

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

In re:

Case No. 8:24-bk-00676-RCT

THE CENTER FOR SPECIAL NEEDS  
TRUST ADMINISTRATION, INC.,

Chapter 11

Debtor.

MICHAEL GOLDBERG, as Chapter 11 Trustee  
of the estate of Debtor, The Center for  
Special Needs Trust Administration, Inc.

Plaintiff,

v.

Adv. Pro. No. 8:24-ap-00139-RCT

BOSTON FINANCE GROUP, LLC, a Florida limited  
liability company and LEO J. GOVONI, an  
individual,

Defendants.

**CHAPTER 11 TRUSTEE'S AGREED MOTION TO APPOINT  
AND EMPLOY THE RISING GROUP CONSULTING, INC. AS CHIEF  
RESTRUCTURING OFFICER FOR CERTAIN NON-DEBTOR AFFILIATES**

Michael Goldberg, the Chapter 11 Trustee ("Chapter 11 Trustee"), through undersigned counsel, and pursuant to Sections 105, 327, 330, and 363 of the Bankruptcy Code, hereby seeks an order appointing and authorizing the employment of The Rising Group Consulting, Inc. as Chief Restructuring Officer for Big Storm Brewing Co., Big Storm Brewery LLC, Big Storm Canteen LLC, Big Storm Cape Coral LLC, Big Storm Coffee Company LLC, Big Storm Creamery LLC, Big Storm Distilling Company LLC, Big Storm Pasco LLC, Big Storm Pinellas LLC, and Big Storm Real Estate LLC (collectively, the "Big Storm Entities"), and states:

## INTRODUCTION

Since as far back as 2009, the Center for Special Needs Trust Administration, Inc. (the "Debtor"), Leo Govoni, and their affiliates have wrongfully used special needs trust funds for their non-core investments. Indeed, this finding is at the heart of the Court's January 2025 Final Judgment against Mr. Govoni and Boston Finance Group, LLC. Among other business ventures funded with special needs trust funds, is the "Big Storm" enterprise, which is a moderately-well-known conglomeration of breweries, distilleries, restaurants, and branding.

When the Court entered that Final Judgment, it also enjoined the Big Storm Entities from spending any money, which should have shut down the Big Storm Entities' business operations. Instead, the Big Storm Entities violated the Court's Orders by continuing operations, necessitating the appointment of a Chief Restructuring Officer so that no further damage can be done.

## BACKGROUND

1. On January 13, 2025, the United States Bankruptcy Court for the Middle District of Florida entered a Temporary Restraining Order [Adv. 24-ap-139, Doc. 45] (the "TRO"). From that day forward, the Big Storm Entities were "enjoined from directly or indirectly encumbering, liquidating, transferring, spending, diminishing, or otherwise disbursing the assets of any of the Alter Ego Entities." *See id.* at ¶ 2.

2. The Big Storm Entities' attorney negotiated an extension of the TRO on the following conditions:

- BAM, GLC, and the Big Storm Entities may fund payroll on January 17, 2025 and January 31, 2025; *provided, however, that* no money shall be paid to insiders of either Judgment Debtor, including any of Mr. Govoni's family members;
- Within 5 days of entry of this Order, BAM, GLC, and the Big Storm Entities shall provide the Chapter 11 Trustee with a budget for the month of January, 2025; and

- On or before February 7, 2025, BAM, GLC, and the Big Storm Entities shall provide the Chapter 11 Trustee with a Monthly Operating Report, substantially in the form utilized in chapter 11 bankruptcy cases, for the month of January, 2025.

3. Each of these conditions were ultimately incorporated into an Order of the Bankruptcy Court. *See* Adv. Doc. 59. Since entry of the order extending the TRO, the Big Storm Entities have not provided budgets or reporting, precipitating an order compelling them to provide that information. *See* Adv. Doc. 71.

4. On February 6, 2025, a preliminary injunction was entered against the Big Storm Entities. *See* Adv. Doc. 65. *As such, effective January 31 – and certainly by February 6, 2025 – the Big Storm Entities were prohibited from conducting any business at all, directly or indirectly.*

5. In spite of the Court's Orders, however, the Chapter 11 Trustee has learned that the Big Storm Entities are continuing to operate.

**THE PROPOSED CRO'S QUALIFICATIONS AND RELIEF REQUESTED**

6. By this Motion, the Chapter 11 Trustee seeks to address the violations of this Court's injunctions by appointing and employing The Rising Group Consulting, Inc., as Chief Restructuring Officer of the Big Storm Entities.

7. The Rising Group is a financial advisory and interim management firm that assist clients in connection with financial restructuring and operational turnarounds. Led by its senior managing director, Joshua Rizack, the Rising Group has vast experience in commercial business, including in Florida, and has substantial experience as a court-appointed receiver or fiduciary.

8. In its capacity as Chief Restructuring Officer, the Rising Group will oversee the Big Storm Entities operations and administer their assets for the benefit of all creditors and other constituencies. The Rising Group anticipates likely retaining certain employees of the Big Storm Entities, however, it would have **full** decision-making authority concerning all aspects of the Big Storm Entities' operations, and it will be empowered to:

- a. assume financial control of the Big Storm Entities (with the Big Storm Entities being required to cooperate with the Rising Group [*e.g.*, turn over access to all bank accounts, accounting software, and payroll programs, etc.]);
- b. be provided with unfettered access to all of the Big Storm Entities' books, records, and financial information;
- c. assume administrative control over all of the Big Storm Entities' information systems;
- d. take control of the Big Storm Entities' physical space (including the space used by the "Alter Ego Entities," as that term is used in the TRO) and be permitted to change the locks, lease it, or sell it;
- e. work closely with the Chapter 11 Trustee, with Mr. Joshua Rizack to serve as the primary point of contact for the Big Storm Entities to the extent a corporate representative is necessary;
- f. assume other responsibilities, with wide latitude in regards to what needs to be done for the Debtor and the Big Storm Entities, from a financial standpoint, in fulfillment of his role and title as "Chief Restructuring Officer;"
- g. assist the Chapter 11 Trustee with investigating and reconstructing financial information to be used in connection with the bankruptcy case or otherwise; and
- h. review all cash receipts and disbursement transactions for potential fraudulent or other improper transfers.

9. The Chapter 11 Trustee proposes that the Rising Group serve as the Chief Restructuring Officer, and that Mr. Rizack be compensated at the rate of \$550 per hour, with other professionals being hired at Mr. Rizack's discretion. A CV for the Rising Group and bio for Mr. Rizack are attached as *Composite Exhibit 1*.

10. Mr. Rizack and others working with the Rising Group will record their time and file fee applications with this Court; *provided, however*, that they will be paid solely out of the operations of the Big Storm Entities or the liquidation of the Big Storm Entities' assets.

**BASIS FOR RELIEF REQUESTED**

11. The Big Storm Entities and the issues described herein are squarely before the Court by virtue of their violations of the Court's preliminary injunction; and the relief sought is available

to the Court through Section 105 of the Bankruptcy Code, which provides in pertinent part that “[t]he court may issue an order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

12. The Chapter 11 Trustee seeks to employ the Rising Group pursuant to Section 327(a) of the Bankruptcy Code, which provides:

Except as otherwise provided in this section, the trustee, with the court’s approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee’s duties under this title.

11 U.S.C. § 327(a).<sup>1</sup>

13. Because the Rising Group is a professional, the Chapter 11 Trustee seeks approval of his engagement and retention under Section 327(a). *See In re Blue Stone Real Est., Const. & Dev. Corp.*, 392 B.R. 897, 906 (Bankr. M.D. Fla. 2008); *see also In re McDermott Int’l, Inc.*, 614 B.R. 244, 255 (Bankr. S.D. Tex. 2020) (holding that CRO and financial advisor employment is more appropriately approved under Section 327 rather than Section 363). “The two primary goals of § 327(a) are to ensure the impartiality of the professional and to provide court oversight in the determination of the reasonableness of the professional’s compensation.” *McDermott*, 614 B.R. at 255.

14. To the best of the Chapter 11 Trustee’s knowledge, the Rising Group does not hold any adverse interest to that of the Debtor’s estate and is disinterested as required under section 327.

15. Attached to this Motion as ***Exhibit 2*** and incorporated herein by reference is the declaration of Joshua Rizack, which demonstrates the Rising Group’s disinterestedness as required

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<sup>1</sup> A Chapter 11 Trustee has the rights and powers of a trustee. 11 U.S.C. § 1106(a)(1).

by Section 327(a) of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure.

16. The retention of interim corporate officers and other temporary employees is also proper under Section 363 of the Bankruptcy Code. Numerous courts, including the United States Bankruptcy Court for the Middle District of Florida, have authorized retention of officers utilizing Section 363 of the Bankruptcy Code. *See, e.g., In re Robb & Stucky Limited LLLP*, Case No. 8:11-bk-02801-CED (Bankr. M.D. Fla. Mar. 25, 2011); *CCI Liquidation, Inc., fka Custom Cable Industries, Inc.*, Case No. 10-18478-MGW (Bankr. M.D. Fla. Aug. 13, 2010).

17. The Rising Group will file fee applications with the Court to authorize the payment of his fees and expenses as required by 11 U.S.C. § 330.

18. Denying the relief requested herein would deprive the Chapter 11 Trustee of the guidance and assistance of a highly qualified CRO and disadvantage the Chapter 11 Trustee, the Debtor, and all stakeholders. The Chapter 11 Trustee needs an experienced and knowledgeable professional to operate the Big Storm Entities for the benefit of the Debtor's estate and not for the benefit of Govoni and insiders. The appointment of a CRO to the Big Storm Entities will allow this estate to maximize their value to creditors and put an end to the continued violations of Court orders.

19. This motion is being filed contemporaneously in both the adversary proceeding which contains the TRO and in the main case, since the motion also seeks the employment of the Rising Group on behalf of the estate.

**GOOD FAITH CONFERRAL CERTIFICATION**

Undersigned counsel for the Chapter 11 Trustee certifies that he conferred with counsel for the Big Storm Entities, who confirmed that his clients do not oppose the relief sought.

WHEREFORE, the Chapter 11 Trustee requests this Court enter an order, substantially in the form to the proposed order attached hereto as *Exhibit 3*, appointing the Rising Group Consulting, Inc. as CRO of the Big Storm Entities, authorizing his employment on behalf of the estate, and granting whatever other relief the Court deems just and proper.

Respectfully submitted,

AKERMAN LLP

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*Counsel for Chapter 11 Trustee, Michael Goldberg*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 12, 2025, I filed a true and correct copy of the foregoing with the United States Bankruptcy Court for the Middle District of Florida using the Court's CM/ECF system, which will serve copies on all counsel of record.

/s/ Steven R. Wirth

Attorney

# **Composite Exhibit 1**



***Financial advisors and turnaround managers specializing in underperforming and distressed situations, including workouts, restructurings, and plan administration***

# WHO WE ARE

The Rising Group Consulting, Inc. is a financial advisory and interim management firm that assist clients in connection with financial restructuring and operational turnarounds. Additionally, the firm has assisted various startups with strategic direction, business planning, acquisitions, and fund raising. The firm helps client companies, individual lenders, groups of creditors or other parties at interest to identify, appraise, manage and pursue available options in workouts and restructurings, both in and out of bankruptcy. We deliver value to clients through a proven process that integrates analysis, insight and action. Working closely with legal advisors and other experts, the firm identifies and evaluates strategic alternatives and assists its clients to pursue those strategies that will maximize their interest. The principal service areas of The Rising Group Consulting are as follows

- **Interim and Crisis Management**
  - Chief Restructuring Officer
  - Liquidity and business stabilization
- **Turnaround & Restructuring Advisory**
  - Performance improvement
  - Operational restructuring
  - Debt reorganization
- **Creditor Advisory**
  - Secured Creditors
  - Asset Based Lenders
  - Unsecured Creditors
- **Acting as a Fiduciary**
  - Plan Administrator
  - Liquidating Trustee
  - Litigation Trustee
  - Receiver

# WHY THE RISING GROUP

The Rising Group Consulting, Inc. brings to all its engagements the special negotiating skills of an experienced team of professionals, led by its senior managing director, Joshua Rizack. The firm's role has included turnaround management, litigation support, and trustee and fiduciary:

- Experience in negotiating with creditors and disposal of non-essential assets to raise cash, advise on fraudulent conveyance matters, preference actions, administration of claims objections and resolution, and preparation of disclosure statements. Has arranged DIP and exit financing, as well as the sale of corporate divisions.
- Analyzed, constructed, and negotiated Chapter 11 plans of reorganization. Have acted as CRO, CEO, and Plan Administrator.
- Experienced litigation manager, with an established record of investigating and pursuing claims.
- The skill and experience as a financial advisor and trial expert enables us to economically evaluate and supervise, together with attorneys, any necessary litigation. That same experience informs his evaluation of the reasonableness of the representation, omissions or activities that lie at the heart of a case and the assessment of litigation and settlement options.

# BIOGRAPHY

Joshua Rizack is a seasoned financial and turnaround consultant with more than 25 years of experience. He has assisted in revitalizing financially distressed companies in a variety of industries including construction, software, .com's, leasing, health care, telecommunications, electronics, apparel, real estate, publishing, retailing, securities, and general manufacturing.

Mr. Rizack has analyzed, constructed, and negotiated Chapter 11 plans of reorganization, resolved litigation, and coordinated claims objection/resolution process. In addition, he has acted as Chief Restructuring Officer, President/CEO, Plan Administrator, Receiver and served on Equity Committees of distressed companies. He has served in the capacity of CEO/President/CRO for Oberon Media, Spy Magazine, Windsor Door, [Grandparents.com](http://Grandparents.com) (a Florida based company, that resulted in a 100% on the dollar payment to the unsecured creditors), Murphy & Durieu, VICWEST Corporation, Sonix Medical Resources, and Alliance Precision Plastics, among others.

Mr. Rizack's career path includes experience in negotiating with creditors and disposal of non-essential assets to raise cash, advise on fraudulent conveyance matters, preference actions, commencement of litigation, and preparation of disclosure statements. He has arranged DIP and exit financing, as well as the sale of corporate divisions.

As a strategic thinker, he is skilled in assessing the viability of a company, managing the day-to-day operations, handling cash flow, and developing detailed turnaround plans.

Prior to private consulting, Mr. Rizack worked as a consultant with Zolfo Cooper and Buccino & Associates, national crisis management firms specializing in assisting troubled companies. He provided turnaround consulting to numerous companies in industries ranging from heavy manufacturing to retail chains.

Mr. Rizack graduated from New York University, with a degree in Economics. He resides full-time in Florida.

# SELECTED TURNAROUNDS

Joshua Rizack has been involved with over 30 turnarounds in a variety of industries including diagnostic imaging, apparel, software, electronics, telecommunications, constructions related companies, publishing, retailing, and manufacturing. The following are selected prior assignments and experiences.

## **Oberon Media, Inc.**

Appointed Chief Restructuring Officer/President of Oberon Media. Oberon was a multi-platform gaming company delivering casual games across online, social, mobile/Smartphone, interactive TV and retail categories. Oberon managed the gaming sites for Microsoft, AT&T, Yahoo, Electronic Arts, Orange France, and many other major media and telecom companies. Oberon Media's game publishing division, I-play, worked with game developers to produce casual games across multiple platforms. Headquartered in New York with R&D in Dunfermline U.K., The Company's main backers were Goldman Sachs, Morgan Stanley and Oak Investment Partners. Appointed Chief Restructuring Officer after the investors were unwilling to further support the operating losses. Ran the day-to-day operations including managing the sales team, accounting, marketing & promotions, web development, and US and international operations. In the first week was consumed with multiple hacking incidents to its largest customer. Introduced cash management, daily management meetings, and coordination of US and European operations. Dealt with major capital issues when Cypress froze foreign bank accounts affecting all European receivables. Successfully oversaw the launch of the next generation gaming platform and tightened Internet security to prevent further hacking incidents. Prepared the company for an Assignment for the Benefit of Creditors ("ABC") and transferred the assets to assignee that resulted in the successful sale of the Company.

## **Samsonite Corporation**

The Company is the world's largest designer and distributor of luggage in more than 100 countries. The company faced a dramatic decline in demand for travel-related goods due to the global recession and it faced significant liquidity issues and an inability to meet its debt service costs. Nearly half of Samsonite's U.S. retail stores were unprofitable. Confirmed the viability of the business plan and the incremental capital requirements of the Company to meet its liquidity needs. Assisted in the international restructuring transaction to reduce \$1.3 billion of funded debt to a \$240 million non-interest bearing note and infuse \$165 million of additional equity capital. Assisted in the negotiations with the PBGC. Developed business case for a targeted Chapter 11 filing of the Samsonite Company Stores entity that allowed the company to reject 75 unprofitable store leases and return the retail division to profitability.

# SELECTED TURNAROUNDS

## **Accuride Corporation (NYSE: ACW)**

The Company is one of the largest and most diversified manufacturers and suppliers of commercial vehicle components in North America. Accuride's products include commercial vehicle wheels, wheel-end components and assemblies, truck body and chassis parts, and other commercial vehicle components. Accuride's products are marketed under five industry leading brand names, which include Accuride, Gunite, Imperial, Fabco and Brillion. Their major customers includes Daimler Truck N.A.(Freightliner), PACCAR, International trucks, Volvo/ Mack and General Motors. The U.S. entities filed Chapter 11 with a prearranged agreement with bondholders and senior lenders. The Company negotiated a debt for equity agreement with the bondholders and successfully emerged. Accuride restructured in excess of \$675 million in debt through its bankruptcy proceeding. Secured lenders and unsecured trade creditors were paid in full. Was responsible for assisting the company with the bankruptcy filing and negotiations with creditor groups.

## **Grandparents.com, Inc. (OTC:GPCM)**

Chief Restructuring Officer / Liquidating Trustee

Retained by company after secured lender lost faith in Management. Grandparents.com ("GP"), Inc. owned and operated the Grandparents.com website, a membership organization and social media community which connects grandparents, seniors, and boomers to differentiated, discounted products and services. GP's business model was geared toward providing group discount benefits for a small membership fee. The Website offers content on everything from health and well-being, relationships, and finances to recipes and travel tips. In addition, GP entered into a program agreement with Aetna Life Insurance Company to establish a program to offer group Medicare supplement plans. The Company intended to compete directly with AARP. The Debtors experienced significant competition in multiple areas, including advertising, visitors to the Website, registered users, subscribing members, and marketing partners. Was appointed Chief Restructuring Office and immediately removed the CEO, trimmed staff, cut expenses, and prepared and marketed the Company for sale. Successful sold the Company and confirmed a Plan of Reorganization. Acted as Liquidating Trustee to object to claims, administer and manage litigation, and successfully distributed 100% on the dollar to the unsecured creditors and a substantial payment to the secured creditor.

## **Partsearch Technologies, Inc.**

Designated to act as Plan Administrator. Responsible for investigating commercial actions against the former officers and directors, commence actions, pursue recoveries, and make distributions.

# SELECTED TURNAROUNDS

## **MAGNATRAX Corporation**

(Sales \$1.7 billion)

Retained by company after a default on its debt payments. The Company manufactures and sells pre-engineered metal buildings and other diversified construction products and services for commercial, nonresidential applications and limited residential applications. The company has eleven subsidiaries that operate in the United States and Canada. The core group of companies consisted of American Buildings Company, VICWEST, Kirby Building Systems, Gulf States, and CBC Manufacturing. These companies' manufacture and engineer complete building systems, including primary or structural framing, wall and roof panels, related components and custom metal building systems. The metal building systems manufacturers saw their shipments decline by more than 40%. The market downturn is the most significant in recent history due to economic uncertainty and reduced construction spending. The company was not able to align its revenue with its cost basis. Negotiated a Forbearance agreement with lending group (consisting of over 25 lenders). Prepared cash flows and implemented immediate cost savings. Prepared the company for a chapter 11 filing. The company successfully emerged from Chapter 11 in six months.

Responsible for all of Magnatrax lease rejections, litigation resolution, administration of claims objections and resolution, and preference actions.

## **VICWEST Corporation (Subsidiary of Magnatrax)**

Appointed Chief Restructuring Officer of VICWEST after all of the officers and directors resigned. Ran day-to-day operations including managing the bankruptcy in Canada (Companies Creditors Arrangement Act, "CCAA"). The Company consisted of two divisions with nine manufacturing plants and over \$300 million in sales. Successfully negotiated with the creditors and emerged from bankruptcy in four months.

## **Windsor Door, Inc. (Subsidiary of Magnatrax)**

While the Company was in Chapter 11, appointed President after inconsistent accounting was detected and continuing loss of market share to competitors. The company had two manufacturing plants and 21 sales service centers across the US, with over \$100 million in revenue. Windsor's EBITDA was hurt by lower revenue and its inability to cut cost commensurately. Based on its estimate of only having been able to utilize its manufacturing plant at a 50% rate, the negative impact of operating leverage was apparent. Implemented cost savings and sold the division.

## **Post Confirmation Estate of West End Financial Advisors**

Currently serve as Plan Administrator. On March 30, 2012, the Plan was declared “effective” and became operative in accordance with its terms and the terms of Post-Confirmation Estate Agreement, which is a Trust Agreement governing distributions under the Plan. West End created or invested in more than thirty-five entities. In particular, the West End Mortgage Finance Fund (also known as the “Franchise Fund”) and the West End Mercury Short Term Fund (also referred to as the “Hard Money Fund or Real Estate Fund”) were the primary investment vehicles. West End misled investors into believing that their money was in stable, safe investments designed to provide steady streams of income. The fraud, a Ponzi scheme, albeit one combined with investing activities, defrauded investors, mainly elderly, of 100% of their investments. Was retained to commence litigation to recover preferences and various actions against individuals and banks we believe to have wronged the fund. Responsible for managing and liquidating the real estate portfolio, franchise fund, and various investment. Took over as Managing Partner of the Real Estate fund and managed the day-to-day affairs including placing the fund into a Chapter 11. Negotiated a resolution with the secured lender and withdrew the petition. The Estate has recovered millions from litigation and asset sales and continues to manage the litigation and liquidation of assets.

## **Sonix Medical Resources, Inc.**

Chief Restructuring Officer / Plan Administrator

Appointed Chief Restructuring Officer of Sonix Medical Resources and served as the Plan Administrator. The Company provided high-quality, cost-effective diagnostic imaging services through a network of owned and operated outpatient imaging centers. The Company offered to its patients and referring physicians the full spectrum of diagnostic imaging exams, including PET/CT, MRI, CT, Nuclear Medicine, Mammography, Ultrasound and X-ray, as well as numerous other procedures. The Company filed for Chapter 11 due to weak profits and the absence of liquidity. Appointed as the CRO after the Company and its Lender deemed it necessary to replace management due to limited liquidity as the Company was perilously close to running out of money. Replaced the equity owner CEO, who resigned as a result of conflicts, lack of creditor confidence and credibility, and a lack of cooperation. Ran the day-to-day operations including supervising the operations of each center, purchasing, medical billing, IT, and buyer negotiations to complete the M & A sell side engagement. All facilities were sold at prices exceeding the lender’s and stakeholder’s expectations, thereby enabling the lender to realize a higher-than-expected financial recovery. Acted as post-confirmation Plan Administrator recovered stolen employee's 401K funds, settled with D&O insurance, and distributed funds.

# SELECTED TURNAROUNDS

## **Women's Apparel Company**

Company designs, manufactures, and sells women's dresses and sportswear. It serves customers through retailers, and department and chain stores in the United States and internationally. Retained by the Company to review cost savings and validate business plan for lender. Identified cost savings in supply chain, offshore manufacturing, systems, personnel, and warehouse operations. Additionally, prepared detailed analysis of sales and profitability by sku, sales person, customer, and division providing detailed insight into unprofitable accounts and sku's. Developed detailed cost card analysis and production calendar.

## **Spy Corporation**

Publisher of Spy Magazine. Appointed President and Chairman of the Board. Responsible for the day-to-day operations. Successfully sold the company and maximized the estate for the benefit of the creditors without filing for bankruptcy protection.

## **Alliance Precision Plastics**

Appointed Chief Executive Officer and Chairman of the Board after bank informed principal owner of fraudulent receivables being created. Manufacturer of molds and injected molded plastic parts, primarily for the medical industry. Formulated and implemented turnaround plan. Responsible for the daily operations and maximizing the value for the owners who had pledged personal assets.

## **Quadrant HealthCom Inc.**

Retained to negotiate a forbearance agreement with lender after company failed to pay interest and principal. Company operates 12 magazines targeted to health professional and produces a wide range of educational product, programs, and services for medical professionals from its TriGenesis division. Company was under-capitalized and over-leveraged. Instituted cash controls, negotiated with key vendors, and recommended cost savings. Sold Trigenesis, negotiated a settlement with lender to eliminated all long-term debt, and recommended sale or closure of unprofitable journals.

## **Skycom Limited Partnership**

Company provided ground satellite equipment to government and corporations who needed portable and stationary transceivers. Re-organization plan resulted in filing Chapter 11 and structuring the sale of the company on behalf of secured lender.

# SELECTED TURNAROUNDS

## **N&B Jewelry, Inc.**

Manufacturer of gold jewelry with overseas operations. Appointed Vice President of Operations to run the company after a surprise audit by one of the lenders revealed \$20 million in gold missing. Ran day-to-day operations during chapter 11. Responsible for accounting, gold inventory control, production, purchasing decisions, and facilitating the sale of the company.

## **MCC Funding LLC**

Appointed General Partner to run the day-to-day operations and file a Chapter 11. The partnership owned and operated commercial and residential real estate including hotels, low-income housing, warehouses, and office buildings. Worked closely with secured lender, attorneys, management company, and commercial real estate brokers to assess and run the portfolio. Successfully negotiated with secured lender to takeover the portfolio for a one time payment to Limited partners and withdrew Bankruptcy.

## **Conglomerate**

Companies operate eight automotive and truck dealerships, construction company, and truss manufacturing operations. Worked on a turnaround plan and negotiated a reduction in term debt with over twenty lending institutions.

## **Buena Vista Furniture, Inc.**

Manufacturer of wood furniture and upholstered couches. Engaged by bond holders to review feasibility of reopening the plant after being closed for three months. Decision was reached to liquidate the facility.

## **Optical Corporation of America**

Manufacturer and seller of prescription eyewear and engraved stationary through its four operating businesses (Southern Optical, Kentucky Optical, Lugene, and Dempsey & Carroll). Developed a business plan that subsequently aided the company in emerging from bankruptcy.

## **Leading Provider of Consumer Electronics and Accessories**

Developer and distributor, with a global presence, of cutting edge electronics and accessories under its own brands and over 50+ licenses. Asked to review the US inventory of the Company and determine what is a reasonable excess inventory number. Additionally, reviewed systems and cost cutting measures. Company was able to refinance at better commercial terms using the analysis and reports produced.

# SELECTED TURNAROUNDS

## **The Jessup Group**

Manufacturer of acrylic and thermoplastic sheet, acrylic rods and tubes, plastic and vinyl coated fabrics, foam products, and adhesives and sealant. Assisted in managing workout plan with the EPA, Pension Benefit Guarantee Corporation, and Drexel Burnham, Lambert bond holders. Dealt with banks and creditors to build cash to sustain reorganization.

## **Men's Hosiery Company**

Manufacturer of men's hosiery. Company had problems with tying together merchandising, marketing and manufacturing. Conducted a thorough analysis of the operations and the business plan. Issued operational evaluation resulting in additional funding from the secured lender.

## **Advanced Mining Systems**

Manufacturer of roof control systems for coal mines. Retained as a consultant and subsequently named Director of Business Planning. Responsible for the development of a business plan and reducing cost to emerge from Chapter 11. Prepared financial reports for the bankruptcy court and court appointed examiner. Managed day-to-day cash.

## **United Concrete Pipe Corporation**

Manufacturer of concrete-shielded pipe for water/sewage applications. Assisted management in implementing a reorganization resulting in a downsized operation. The company returned to profitability and was subsequently acquired.

## **RCA Telenova, Inc.**

Company provided telephone equipment and service to hotels and businesses. Reviewed operations for All State Insurance to recommend if additional funds should be loaned. Decision was jointly reached to discontinue funding operations and sell the company.

## **Koenig Corporation**

Retail art supplier with 25 franchise stores and 46 company-owned stores. Retained to assess business plan and negotiate pay-down of bank debt. Decision was reached to liquidate the company under Chapter 11.

# REFERENCES

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## **JOSHUA RIZACK**

Joshua Rizack is a seasoned financial and turnaround consultant with more than 25 years of experience. He has assisted in revitalizing financially distressed companies in a variety of industries including construction, software, .com's, leasing, health care, telecommunications, electronics, apparel, real estate, publishing, retailing, securities, and general manufacturing.

Mr. Rizack has analyzed, constructed, and negotiated Chapter 11 plans of reorganization, resolved litigation, and coordinated claims objection/resolution process. In addition, he has acted as Chief Restructuring Officer, President/CEO, Plan Administrator, Receiver and served on Equity Committees of distressed companies. He has served in the capacity of CEO/President/CRO for Oberon Media, Spy Magazine, Windsor Door, Grandparents.com (a Florida based company, that resulted in a 100% on the dollar payment to the unsecured creditors), Murphy & Durieu, VICWEST Corporation, Sonix Medical Resources, and Alliance Precision Plastics, among others.

Mr. Rizack's career path includes experience in negotiating with creditors and disposal of non-essential assets to raise cash, advise on fraudulent conveyance matters, preference actions, commencement of litigation, and preparation of disclosure statements. He has arranged DIP and exit financing, as well as the sale of corporate divisions.

As a strategic thinker, he is skilled in assessing the viability of a company, managing the day-to-day operations, handling cash flow, and developing detailed turnaround plans.

Prior to private consulting, Mr. Rizack worked as a consultant with Zolfo Cooper and Buccino & Associates, national crisis management firms specializing in assisting troubled companies. He provided turnaround consulting to numerous companies in industries ranging from heavy manufacturing to retail chains.

Mr. Rizack graduated from New York University, with a degree in Economics and resides full-time in Florida..

# **Exhibit 2**

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

In re:

Case No. 8:24-bk-00676-RCT

THE CENTER FOR SPECIAL NEEDS  
TRUST ADMINISTRATION, INC.,

Chapter 11

Debtor.

**DECLARATION OF JOSHUA RIZACK**

I, Joshua Rizack, hereby declare under penalty of perjury that the following is true, accurate, and correct to the best of my knowledge, information and belief:

1. I submit this Declaration in support of the *Chapter 11 Trustee's Agreed Motion to Appoint and Employ The Rising Group Consulting, Inc. as Chief Restructuring Officer for Certain Non-Debtor Affiliates* (the "Motion"), which seeks entry of an order authorizing my company's appointment as Chief Restructuring Officer of Big Storm Brewing Co., Big Storm Brewery LLC, Big Storm Canteen LLC, Big Storm Cape Coral LLC, Big Storm Coffee Company LLC, Big Storm Creamery LLC, Big Storm Distilling Company LLC, Big Storm Pasco LLC, Big Storm Pinellas LLC, and Big Storm Real Estate LLC (collectively, the "Big Storm Entities").

2. I am a financial and turnaround consultant with more than 25 years of experience. I am the founder, President, and senior managing director of The Rising Group Consulting, Inc. I am authorized to make this Declaration on behalf of myself and the Rising Group, in accordance with Bankruptcy Rule 2014.

3. The Rising Group is a consulting firm which specializes in, among other things, providing insolvency and turnaround consulting and advisory services to financially troubled

organizations. The Rising Group maintains offices at 606 Post Road East, Westport, CT 06880. But I live and work in Belair Beach, FL.

4. The Rising Group and I have acted as Chief Restructuring Officer, President/CEO, Plan Administrator, Receiver and served on Equity Committees of distressed companies including Oberon Media, Spy Magazine, Windsor Door, Grandparents.com, Murphy & Durieu, VICWEST Corporation, Sonix Medical Resources, and Alliance Precision Plastics, among others across the United States.

5. To the best of my knowledge, neither I nor the Rising Group represent or hold any interest adverse to the Chapter 11 Trustee or to the Debtor's estate, and are disinterested persons within the meaning of 11 U.S.C. § 101(14) as required by 11 U.S.C. § 327(a). Should I or the Rising Group become notified of any conflicts asserted by a party with which the firm has a relationship, I will notify the Court immediately.

6. I have worked in the past with Akerman LLP, the firm which employs (and represents) the Chapter 11 Trustee and his bankruptcy counsel, but such prior engagements are irrelevant to my proposed role a CRO of the Big Storm Entities and do not represent a conflict.

7. I have reviewed the Motion and to the best of my knowledge, information, and belief, the facts set forth therein are true, accurate, and correct.

By: Joshua Rizack  
JOSHUA RIZACK

# **Exhibit 3**

**UNITED STATES BANKRUPTCY COURT  
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In re:

Case No. 8:24-bk-00676-RCT

THE CENTER FOR SPECIAL NEEDS  
TRUST ADMINISTRATION, INC.,

Chapter 11

Debtor.

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MICHAEL GOLDBERG, as Chapter 11 Trustee  
of the estate of Debtor, The Center for  
Special Needs Trust Administration, Inc.

Plaintiff,

v.

Adv. Pro. No. 8:24-ap-00139-RCT

BOSTON FINANCE GROUP, LLC, a Florida limited  
liability company and LEO J. GOVONI, an  
individual,

Defendants.

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**ORDER APPOINTING THE RISING GROUP CONSULTING, INC.  
AS CHIEF RESTRUCTURING OFFICER FOR CERTAIN  
NON-DEBTOR AFFILIATES AND AUTHORIZING ITS EMPLOYMENT**

This matter came before the Court, without a hearing, on the agreement of the parties as to the Chapter 11 Trustee's Agreed Motion to Appoint and Employ The Rising Group Consulting,

Inc. as Chief Restructuring Officer for Certain Non-Debtor Affiliates (ECF No.\_\_\_\_). The Court having considered the Motion and materials submitted therewith, it is:

**ORDERED:**

1. The Motion is **GRANTED**.
2. The Rising Group Consulting, Inc. is appointed as the Chief Restructuring Officer ("CRO") of Big Storm Brewing Co., Big Storm Brewery LLC, Big Storm Canteen LLC, Big Storm Cape Coral LLC, Big Storm Coffee Company LLC, Big Storm Creamery LLC, Big Storm Distilling Company LLC, Big Storm Pasco LLC, Big Storm Pinellas LLC, and Big Storm Real Estate LLC (collectively, the "Big Storm Entities") pursuant to sections 105(a) and 363(b) of the Bankruptcy Code.
3. The Rising Group, as CRO of the Big Storm Entities, is authorized and empowered to:
  - a. assume financial control of the Big Storm Entities;
  - b. be provided with unfettered access to all of the Big Storm Entities' books, records, and financial information;
  - c. assume administrative control over all of the Big Storm Entities' information systems;
  - d. take control of the Big Storm Entities' physical space (including the space used by the "Alter Ego Entities," as that term is used in the TRO) and be permitted to change the locks, lease it, or sell it;
  - e. work closely with the Chapter 11 Trustee, with Mr. Joshua Rizack to serve as the primary point of contact for the Big Storm Entities to the extent a corporate representative is necessary;
  - f. assume other responsibilities, with wide latitude in regards to what needs to be done for the Debtor and the Big Storm Entities, from a financial standpoint, in fulfillment of his role and title as "Chief Restructuring Officer;"

- g. assist the Chapter 11 Trustee with investigating and reconstructing financial information to be used in connection with the bankruptcy case or otherwise; and
- h. review all cash receipts and disbursement transactions for potential fraudulent or other improper transfers.

4. Joshua Rizack shall serve as the primary point of contact for the Big Storm Entities to the extent a corporate representative is necessary.

5. Leo Govoni, Boston Finance Group, LLC, the Big Storm Entities, and all of the "Alter Ego Entities" (as that term is defined in the Court's Temporary Restraining Order [Adv. Doc. 45]) (collectively, the "Govoni Entities") are hereby ordered to cooperate with the Rising Group. Specifically, and without limitation, the Govoni Entities are ordered to turn over access to all bank accounts, accounting software, and payroll programs that pertain to the Big Storm Entities.

6. The Chapter 11 Trustee is authorized to employ Joshua Rizack as an estate professional pursuant to section 327 of the Bankruptcy Code in order to carry out his duties as CRO of the Big Storm Entities and be compensated accordingly.

7. The reasonableness of compensation will be determined later in accordance with 11 U.S.C. § 330.

*Steven R. Wirth, Esq. is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and file a proof of service within three days of entry of this order.*