL PROFFER STATEMENT as to Daniel Joseph Touizer (ch1) (Entered: 05/14/2018)
05/15/2018	96	Notice of Presentence Investigation Assignment of Daniel Joseph Touizer to US Probation Officer Shannon Culberson in the Fort Lauderdale U.S. Courthouse and he/she can be contacted at 954-769-5543 or Shannon_Culberson@flsp.uscourts.gov. (bmy) (Entered: 05/15/2018)
06/07/2018	<u>111</u>	MOTION for Forfeiture of Property (<i>Motion for a Preliminary Order of Forfeiture</i>) by USA as to Daniel Joseph Touizer. Responses due by 6/21/2018 (Attachments: # <u>1</u> Text of Proposed Order Preliminary Order of Forfeiture)(Grove, Daren) (Entered: 06/07/2018)
06/11/2018	<u>112</u>	PRELIMINARY ORDER of FORFEITURE granting <u>111</u> Motion for Forfeiture of Property as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom on 6/11/2018. (ls) (Entered: 06/11/2018)
06/18/2018	<u>117</u>	DRAFT Disclosure of Presentence Investigation Report of Daniel Joseph Touizer. This is a limited access document. Report access provided to attorneys Roger Cruz, Ronald Gainor, Christopher Gerard Lyons by USPO (Attachments: # <u>1</u> Position of Parties)(kme) (Entered: 06/18/2018)
06/19/2018	<u>121</u>	NOTICE OF ATTORNEY APPEARANCE: Howard Milton Srebnick appearing for Daniel Joseph Touizer (<i>Limited Appearance</i>). Attorney Howard Milton Srebnick added to party Daniel Joseph Touizer(pty:dft). (Srebnick, Howard) (Entered: 06/19/2018)

06/20/2018	<u>128</u>	Defendant's MOTION to Continue Sentencing Hearing <i>scheduled for July 24, 2018</i> by Daniel Joseph Touizer. Responses due by 7/5/2018 (Lyons, Christopher) (Entered: 06/20/2018)
06/21/2018	129	PAPERLESS ORDER denying <u>128</u> Motion to Continue Sentencing Hearing as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom (BB) (Entered: 06/21/2018)
07/07/2018	<u>134</u>	NOTICE OF ATTORNEY APPEARANCE: Mason Kyle Kerns appearing for Ava Agrelo as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech . Attorney Mason Kyle Kerns added to party Ava Agrelo(pty:ip). (Kerns, Mason) Modified Text on 7/9/2018 (ls). (Entered: 07/07/2018)
07/09/2018	<u>135</u>	Unopposed MOTION for Extension of Time to file Objections to Presentence Investigation Report and Request for Variance by Daniel Joseph Touizer. Responses due by 7/23/2018 (Srebnick, Howard) (Entered: 07/09/2018)
07/09/2018	136	PAPERLESS ORDER granting <u>135</u> Motion for Extension of Time to File Objections to Presentence Investigation Report and Request for Variance by July 13, 2018, as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom (BB) (Entered: 07/09/2018)
07/13/2018	<u>139</u>	NOTICE of Compliance by Daniel Joseph Touizer re 136 Order on Motion for Extension of Time (Srebnick, Howard) (Entered: 07/13/2018)
07/16/2018	<u>140</u>	SENTENCING MEMORANDUM by Daniel Joseph Touizer (Srebnick, Howard) (Entered: 07/16/2018)
07/17/2018	141	PAPERLESS NOTICE RESETTING OF SENTENCING HEARING **TIME CHANGE ONLY** as to Daniel Joseph Touizer. Sentencing reset for Tuesday, 7/24/2018 09:00 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (4.5 hours set aside as requested by the parties)(tas) (Entered: 07/17/2018)
07/17/2018	<u>142</u>	FINAL Addendum 1 Disclosure of Presentence Investigation Report of Daniel Joseph Touizer. This is a limited access document. Report access provided to attorneys Roger Cruz, Ronald Gainor, Christopher Gerard Lyons by USPO (Attachments: # <u>1</u> Addendum, # <u>2</u> Letters of Support, # <u>3</u> Defendant's Objections, # <u>4</u> Defendant's Amended Objections, # <u>5</u> Fiske & Company Report-Wheat, # <u>6</u> Fiske & Company Report - Omni, Covida, Diamonds)(kme) (Entered: 07/17/2018)
07/17/2018	<u>143</u>	MOTION to Amend/Correct <u>112</u> Order on Motion for Forfeiture of Property by USA as to Daniel Joseph Touizer. Responses due by 7/31/2018 (Attachments: # <u>1</u> Text of Proposed Order)(Grove, Daren) Modified Text on 7/18/2018 (ls). (Entered: 07/17/2018)
07/18/2018	<u>144</u>	AMENDED PRELIMINARY ORDER of FORFEITURE granting <u>143</u> Motion to Amend Preliminary Order of Forfeiture as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom on 7/18/2018. <i>See attached document for full details.</i> (ls) (Entered: 07/19/2018)
07/20/2018	<u>145</u>	FINAL Addendum 2 Disclosure of Presentence Investigation Report of Daniel Joseph Touizer. This is a limited access document. Report access provided to attorneys Roger Cruz, Ronald Gainor, Christopher Gerard Lyons by USPO (Attachments: # <u>1</u> Addendum, # <u>2</u> Second Addendum, # <u>3</u> Excuted PSA Wheat 1, # <u>4</u> Excuted PSA Wheat 3)(lrg)

		(Entered: 07/20/2018)
07/22/2018	<u>146</u>	MOTION to Continue Sentencing Hearing by USA as to Daniel Joseph Touizer. Responses due by 8/6/2018 (Cruz, Roger) (Entered: 07/22/2018)
07/23/2018	147	NOTICE OF HEARING ON MOTION in case as to Daniel Joseph Touizer <u>146</u> MOTION to Continue Sentencing Hearing : Telephonic Motion Hearing set for 7/23/2018 11:00 AM in Miami Division before Judge Beth Bloom. Parties are to call in teleconference number 1-877-336-1829; access code 4742152; security code 5680. (ego) (Entered: 07/23/2018)
07/23/2018	148	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Motion Hearing as to Daniel Joseph Touizer held on 7/23/2018 re <u>146</u> MOTION to Continue Sentencing Hearing filed by USA. For the reasons stated on the record, Sentencing Hearing previously scheduled for July 24, 2018 will remain set, time will change to 10:00 am. Paperless Notice of Hearing to follow. Total time in court: 45 minutes. Attorney Appearance(s): Roger Cruz, Ronald Gainor, Christopher Gerard Lyons, Howard Milton Srebnick, Jay Shapiro. Court Reporter: Yvette Hernandez, 954-769-5698 / Yvette_Hernandez@flsd.uscourts.gov. (ego) (Entered: 07/23/2018)
07/23/2018	149	PAPERLESS NOTICE RESETTING SENTENCING HEARING **TIME CHANGE ONLY** as to Daniel Joseph Touizer. Sentencing reset for 7/24/2018 at 10:00 AM in Miami Division before Judge Beth Bloom in Courtroom 10-2. (ego) (Entered: 07/23/2018)
07/23/2018	<u>150</u>	TRANSCRIPT of Plea Colloquy as to Daniel Joseph Touizer held on 05/11/2018 before Judge Beth Bloom, 1 - 27 pages, Court Reporter: Yvette Hernandez, 305-523-5698 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/13/2018. Redacted Transcript Deadline set for 8/23/2018. Release of Transcript Restriction set for 10/22/2018. (yhz) (Entered: 07/23/2018)
07/23/2018	151	PAPERLESS ORDER denying <u>146</u> Motion to Continue Sentencing Hearing for reasons stated on the record as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom (BB) (Entered: 07/23/2018)
07/23/2018	<u>152</u>	STIPULATION re Sentencing re <u>140</u> Sentencing Memorandum by Daniel Joseph Touizer (Srebnick, Howard) (Entered: 07/23/2018)
07/23/2018	<u>153</u>	NOTICE of Filing Affidavits in support of Departure/Variance by Daniel Joseph Touizer re <u>140</u> Sentencing Memorandum (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit) (Srebnick, Howard) (Entered: 07/23/2018)
07/23/2018	<u>154</u>	Sworn Petition/Motion Asserting an Interest in Specified Real Property Presently Subject to the Court's <u>144</u> AMENDED PRELIMINARY ORDER of FORFEITURE (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit) (Kerns, Mason) Modified to convert document to a motion on 7/24/2018 (ls). (Entered: 07/23/2018)

07/23/2018		Terminate Reply Deadlines as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech (ls)(per DE # <u>154</u>) (Entered: 07/24/2018)
07/24/2018	155	Clerks Notice to Filer re <u>154</u> Response in Opposition,. Wrong Event Selected – Document is a Motion ; ERROR – The Filer selected the wrong event. A motion event must always be selected when filing a motion. The correction was made by the Clerk. It is not necessary to refile this document. (ls) (Entered: 07/24/2018)
07/24/2018	156	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Sentencing held on 7/24/2018 as to Daniel Joseph Touizer. Defendant sentenced to 68 months BOP on Count 1 of the indictment followed by 3 years supervised release, all regular conditions imposed. Special conditions include Association Restriction, Substance Abuse Treatment, Financial Disclosure Requirement as well as all other special conditions as reflected in the PSR. No fine. \$100 special assessment. Restitution to be determined at restitution hearing to be held on August 28, 2018 at 4:00 pm. Dismiss remaining counts. Defendant requested for a recommendation that he be evaluated for participation in the RDAP program as well as being designated to a South Florida facility; granted. Defendant advised of his right to appeal. Total time in court: 4 hour(s) : 15 minutes. Attorney Appearance(s): Roger Cruz, Gysel Valdes, Ronald Gainor, Christopher Gerard Lyons, Howard Milton Srebnick. Probation Officer: Shannon Cuberson Court Reporter: Yvette Hernandez, 954-769-5698 / Yvette_Hernandez@flsd.uscourts.gov. (ego) (Entered: 07/24/2018)
07/24/2018	157	PAPERLESS NOTICE OF HEARING as to Daniel Joseph Touizer Restitution Hearing set for 8/28/2018 04:00 PM in Miami Division, 400 North Miami Ave, before Judge Beth Bloom in Courtroom 10-2. (ego) (Entered: 07/24/2018)
07/25/2018	<u>158</u>	RESPONSE to Motion by USA as to Daniel Joseph Touizer re <u>154</u> Sworn Petition/Motion Asserting an Interest in Specified Real Property Presently Subject to the Court's <u>144</u> AMENDED PRELIMINARY ORDER of FORFEITURE Replies due by 8/1/2018. (Grove, Daren) (Entered: 07/25/2018)
07/25/2018	159	PAPERLESS ORDER permitting the Government to conduct discovery following the filing of ECF No. <u>154</u> , Sworn Petition/Motion Asserting an Interest in Specified Real Property Presently Subject to the Court's Amended Preliminary Order of Forfeiture, ECF No. <u>144</u> . The Government shall file a response to the Petition by August 29, 2018, and inform the Court whether the Petition may be resolved without a hearing or whether a hearing is required to be scheduled in accordance with 21 U.S.C. § 853(n). Signed by Judge Beth Bloom (BB) (Entered: 07/25/2018)
07/25/2018	<u>160</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Daniel Joseph Touizer. Signed by Judge Beth Bloom on 7/25/2018. (ls) (Entered: 07/26/2018)
07/25/2018	<u>161</u>	JUDGMENT as to Daniel Joseph Touizer (1), Count(s) 1, Imprisonment 68 months; Supervised Release 36 months; Count(s) 10-11, 2-7, 8, 9, Dismissed; Restitution: \$RESERVED Assessment: \$100.00. Closing Case for Defendant. Signed by Judge Beth Bloom on 7/25/2018. <i>See attached document for full details.</i> (ls) (Entered: 07/26/2018)

07/25/2018	<u>162</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Daniel Joseph Touizer. Motion Hearing set for 8/28/2018 04:00 PM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 7/25/2018. (ls) (Entered: 07/26/2018)
07/25/2018		Set Deadlines in case as to Daniel Joseph Touizer <u>154</u> Sworn Petition/Motion Asserting an Interest in Specified Real Property Presently Subject to the Court's <u>144</u> AMENDED PRELIMINARY ORDER of FORFEITURE . Responses due by 8/29/2018 (ls)(per DE #159) (Entered: 07/26/2018)
08/08/2018	<u>165</u>	Return of Service Executed on 8/2/2018 re <u>144</u> Order on Motion to Amend/Correct Service information – One (1) 2013 BMW 750LI (VIN: WBAYE8C57DDE22033) (ls) (Entered: 08/09/2018)
08/09/2018	<u>166</u>	FINAL Disclosure of AFTER SENTENCING REVISED Presentence Report of Daniel Joseph Touizer. This is a limited access document. Report access provided to attorneys Roger Cruz, Ronald Gainor, Christopher Gerard Lyons by USPO (lsr) (Entered: 08/09/2018)
08/21/2018	<u>167</u>	NOTICE of Appearance by Loren Jacobs as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech (Hartley, Timothy) (Entered: 08/21/2018)
08/21/2018	<u>168</u>	NOTICE OF CLAIM ON RESTITUTION by Loren Jacobs as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech (Hartley, Timothy) (Entered: 08/21/2018)
08/22/2018	<u>169</u>	PAPERLESS NOTICE OF HEARING **TIME CHANGE ONLY** as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech Restitution Hearing reset for 8/28/2018 at 03:30 PM in Miami Division, 400 North Miami Avenue, Courtroom 10-2 before Judge Beth Bloom. (ego) (Entered: 08/22/2018)
08/25/2018	<u>170</u>	TRANSCRIPT of Motion Hearing as to Daniel Joseph Touizer held on 07/23/2018 before Judge Beth Bloom, 1 – 22 pages, Court Reporter: Yvette Hernandez, 305-523-5698 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/17/2018. Redacted Transcript Deadline set for 9/25/2018. Release of Transcript Restriction set for 11/23/2018. (yhz) (Entered: 08/25/2018)
08/25/2018	<u>171</u>	TRANSCRIPT of Sentencing as to Daniel Joseph Touizer held on 07/24/2018 before Judge Beth Bloom, 1 – 119 pages, Court Reporter: Yvette Hernandez, 305-523-5698/ Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/17/2018. Redacted Transcript Deadline set for 9/25/2018. Release of Transcript Restriction set for 11/23/2018. (yhz) (Entered: 08/25/2018)
08/28/2018	<u>174</u>	PAPERLESS Order Cancelling Restitution Hearing as to Daniel Joseph Touizer and Saul Daniel Suster for 8/28/18 at 3:30 pm. ORDER Resetting Hearing on Restitution hearing as to Daniel Joseph Touizer and Saul Daniel Suster is set for 9/21/2018 09:30 AM in the Miami Division, 400 North Miami Avenue, Courtroom 10-2 before Judge Beth Bloom. Signed by Judge Beth Bloom on 8/28/2018. (ego) (Entered: 08/28/2018)

08/28/2018	<u>175</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Daniel Joseph Touizer. Signed by Judge Beth Bloom on 8/28/2018. (ls) (Entered: 08/28/2018)
08/29/2018	<u>177</u>	Response by USA as to Daniel Joseph Touizer (Grove, Daren) (Entered: 08/29/2018)
08/31/2018	<u>178</u>	Return of Service Executed on 8/21/18 re <u>144</u> Order on Motion to Amend/Correct Service information – Real Property located at 2915 NW 36 Street, Miami, FL 33142 (pes) (Entered: 09/04/2018)
08/31/2018	<u>179</u>	Return of Service Executed on 8/21/2018 re <u>144</u> Order on Motion to Amend/Correct Service information – Real Property known and numbered as 21213 NE 38 Avenue, Unit 62, Aventura, Florida 33180 (pes) (Entered: 09/04/2018)
08/31/2018	<u>180</u>	Return of Service Executed on 8/7/2018 re <u>144</u> Order on Motion to Amend/Correct Service information – Real Property located at 8368 Serena Creek Avenue, Boynton Beach, FL (pes) (Entered: 09/04/2018)
09/11/2018	<u>183</u>	STIPULATED MOTION for Substitution of Counsel. Substituting Ana M. Davide and Roy J. Kahn for Ronald Gainor and Christopher Lyons by Daniel Joseph Touizer. Attorney Ana M. Davide added to party Daniel Joseph Touizer(pty:dft). Responses due by 9/25/2018 (Davide, Ana) (Entered: 09/11/2018)
09/11/2018	184	PAPERLESS ORDER granting <u>183</u> Motion for Substitution of Counsel. Attorney Ronald Gainor and Christopher Gerard Lyons terminated as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom (BB) (Entered: 09/11/2018)
09/11/2018	<u>185</u>	STIPULATED MOTION for Substitution of Counsel. Substituting Ana M. Davide and Roy J. Kahn for Howard Srebnick by Daniel Joseph Touizer. Responses due by 9/25/2018 (Srebnick, Howard) (Entered: 09/11/2018)
09/11/2018	186	PAPERLESS ORDER granting <u>185</u> Motion for Substitution of Counsel. Attorney Howard Milton Srebnick terminated as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom (BB) (Entered: 09/11/2018)
09/13/2018	<u>187</u>	MOTION to Continue <i>Restitution Hearing</i> by Daniel Joseph Touizer. Responses due by 9/27/2018 (Davide, Ana) (Entered: 09/13/2018)
09/13/2018	188	PAPERLESS ORDER denying <u>187</u> Motion to Continue Restitution Hearing as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom (BB) (Entered: 09/13/2018)
09/14/2018	<u>189</u>	Defendant's MOTION for Reconsideration of <i>Motion to Continue Restitution Hearing</i> , Unopposed MOTION to Continue <i>Restitution Hearing (Now Unopposed and Requesting the Lesser Continuance of One (1) Week)</i> by Daniel Joseph Touizer. Responses due by 9/28/2018 (Davide, Ana) (Entered: 09/14/2018)
09/14/2018	190	PAPERLESS ORDER granting <u>189</u> Motion for Reconsideration re <u>189</u> Defendant's Motion to Continue Restitution Hearing Unopposed MOTION to Continue Now Unopposed and Requesting the Lesser Continuance of One (1) Week) filed by Daniel Joseph Touizer. Restitution Hearing reset for 9/28/2018 at 03:00 PM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 9/14/2018. (ego) (Entered: 09/14/2018)

09/14/2018		Terminate Deadlines and Hearings as to Daniel Joseph Touizer re 190 Order on Motion for Reconsideration and Order on Motion to Continue, (ego) (Entered: 09/14/2018)
09/14/2018	<u>192</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Daniel Joseph Touizer. Signed by Judge Beth Bloom on 9/14/2018. (ls) (Entered: 09/17/2018)
09/21/2018	<u>193</u>	NOTICE OF ATTORNEY APPEARANCE: Valentin Rodriguez, Jr appearing for Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech (<i>Limited</i>). Attorney Valentin Rodriguez, Jr added to party Howard Yagerman(pty:ip). (Rodriguez, Valentin) (Entered: 09/21/2018)
09/21/2018	<u>194</u>	MOTION for Order of Restitution for Related Scheme Conduct by Howard Yagerman as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech. Responses due by 10/5/2018 (Attachments: # <u>1</u> Exhibit Exh 1, 2, and 3)(Rodriguez, Valentin) Modified Text on 9/24/2018 (ls). (Entered: 09/21/2018)
09/21/2018	<u>195</u>	NOTICE OF ATTORNEY APPEARANCE: Roy Jeffrey Kahn appearing for Daniel Joseph Touizer . Attorney Roy Jeffrey Kahn added to party Daniel Joseph Touizer(pty:dft). (Kahn, Roy) (Entered: 09/21/2018)
09/24/2018	197	Clerks Notice to Filer re <u>194</u> MOTION Interested Party to Intervene in Restitution Hearing . Docket Text Does Not Match Document ; ERROR – The Filer failed to enter a title in the docket text that matches the title of the document. The correction was made by the Clerk. It is not necessary to refile the document. (ls) (Entered: 09/24/2018)
09/26/2018	198	PAPERLESS NOTICE OF HEARING in re: RESTITUTION AND FORFEITURE in the case as to Daniel Joseph Touizer and Saul Daniel Suster (ego) (Entered: 09/26/2018)
09/26/2018	199	PAPERLESS NOTICE OF HEARING as to Daniel Joseph Touizer and Saul Daniel Suster Forfeiture AND Restitution Hearing set for 9/28/2018 AT 01:30 PM in Miami Division, 400 North Miami Avenue, Courtroom 10–2 before Judge Beth Bloom. (ego) (Entered: 09/26/2018)
09/27/2018	<u>200</u>	MOTION for Forfeiture of Property by USA as to Daniel Joseph Touizer. Responses due by 10/11/2018 (Attachments: # <u>1</u> Exhibit One)(Grove, Daren) (Entered: 09/27/2018)
09/27/2018	<u>201</u>	MOTION for Leave to Appear <i>Daniel Joseph Touizer and Saul Daniel Suster Forfeiture and Restitution Hearing scheduled for Friday, September 28, 2018 at 1:30 p.m.</i> . Attorney/Representative: <i>Timothy M. Hartley, Esq.</i> by Loren Jacobs as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech. Attorney Timothy Maze Hartley added to party Loren Jacobs(pty:cr). Responses due by 10/11/2018 (Hartley, Timothy) (Entered: 09/27/2018)
09/27/2018	202	NOTICE OF HEARING **TIME CHANGE ONLY** as to Daniel Joseph Touizer, Saul Daniel Suster Forfeiture Hearing AND Restitution Hearing set for 9/28/2018 01:00 PM in Miami Division before Judge Beth Bloom. (ego) (Entered: 09/27/2018)
09/27/2018	203	PAPERLESS ORDER granting <u>201</u> Motion for Leave to Appear telephonic as to Daniel Joseph Touizer (1), Saul Daniel Suster (2). PAPERLESS ORDER for telephonic appearance. Party may appear for the hearing by phone and instructed to call 1–877–336–1829 on September 28th at 1:00 pm. The access code is 4742152 and the security code is 5680.

		For clarity, please do not use a cell phone or a speaker phone. (please dial in 5 minutes ahead of hearing time) Signed by Judge Beth Bloom on 9/27/2018. (ego) (Entered: 09/27/2018)
09/28/2018	205	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Restitution and Forfeiture Hearing held on 9/28/2018 as to Daniel Joseph. Witness Steven Cummings sworn and testified. Hearing continued to Wednesday, October 10, 2018 at 10:00 am. INTERESTED PARTY MOTION FOR ORDER OF RESTITUTIONFOR RELATED SCHEME CONDUCT ECF 194 to be heard on same date and time. Notice to follow. Total time in court: 3 hour(s). Attorney Appearance(s): Roger Cruz, Ana M. Davide, Roy Jeffrey Kahn, Tim Harley, Robert Franklin via phone. Court Reporter: Yvette Hernandez, 954-769-5698 / Yvette_Hernandez@flsd.uscourts.gov. (ego) (Entered: 10/01/2018)
10/01/2018	206	NOTICE OF HEARING ON MOTIONS in case as to Daniel Joseph Touizer <u>154</u> Sworn Petition/Motion Asserting an Interest in Specified Real Property Presently Subject to the Court's <u>144</u> AMENDED PRELIMINARY ORDER of FORFEITURE , <u>200</u> MOTION for Forfeiture of Property , <u>194</u> MOTION for Order of Restitution for Related Scheme Conduct : Motion Hearings set for 10/10/2018 at 10:00 AM in Miami Division, 400 North Miami Avenue, courtroom 10-2 before Judge Beth Bloom. (ego) (Entered: 10/01/2018)
10/02/2018	<u>207</u>	SERVICE (Proof) by Publication by USA as to Daniel Joseph Touizer Last Publication date 8/31/2018. Claims/Positions/Written Defenses/Answers/etc., due by 10/1/2018. (Attachments: # <u>1</u> attachment) (Grove, Daren) (Entered: 10/02/2018)
10/08/2018	208	PAPERLESS ORDER requiring the parties' responses by October 9, 2018, to ECF No. <u>194</u> , Interested Party's Motion for Order of Restitution for Related Scheme Conduct, and ECF No. <u>154</u> , Third Party's Petition Asserting an Interest in Specified Real Property as to Daniel Joseph Touizer. Signed by Judge Beth Bloom (BB) (Entered: 10/08/2018)
10/09/2018	<u>209</u>	RESPONSE to Motion by USA as to Daniel Joseph Touizer re <u>154</u> Sworn Petition/Motion Asserting an Interest in Specified Real Property Presently Subject to the Court's <u>144</u> AMENDED PRELIMINARY ORDER of FORFEITURE and Paperless Order DE 208 Replies due by 10/16/2018. (Attachments: # <u>1</u> Exhibit One) (Grove, Daren) (Entered: 10/09/2018)
10/09/2018	210	PAPERLESS NOTICE OF HEARING ON MOTION in case as to Daniel Joseph Touizer <u>154</u> Sworn Petition/Motion Asserting an Interest in Specified Real Property Presently Subject to the Court's <u>144</u> AMENDED PRELIMINARY ORDER of FORFEITURE : Motion Hearing set for 11/19/2018 AT 09:00 AM in Miami Division before Judge Beth Bloom. (Paper order to follow) (ego) (Entered: 10/09/2018)
10/09/2018	<u>211</u>	RESPONSE in Support by USA as to Daniel Joseph Touizer, Saul Daniel Suster, John Kevin Reech re <u>194</u> MOTION for Order of Restitution for Related Scheme Conduct (Cruz, Roger) (Entered: 10/09/2018)
10/09/2018	<u>212</u>	SENTENCING MEMORANDUM by USA as to Daniel Joseph Touizer (Cruz, Roger) (Entered: 10/09/2018)

10/09/2018	<u>213</u>	ORDER Setting Evidentiary Hearing to Determine Third-Party Interest in Property: granting <u>154</u> Sworn Petition/Motion Asserting an Interest in Specified Real Property Presently Subject to the Court's <u>144</u> Amended Preliminary Order of Forfeiture. Status Report due by 11/14/2018. Evidentiary Hearing set for 11/19/2018 09:00 AM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 10/8/2018. <i>See attached document for full details.</i> (ls) (Entered: 10/10/2018)
10/09/2018	215	Response by USA, Ava Agrelo as to Daniel Joseph Touizer to 208 Order, (ls)(See Image at DE #209) (Entered: 10/10/2018)
10/10/2018	<u>214</u>	RESPONSE to Motion by Daniel Joseph Touizer re <u>194</u> MOTION for Order of Restitution for Related Scheme Conduct (<i>Defendant's Objections to the "Protectim Investors" Claims for Restitution</i>) Replies due by 10/17/2018. (Davide, Ana) (Entered: 10/10/2018)
10/10/2018	216	Clerks Notice to Filer re <u>209</u> Response to Motion,. Wrong Event Selected; ERROR – The Filer selected the wrong event. The document was re-docketed by the Clerk, see [de#215]. It is not necessary to refile this document. AND Incorrect Document Link; ERROR – The filed document was not correctly linked to the related docket entry. The correction was made by the Clerk. It is not necessary to refile this document but future filings must comply with the instructions in the CM/ECF Attorney User's Manual. (ls) (Entered: 10/10/2018)
10/10/2018	217	PAPERLESS ORDER granting <u>194</u> Motion Order of Restitution for Related Scheme Conduct as to Daniel Joseph Touizer for reasons stated on the record. Signed by Judge Beth Bloom (BB) (Entered: 10/10/2018)
10/10/2018	218	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Restitution Hearing and Forfeiture Hearing as to Daniel Joseph Touizer held on 10/10/2018. Continuation of Steven Cummings' testimony. Government put on sworn testimony from Agent Justin Brannon. Defense presented sworn testimony from Ira Marcus. Restitution imposed in the total amount of \$8,406,577.90. Written forfeiture order to follow. Amended judgment to follow. Total time in court: 5 hour(s) : 30 minutes. Attorney Appearance(s): Roger Cruz, Daren Grove, Valentin Rodriguez, Jr, Ana M. Davide, Roy Jeffrey Kahn. Other appearances: Probation officer: Jessica Manzanaras. Court Reporter: Yvette Hernandez, 954-769-5698 / Yvette_Hernandez@flsd.uscourts.gov. (ego) (Entered: 10/10/2018)
10/10/2018	<u>219</u>	COURT'S list of exhibits. Exhibits attached to list.(ego) (Entered: 10/10/2018)
10/11/2018	<u>220</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Daniel Joseph Touizer. Signed by Judge Beth Bloom on 10/11/2018. (ls) (Entered: 10/12/2018)
10/12/2018	<u>221</u>	MOTION for Forfeiture of Property by USA as to Daniel Joseph Touizer. Responses due by 10/26/2018 (Attachments: # <u>1</u> Text of Proposed Order)(Grove, Daren) (Entered: 10/12/2018)
10/12/2018	<u>222</u>	ORDER of FORFEITURE granting <u>221</u> Motion for Forfeiture of Property as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom on 10/12/2018. <i>See attached document for full details.</i> (ls) (Entered: 10/12/2018)

10/17/2018	<u>223</u>	Final MOTION for Forfeiture of Property by USA as to Daniel Joseph Touizer. Responses due by 10/31/2018 (Attachments: # <u>1</u> Text of Proposed Order)(Grove, Daren) (Entered: 10/17/2018)
10/17/2018	224	PAPERLESS ORDER denying as moot <u>200</u> Motion for Forfeiture of Property as to Daniel Joseph Touizer (1). See the Court's Order at ECF No. <u>222</u> . Signed by Judge Beth Bloom (BB) (Entered: 10/17/2018)
10/17/2018	<u>225</u>	FINAL ORDER of FORFEITURE granting <u>223</u> Motion for Forfeiture of Property as to Daniel Joseph Touizer (1). Signed by Judge Beth Bloom on 10/17/2018. <i>See attached document for full details.</i> (ls) (Entered: 10/17/2018)
10/25/2018	<u>227</u>	MOTION to Vacate <i>Amended Preliminary Order of Forfeiture (ECF 144) Regarding RP known and numbered as 8368 Serena Creek Ave., Boyton Beach, FL</i> by USA as to Daniel Joseph Touizer. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Grove, Daren) (Entered: 10/25/2018)
10/25/2018	<u>228</u>	ORDER granting <u>227</u> Motion to Vacate Amended Preliminary Order of Forfeiture as to Daniel Joseph Touizer (1). Vacating <u>144</u> Amended Preliminary Order with respect to Real Property Known and Numbered as 8368 Serena Creek Avenue, Boynton Beach, Florida; Canceling Hearing set for 11/19/2018. Signed by Judge Beth Bloom on 10/25/2018. <i>See attached document for full details.</i> (ls) (Entered: 10/25/2018)
10/30/2018	<u>229</u>	REQUEST for Copy of Docket Sheet by Daniel Joseph Touizer (ls) (Entered: 10/31/2018)
11/06/2018	<u>230</u>	TRANSCRIPT of Excerpt of Motion Hearing, Testimony of Ira Marcus, Esq. as to Daniel Joseph Touizer held on 10/10/2018 before Judge Beth Bloom, 1 – 34 pages, Court Reporter: Yvette Hernandez, 305-523-5698 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/27/2018. Redacted Transcript Deadline set for 12/7/2018. Release of Transcript Restriction set for 2/4/2019. (yhz) (Entered: 11/06/2018)
11/16/2018	<u>231</u>	AMENDED JUDGMENT as to Daniel Joseph Touizer (1), Count(s) 1, AMENDED: Restitution Amount PRIOR JUDGMENT: Imprisonment 68 months; Supervised Release 36 months;; Count(s) 10-11, 2-7, 8, 9, Dismissed. Signed by Judge Beth Bloom on 11/15/2018. <i>See attached document for full details.</i> (mc) (Entered: 11/16/2018)
11/27/2018	<u>232</u>	NOTICE OF APPEAL by Daniel Joseph Touizer Re: <u>231</u> Amended Judgment. Filing fee \$ 505.00. Receipt#: 176545. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (hh) (Entered: 11/27/2018)
11/27/2018		Transmission of Notice of Appeal and Docket Sheet as to Daniel Joseph Touizer to US Court of Appeals re <u>232</u> Notice of Appeal – Final Judgment, Notice has been electronically mailed. (hh) (Entered: 11/27/2018)

11/28/2018	<u>233</u>	MOTION to Withdraw as Attorney by Ana M. Davide for / by Daniel Joseph Touizer. (Davide, Ana) (Entered: 11/28/2018)
11/29/2018	234	PAPERLESS ORDER granting <u>233</u> Motion to Withdraw as Attorney. Ana M. Davide is permitted to withdraw from case as to Daniel Joseph Touizer. Signed by Judge Beth Bloom (BB) (Entered: 11/29/2018)
11/30/2018	<u>235</u>	Acknowledgment of Receipt of NOA from USCA as to Daniel Joseph Touizer re <u>232</u> Notice of Appeal – Final Judgment, date received by USCA: 11/27/18. USCA Case Number: 18-14951-J. (hh) (Entered: 11/30/2018)
11/30/2018	<u>236</u>	NOTICE of Filing Communication to the Court by Daniel Joseph Touizer (ls) (Entered: 12/03/2018)
12/10/2018	<u>237</u>	TRANSCRIPT INFORMATION FORM as to Daniel Joseph Touizer re <u>232</u> Notice of Appeal – Final Judgment, filed by Daniel Joseph Touizer. Hearing transcript(s) ordered. Email sent to Court Reporter Coordinator. (hh) (Entered: 12/11/2018)