

**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 FIRST 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. This Status Report covers the period from JND’s appointment through July 9th, 2021.

Tasks Performed by the Distribution Agent Since Its Appointment

Since JND’s appointment, JND has performed the following tasks in connection with its role as the Court-appointed Distribution Agent:

- Worked with SEC counsel to draft and finalize the Plan and submit for Court approval;
- Complied with this Court’s Order to Show Cause entered April 19, 2021 (the “Order”, ECF No. 92);

- Created a mailing and claim database of all Potential Claimants¹ (the “Investor Database”) based on information provided to, and obtained by, the Distribution Agent;
- Worked with the SEC to design a Claims Packet, Summary Notice, and Plan Notice;
- Drafted and Established a website dedicated to the Distribution Fund, located at www.OrourkeDistributionFund.com, including Frequently Asked Questions, contact information, and downloadable documents;
- Established a traditional mailing address and an email mailing address; and
- Drafted phone scripts and established a toll-free number at which investors can get additional information, including access to live representatives.

Anticipated Next Steps

In the next quarter, JND anticipates that it will:

- Send the Claims Packet to Potential Claimants and to its list of banks, brokers, and other nominees;
- Publish the Summary Notice;
- Review Claim Forms and update the Investor Database;
- Send out additional Claims Packets as needed and/or requested;
- Respond to inquiries by Potential Claimants and their representatives and assist them with submitting the Claim Form;
- Track and compile information in preparation for the sending of Determination Notices; and
- File a Second Status Report within 30 days of September 30, 2021.

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

Dated: July 9th, 2021

Respectfully submitted,

By: *Luigy Segura*

Luigy Segura

JND Legal Administration

Distribution Agent

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