

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

Dated: July 18, 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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Attorney for Plaintiff United States  
Securities and Exchange Commission

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 18, 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

# **Exhibit 1**

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

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COMMISSION,**

**Plaintiff,**

**v.**

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

**Defendants**

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

**THE DISTRIBUTION AGENT'S FIFTH 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 Fifth Status Report covers the second quarter of 2022.

**Tasks Performed by the Distribution Agent Since the Fourth Status Report**

Since its Fourth Status Report, JND has performed the following tasks in connection with its role as the SEC-appointed Distribution Agent:

- Continued to maintain and monitor the toll-free number and distribution website;
- Finalized Claim evaluations, reviewed responses to Determination

Notices and issued Final Determination Notices in accordance with the Plan;

- Worked with the Tax Administrator and the SEC staff to determine the Net Available Distribution Fund; and
- Established the Escrow and Deposit Accounts.

**Anticipated Next Steps**

In the next quarter, JND will continue to execute the Plan, including:

- 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;
- Upon receipt of funds from the Commission staff, commence issuing Distribution Payments;
- Conduct outreach on returned payments and uncashed checks; and
- File a Sixth Status Report along with the first quarterly accounting report within 30 days of September 30, 2022.

Dated: July 18, 2022

Respectfully submitted,

By: Luiggy Segura

Luiggy Segura

JND Legal Administration

Distribution Agent

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New Hyde Park, NY 11042