

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**GARRETT O'ROURKE and
MICHAEL J. BLACK,**

Defendants.

Case No.: 19-CV-4137 (KAM)

**PLAINTIFF'S NOTICE OF THE FILING OF THE
DISTRIBUTION AGENT'S FOURTH STATUS REPORT**

Pursuant to paragraph 4(h) of this Court's Order entered March 4, 2021 (ECF No. 89), Plaintiff Securities and Exchange Commission (the "SEC") hereby files, on behalf of JND Legal Administration ("JND"), the Distribution Agent's Fourth Status Report (the "Report"). In accordance with ECF No. 89, the SEC anticipates filing another status report with the Court on or about July 30, 2022.

Dated: April 27, 2022

Respectfully submitted,

s/ Catherine E. Pappas

Catherine E. Pappas (PA Bar 56544)

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U.S. Securities and Exchange Commission

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CERTIFICATE OF SERVICE

I hereby certify that, on April 27, 2022, the plaintiff filed a true and correct copy of the foregoing document with the Court's CM/ECF system through which it will be disseminated electronically to counsel for the defendants, both of whom are participants registered to receive electronic notice in this case.

s/ Catherine E. Pappas
Catherine E. Pappas

**UNITED STATES DISTRICT COURT
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Plaintiff,

v.

**GARRETT O'ROURKE and
MICHAEL J. BLACK,**

Defendants

Case No.: 19-CV-4137 (KAM)

THE DISTRIBUTION AGENT'S FOURTH STATUS REPORT

JND Legal Administration (“JND”), the Court-appointed Distribution Agent in the above-captioned matter, respectfully submits this Status Report pursuant to this Court’s Order entered March 4, 2021 (the “Order”, ECF No. 89) and the Plan of Distribution approved by the Court on May 26, 2021 (the “Plan”, ECF No. 95). By the Order, this Court appointed JND as the Distribution Agent for the collections in this action (the “Distribution Fund”), to oversee the administration and distribution of the Distribution Fund in coordination with the Securities and Exchange Commission’s (“SEC”) counsel of record. Pursuant to paragraph 4(h) of the Order, the Distribution Agent is required to file with the Court or provide to the SEC’s counsel of record to file with the Court, its first status report within forty-five days of Court-approval of the Plan, and additional reports within thirty days after the end of every quarter. This Status Report covers the period from January 1, 2022, through March 31, 2022.

Tasks Performed by the Distribution Agent Since the Third Status Report

Since the third status report, JND has performed the following tasks in connection with its role as the SEC-appointed Distribution Agent:

- Completed evaluation of claims and sent Determination Notices to Potential Claimants¹ setting forth the determination of the eligibility of their claim (eligible, ineligible, partially deficient or wholly deficient);
- Reviewed physical and electronic responses to the Determination Notices received from claimants; and
- Prepared and sent Final Determination Notices to the claimants who responded to Determination Notices.²

Anticipated Next Steps

JND will continue to execute the Plan of Distribution, including:

- Working with the Tax Administrator and the SEC staff to determine the Net Available Distribution Fund;
- Establishing the Escrow and Deposit Accounts;
- Determining Eligible Claimants' Distribution Payment in accordance with the Plan of Allocation;
- Performing all activities necessary to prepare for the distribution of the Distribution Fund in accordance with the Plan, including compiling the Payee List and drafting a declaration in support of an SEC motion to disburse funds;

¹ Capitalized terms not defined herein are used as defined in the Plan.

² These 28 Final Determination Notices were mailed after the end of the quarter, but before the execution of this Status Report.

- Upon receipt of funds from the Commission staff, commence issuing Distribution Payments; and
- Filing a Fifth Status Report along with the first quarterly accounting report within 30 days of June 30, 2022.

Dated: April 26, 2022

Respectfully submitted,

By: 

Luiggy Segura

JND Legal Administration

Distribution Agent

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