

**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 THIRD 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 Third Status Report (the "Report"), attached as Exhibit A. In accordance with ECF No. 89, the SEC anticipates filing another status report with the Court on or about April 30, 2022.

Dated: January 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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Exhibit A

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)

THE DISTRIBUTION AGENT'S THIRD 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 October 1st, 2021 through December 31st, 2021.

Tasks Performed by the Distribution Agent Since The Second Status Report

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

- JND reviewed physical files, electronic files, and online claims filing submissions regarding five securities from 423 Potential Claimants;¹

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

- JND provided the Claims Packet to Potential Claimants who timely contacted JND requesting a copy via mail, phone, or email;
- JND received, reviewed, and processed 10 claims from Potential Claimants received after the Claims Bar Date but in sufficient time for the claim to be considered; and
- JND responded to inquiries by Potential Claimants and their representatives and assisted them with submitting completed Claim Forms.

Anticipated Next Steps

JND will continue to execute the Plan, including:

- Prepare Determination Notices to Potential Claimants that have filed Claim Forms;
- Respond to Determination Notice inquiries from Potential Claimants and assist them in submitting any information requested;
- Review submissions in response to the Determination Notice and begin the Final Determination process;
- Establish the Escrow Account;
- File a Fourth Status Report within 30 days of March 31, 2022.

Dated: January 26, 2022

Respectfully submitted,

By: 

Luiggy Segura

JND Legal Administration

Fund Administrator

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