

**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 SECOND 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 Second Status Report (the "Report"). In accordance with ECF No. 89, the SEC anticipates filing another status report with the Court on or about January 30, 2022.

Dated: October 27, 2021

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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Attorney for Plaintiff United States
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CERTIFICATE OF SERVICE

I hereby certify that, on October 27, 2021, 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

Exhibit:
Status Report

UNITED STATES DISTRICT COURT
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SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

GARRETT O'ROURKE and
MICHAEL J. BLACK,

Defendants

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

THE DISTRIBUTION AGENT'S SECOND 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 JND's appointment through September 30th, 2021.

Tasks Performed by the Distribution Agent Since Its First Status Report

Since JND's appointment, JND has performed the following tasks in connection with its role as the SEC-appointed Distribution Agent in the instant case:

- Upon Plan approval, JND, in consultation with the SEC staff, began to implement the Plan by, among other things:
 - Continued to maintain and monitor the toll-free number and distribution website;

- Ran a National Change of Address search to retrieve updated addresses for all records in the database for this action;
- Drafted the Summary Notice, and disseminated the Summary Notice via an Internet based-newswire service with national distribution, once a week for three consecutive weeks beginning within 5 days of the date of the mailing of the Notices, pursuant to section 23 of the Plan;
- On July 12th, 2021, sent the Claims Packet by mail and by email, if available, to Potential Claimants.
- The Claims Packet was also sent to brokerages and institutions that hold securities in “street name” as nominees for the benefit of their customers who are the beneficial owners of the securities.
- On an on-going basis, JND continued to supply the Claims Packet to persons who contact JND requesting a copy via mail, phone, or email.
- Attempted to locate anyone whose Claims Packet was returned by the United States Postal Service (“USPS”) as undeliverable and immediately re-mailed any returned undelivered mail for which the USPS provided a forwarding address. Additional efforts to identify new addresses for returned undelivered mail were conducted as necessary.
- Responded to inquiries by Potential Claimants and their representatives and assisted them with submitting the Claim Form;

Anticipated Next Steps

JND will continue to execute the Distribution Plan, including:

- Review submissions from Potential Claimants and update the Claimant database with new transactional information, corrected transactional information, and/or payment information;
- Respond to inquiries from Potential Claimants and assist them in

submitting the information requested;

- Attempt to locate Potential Claimants whose Summary Notice is returned as undeliverable, in accordance with the Plan;
- Establish the Escrow Account;
- Work with the Tax Administrator and the SEC staff to determine the Net Available Fair Fund;
- File a Third Status Report within 30 days of December 31, 2021.

Dated: October 26, 2021

Respectfully submitted,

By: Luiggy Segura

Luiggy Segura

JND Legal Administration

Fund Administrator

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