

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 16-24678-CIV-COOKE/TORRES

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

ONIX CAPITAL, LLC, and  
ALBERTO CHANG-RAJII,

Defendants, and

DEEP OCEAN LLC, et. al.,  
NEXT CAB VENTURES LLC,  
NEXT CALL VENTURES LLC,  
NEXT CHAT VENTURES LLC,  
NEXT PAY VENTURES LLC,  
NEXT TRACK VENTURES LLC, and  
PROGRESSIVE POWER LLC,

Relief Defendants.

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**REPORT AND RECOMMENDATION ON LIQUIDATOR'S MOTION FOR  
PROTECTIVE ORDER AND RECEIVER'S MOTION TO COMPEL INTERVENOR  
TO PRODUCE ALL DOCUMENTS REQUESTED IN RECEIVER'S SUBPOENA AND  
TO AUTHORIZE RECEIVER TO ISSUE SUBPOENAS IN FURTHERANCE OF HER  
DUTIES UNDER RECEIVERSHIP ORDER**

In light of our Order on Liquidator's Motion for Protective Order and Receiver's Motion to Compel, we recognize that the Receivership Order outlines a broad range of powers and responsibilities, which we find cannot be fully executed without the ability to issue subpoenas or conduct other discovery. [D.E. 84]. Therefore, though the current Receivership impliedly allows the Liquidator to seek discovery as part of her authorized duties, to avoid any ambiguity the Court hereby

Recommends that the following change shall be made to the Receivership Order [D.E. 84], which will be placed after paragraph 13 of the Receivership Order:

Immediately upon entry of this Order, the Receiver may take depositions upon oral examination of parties and non-parties subject to seven (7) business days' notice. In addition, the Receiver may issue subpoenas for documents, things and electronically stored information to non-parties calling for production within one week of service, subject to the protections of Fed.R.Civ.P. 45. The Receiver also shall be entitled to serve interrogatories, requests for the production of documents and electronically stored information, and requests for admissions. The parties shall respond to such discovery requests in accordance with the Federal Rules of Civil Procedure. Service of discovery requests shall be sufficient if made upon the parties by facsimile or overnight courier. Depositions may be taken by telephone or other remote electronic means;

### ***CONCLUSION***

For the foregoing reasons, the undersigned respectfully **RECOMMENDS** that the Receivership Order [D.E. 84] be modified to permit the Receiver to issue subpoenas and conduct other discovery.

Pursuant to Local Magistrate Rule 4(b), written objections, if any, shall be filed before the District Judge within fourteen days. 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. *See* 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 24th day of  
July, 2017.

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