

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

**Case No. 16-24678-Civ-COOKE/TORRES**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

ONIX CAPITAL, LLC, ALBERTO  
CHANG-RAJII, DEEP OCEAN, LLC,  
*et al.*,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

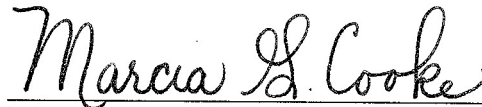
THIS MATTER is before me upon U.S. Magistrate Judge Edwin G. Torres' Report and Recommendation on Putative Petitioners' Motion for Permission to File Involuntary Bankruptcy Petition and Joint Liquidators' Motion for Permission for Relief Defendants to File Voluntary Bankruptcy Petitioners ("Report and Recommendation") (ECF No. 121). The Motions were referred to Magistrate Judge Torres pursuant to 28 U.S.C. § 636(b)(1)(A). *See* ECF Nos. 81, 107.

After holding a hearing on both Motions, Judge Torres recommends that both Motions be denied because neither party showed compelling reasons as to why the bankruptcy court is the superior forum to resolve issues surrounding the liquidation of Defendant and Relief Defendants' assets, nor did they show they would suffer substantial injury if enjoined from bankruptcy. Objections to the Report and Recommendation were timely filed by Carlos Parada Abate, ("Intervenor/Liquidator"), Ely Magendzo, Inver Corp, NES SPA, and Estanislao Bernardo Gonczanski, ("Putative Petitioners"), and Marcus Wide and Mark McDonald, ("Joint Liquidators"). Melanie Damian, ("Receiver"), timely filed her omnibus response in opposition to the objections. Intervenor/Liquidator, Putative Petitioners, and Joint Liquidators then filed replies to Receiver's omnibus response. After reviewing the Motions, Judge Torres' Report and Recommendation, the objections,

responses and replies to those objections, and the relevant legal authorities, as well as conducting a *de novo* review of the record, I find Judge Torres' Report and Recommendation clear, cogent, and compelling.

Accordingly, Judge Torres' Report and Recommendation on Putative Petitioners' Motion for Permission to File Involuntary Bankruptcy Petition and Joint Liquidators' Motion for Permission for Relief Defendants to File Voluntary Bankruptcy Petition (ECF No. 121), is **AFFIRMED and ADOPTED** as Order of this Court. It is hereby **ORDERED and ADJUDGED** that Putative Petitioners' Motion for Permission to File Involuntary Bankruptcy Petition (ECF No. 81) and Joint Liquidators' Motion for Permission for Relief Defendants to File Voluntary Bankruptcy Petitions (ECF No. 107) are **DENIED**.

**DONE and ORDERED** in Chambers, at Miami, Florida, this 23<sup>rd</sup> day of October 2017.



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MARCIA G. COOKE  
United States District Judge

Copies furnished to:  
*Edwin G. Torres, U.S. Magistrate Judge*  
*Counsel of record*