

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

CASE NO. 6:21-cv-694-CEM-11

DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

2021 APR 20 AM 11:54

FILED

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

HARBOR CITY CAPITAL CORP,

SEAL

HARBOR CITY VENTURES, LLC,

HCCF-1 LLC,

HCCF-2 LLC,

HCCF-3 LLC,

HCCF-4 LLC,

HCCF-5 LLC,

HARBOR CITY DIGITAL VENTURES, INC.,

HCC MEDIA FUNDING, LLC,

JONATHAN P. MARONEY,

Defendants,

and

CELTIC ENTERPRISES, LLC,

TONYA L. MARONEY,

Relief Defendants.

PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
CERTIFICATE PURSUANT TO RULE 65(b) OF THE FEDERAL RULES
OF CIVIL PROCEDURE

Plaintiff, Securities and Exchange Commission (the "Commission") files this certificate pursuant to Rule 65 of the Federal Rules of Civil Procedure in support of the Emergency *Ex Parte* Motion and Memorandum of Law for Temporary Restraining Order, Asset Freeze and Other Injunctive Relief ("TRO Motion"). The purpose of this certificate is to advise the Court that no notice has been given, and to explain why the Court should not require notice to Defendants Harbor City Capital Corp. ("Harbor City"), Harbor City Ventures, LLC ("HC Ventures"); and five "special purpose" entities, HCCF-1 LLC, HCCF-2 LLC, HCCF-3 LLC, HCCF-4 LLC and HCCF-5 LLC (collectively referred to as, the "HC SPEs"); Harbor City Digital Ventures, Inc. ("HC Digital Ventures"), HCC Media Funding, LLC ("HCC Media"), and Jonathon P. Maroney ("Maroney") (collectively, the "Defendants") and Relief Defendants Celtic Enterprises, LLC and Tonya L. Maroney (collectively, the "Relief Defendants") of the filing of the Emergency *Ex Parte* Motion.¹

This certification is based upon the specific facts contained in the Complaint, TRO Motion, declarations and other documents presented to

¹ In addition, notice has not yet been provided to the Defendants and Relief Defendants of the Commission's Complaint.

this Court as exhibits which show that from at least May 2015 and continuing through present, Harbor City Capital Corp. ("Harbor City") and its founder and Chief Executive Officer, Jonathan P. Maroney, have raised at least \$17.1 million through a series of unregistered fraudulent securities offerings in several entities formed and controlled by Harbor City and Maroney. The securities sold were in the form of either promissory notes, funding agreements, or "high yield, secured bonds," promising monthly returns ranging from 1% to 1.5% per month (or up to 18% annually). The purported purpose of the offerings was to provide bridge funding for Harbor City's and its related companies' customer lead generation businesses.

Harbor City and the other Harbor City related companies solicited investors funds primarily through Harbor City's website and a series of on-line marketing videos featuring Maroney posted on its website and YouTube. Maroney, Harbor City, and the related entities, orally and in offering materials, made misrepresentations and omissions to investors and engaged in a scheme to defraud and a course of conduct designed to deceive investors. Specifically, despite statements made by Harbor City, HC Ventures, the HC SPEs, HC Digital, and HCC Media in the offering

materials that investor funds would be used to fund Harbor City's customer lead generation campaigns, Maroney misappropriated approximately \$4.88 million in investor funds, which was diverted for his personal use. Maroney also misused approximately \$1.4 million of investor money by making payments to other entities unrelated to the supposed purpose of the offerings. Moreover, \$6.5 million of the returns distributed to investors were in reality Ponzi-like payments funded by other investors. In addition, Defendants made other false claims and omissions to investors regarding, among other things, Harbor City's purported UCC lien filings and its "Standby Line of Credit," and Maroney's prior disciplinary history with Alabama securities regulators.

As a result of these actions, the Commission fears that immediate and irreparable injury and loss of investor funds may occur if the Commission provides notice of these emergency filings to the Defendants and the Relief Defendants before the Court has an opportunity to act and enter the emergency orders we seek. The undersigned certifies this is an emergency that has not been caused by a lack of due diligence on the Commission's part, but has been brought about only by the circumstances of this case.

For the foregoing reasons, the Commission respectfully requests that this Court grant the Commission's TRO Motion and the other proposed emergency relief sought therein and enter the proposed Order submitted herewith without requiring the Commission to provide prior notice to the Defendants and Relief Defendants.

Respectfully submitted,

April 19, 2020

By: Alise Johnson
Alise Johnson, Esq.
Senior Trial Counsel
Fla. Bar No. 0003270
Direct Dial: (305) 982-6385
Email: johnsonali@sec.gov

Attorney for Plaintiff
**SECURITIES AND EXCHANGE
COMMISSION**
801 Brickell Avenue, Suite 1950
Miami, Florida 33131
Telephone: (305) 982-6300
Facsimile: (305) 536-4154