

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 16-cv-21301-GAYLES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ARIEL QUIROS,
WILLIAM STENGER,
JAY PEAK, INC.,
Q RESORTS, INC.,
JAY PEAK HOTEL SUITES L.P.,
JAY PEAK HOTEL SUITES PHASE II. L.P.,
JAY PEAK MANAGEMENT, INC.,
JAY PEAK PENTHOUSE SUITES, L.P.,
JAY PEAK GP SERVICES, INC.,
JAY PEAK GOLF AND MOUNTAIN SUITES L.P.,
JAY PEAK GP SERVICES GOLF, INC.,
JAY PEAK LODGE AND TOWNHOUSES L.P.,
JAY PEAK GP SERVICES LODGE, INC.,
JAY PEAK HOTEL SUITES STATESIDE L.P.,
JAY PEAK GP SERVICES STATESIDE, INC.,
JAY PEAK BIOMEDICAL RESEARCH PARK L.P.,
AnC BIO VERMONT GP SERVICES, LLC,

Defendants, and

JAY CONSTRUCTION MANAGEMENT, INC.,
GSI OF DADE COUNTY, INC.,
NORTH EAST CONTRACT SERVICES, INC.,
Q BURKE MOUNTAIN RESORT, LLC,

Relief Defendants.

Q BURKE MOUNTAIN RESORT, HOTEL
AND CONFERENCE CENTER, L.P.
Q BURKE MOUNTAIN RESORT GP SERVICES, LLC¹
AnC BIO VT, LLC,²

Additional Receivership Defendants

¹See Order Granting Receiver's Motion to Expand Receivership dated April 22, 2016 [ECF No. 60].

²See Order Granting Receiver's Motion for Entry of an Order Clarifying that AnC Bio VT, LLC is included in the Receivership or in the Alternative to Expand the Receivership to include AnC Bio VT, LLC, *Nunc Pro Tunc*, dated September 7, 2018 [ECF No. 493].

RECEIVER'S MOTON TO CONTINUE FINAL SALE HEARING

Michael I. Goldberg, the court-appointed Receiver (the "Receiver"), by and through undersigned counsel, hereby files this *Motion to Continue the Final Sale Hearing* (the "Motion"). The Motion seeks to continue the Final Sale Hearing presently scheduled for August 26, 2022, at 11:00 a.m. (the "Final Sale Hearing"). In support of this Motion, the Receiver states as follows:

1. On August 1, 2022, the Receiver filed his *Motion Seeking Entry of an Order (A) Approving Asset Purchase Agreement; (B) Approving Bid Procedures; (C) Approving the Assumption and Assignment of Certain Contracts and Leases; (D) Scheduling Final Hearing to Consider Approval of Sale (21 Days Out); and (E) Granting Related Relief* (the "Sale Motion") [ECF No. 726].

2. On August 4, 2022, the Court entered an Order granting the Sale Motion and scheduling a Final Sale Hearing for August 26, 2022 at 11:00 a.m. [ECF No. 727].

3. As of the filing of this Motion, the Receiver believes that a competing bid may be submitted for the Jay Peak Resort.³ The Bid Procedures set a deadline of September 2, 2022 for competing bids to be submitted--which is after the Final Sale Hearing set by the Court.

4. If a competing bid is submitted, the Receiver intends on conducting the Auction on September 7, 2022.

5. The Receiver respectfully requests that the Court continue the Final Sale Hearing to September 9, 2022, or any date thereafter as the Court's calendar allows in order for the Receiver to be able to conduct the Auction in the event a competing bid is submitted. If a competing bid is not submitted, the Receiver will file a notification with the Court.

³ Capitalized terms not otherwise defined herein, shall take on the meaning ascribed to them in the Sale Motion.

CASE NO.: 16-cv-21301-GAYLES

6. This Motion is not being made for purposes of delay and no party will be prejudiced by the granting of this Motion.

WHEREFORE, Michael I. Goldberg, the court-appointed Receiver respectfully requests that the Court enter an Order in the form attached hereto as **Exhibit A** continuing the Final Sale Hearing; and granting such other and further relief as the Court deems just and proper.

LOCAL RULE 7.1 CERTIFICATION OF COUNSEL

Pursuant to Local Rule 7.1, undersigned counsel hereby certifies that the Receiver has conferred with to the Securities and Exchange Commission. Counsel for the Securities and Exchange Commission has indicated that it does not object to the relief requested in this Motion.

Dated: August 18, 2022

Respectfully submitted,

AKERMAN LLP

201 E. Las Olas Boulevard – Suite 1800

Fort Lauderdale, FL 33301

Phone: (954) 463-2700

Fax: (954) 463-2224

/s/ Catherine D. Kretzschmar

Catherine D. Kretzschmar, Esq.

Florida Bar Number: 85843

Email: catherine.kretzschmar@akerman.com

Counsel for Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this Thursday, August 18, 2022 via the Court's notice of electronic filing on all CM/ECF registered users entitled to notice in this case.

By: /s/ Catherine D. Kretzschmar

Catherine D. Kretzschmar, Esq.