

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

CASE NO. 2021-026520-CA-01 CA44

CBL Division

STEPHEN EZEKIEL JOSEPH *et. al.*,

Plaintiffs,

vs.

DAILY BREAD, LLC,

Defendant.

_____ /

REGINA WALL AND JON JAMIESON'S UNOPPOSED MOTION TO INTERVENE

Regina Wall and Jon Jamieson ("Intervenors"), by and through undersigned counsel and pursuant to Rule 1.230, Florida Rules of Civil Procedure, hereby move to intervene in this cause and, in support thereof, states as follows:

Factual Background

1. On December 8, 2021, a group of five investors (the "Plaintiffs") filed a complaint seeking dissolution, injunctive relief, and the appointment of a receiver in relation to an admitted Ponzi scheme operated by Daily Bread, LLC ("Daily Bread").

2. As outlined in the Complaint, Daily Bread claimed to be a hedge fund operated by John Stanbridge and Timothy Kirkwood. According to the Complaint, from 2015 to 2021, Stanbridge and Kirkwood solicited investors, including the Plaintiffs and the Intervenors, to put approximately \$20 million or more into Daily Bread's supposed hedge fund. By September 2021, Daily Bread's statements suggested it had more than \$36 million in assets in its Merrill Lynch account. In reality, it was revealed by October 2021 there was only approximately \$165,000 in

assets in Daily Bread's account. Facing his death, Stanbridge confessed to the Ponzi scheme in a video taken by Kirkwood, admitting to faking brokerage accounts, making up investor returns, and using new investor money to redeem orders, including for himself, Kirkwood, and family members of Kirkwood.

3. On December 14, 2021, this Court appointed Scott Dimond as Receiver to "manage the wind down and dissolution of the Defendant with all powers and duties of a Receiver, as set forth below and pursuant to §605.0704, Fla. Stat. and of all real and personal property of the Defendant."

4. The five named Plaintiffs invested in Daily Bread \$400,000, \$700,000, \$650,000, \$250,000, and \$1.2 million, respectively.

5. The Intervenors have suffered losses equal to and in some instances greater than the named Plaintiffs. Ms. Wall invested in Daily Bread a total of \$1,000,000 in or around May through September 2020. Mr. Jamieson invested in Daily Bread a total of \$250,000 in or around June 2020 through July 2021. Both Ms. Wall and Mr. Jamieson never received a distribution from Daily Bread.

6. The Intervenors undoubtedly have an interest in the instant litigation as they invested substantial amounts into Daily Bread and have never received a distribution or return of their initial investments. It is in their interest to Intervene in this lawsuit and ensure they are placed in the same footing as other victim investors, including the Plaintiffs, timely communication from the Receiver, access to documents from the Receiver, and the ability to appeal or respond to actions taken by the Defendant or the Receiver.

7. The Victim Intervenors have communicated with Plaintiffs' counsel and Plaintiffs do not oppose this Motion to Intervene. The Victim Intervenors also communicated with the

Receiver who does not object. Further, the Victim Interveners have cooperated with the Receiver and timely provided documents in their possession to the Receiver in an effort to assist the Receiver's ability to recoup funds for all investors.

Legal Memorandum

8. The Florida Rule of Civil Procedure governing intervention, Rule 1.230, provides:

Anyone claiming an interest in pending litigation may at any time be permitted to assert a right by intervention, but the intervention shall be in subordination to, and in recognition of, the propriety of the main proceeding, unless otherwise ordered by the court in its discretion.

Rule 1.230, Fla. R. Civ. P. (emphasis added).

9. The Third District has held that it is reversible error to deny a motion to intervene when intervention will not unduly delay the proceedings:

Where the litigation is still in the pleading stage, and the intervenors assure the court that their participation will not delay or disrupt the proceedings, it is an abuse of discretion to deny the motion to intervene. (citations omitted).

Hartford Fire Ins. Co. v. School Board of Dade County, 661 So. 2d 111, 112 (Fla. 3d DCA 1995) (reversing trial court's denial of motion to intervene); *see also Omni Nat'l Bank v. Georgia Banking Co.*, 951 So. 2d 1006, 1007 (Fla. 3d DCA 2007) (noting Florida law that "an intervener cannot contest the plaintiff's claim but may assert the intervener's right to the property in question").

10. As in *Hartford*, this case is in the pleading stage. Ms. Wall and Mr. Jamieson clearly have an interest in the property at issue in this case. Further, their intervention will not delay or disrupt these proceedings. Moreover, Ms. Wall and Mr. Jamieson do not contest Plaintiffs' claim and support the Court's Order to appoint a Receiver. Further, intervening in the action will permit the Interveners to request and review documents collected by the Receiver,

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