

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)

**NOTICE FOR DISTRIBUTION OF THE O'ROURKE DISTRIBUTION FUND**

*This Plan Notice is issued pursuant to the Court-approved Distribution Plan. This is not a solicitation from a lawyer.*

If you purchased the stock of the microcap companies listed below (the "Securities") during the corresponding "Relevant Period(s)", and suffered a loss as a result of the conduct described in the Complaint in the captioned matter, you may be eligible for compensation from the O'Rourke Distribution Fund.

**Company Name, Trading Symbols, and Relevant Period(s) (Inclusive) for each Security**

Company Name	Trading Symbol	Relevant Period Start Date	Relevant Period End Date
AV1 Group, Inc.	AVOP	5/4/2016	10/19/2016
EnviroTechnologies International, Inc.	ETII	2/1/2017	6/30/2017
EnviroTechnologies International, Inc.	ETII	1/30/2018	5/10/2018
Cyberfort Software, Inc.	CYBF	6/29/2018	8/15/2018
Link Reservations, Inc.	LRSV	10/7/2016	2/9/2017
BioHemp International, Inc.	BKIT	5/10/2019	7/16/2019

In order to be considered for eligibility for a distribution from the O'Rourke Distribution Fund, you must submit a completed and signed Proof of Claim Form ("Claim Form") to the Distribution Agent<sup>1</sup>, with adequate documentation of your transactions and a completed tax certification: **online no later than 11:59 p.m. PST on November 9, 2021; if by First Class Mail, postmarked by November 9, 2021; if not by First Class Mail, received by the Distribution Agent by November 9, 2021.** November 9, 2021 is referenced herein as the "Claims Bar Date". Further directions for submitting a claim, including the online claims process and physical address, are set forth below and on the Claim Form.

The information contained in this Plan Notice is only a summary. More detailed information and important documents can be found on the website dedicated to this matter at [www.OrourkeDistributionFund.com](http://www.OrourkeDistributionFund.com) (the "Distribution Website").

<sup>1</sup> Any capitalized terms used in this Plan Notice that are not otherwise defined herein shall have the meaning ascribed to them in the Plan, which is available on the website established for the O'Rourke Distribution Fund at [www.OrourkeDistributionFund.com](http://www.OrourkeDistributionFund.com).

Please Note: Receipt of this Plan Notice does not mean you are eligible to receive a Distribution Payment; eligibility will be determined in accordance with the Court-approved Distribution Plan (the “Plan”) upon receipt of your Claim Form and necessary documentation.

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY BECAUSE YOU MAY BE ELIGIBLE FOR COMPENSATION FROM THE O’ROURKE DISTRIBUTION FUND. THIS NOTICE CONTAINS IMPORTANT INFORMATION REGARDING YOUR POTENTIAL ELIGIBILITY TO SHARE IN THE O’ROURKE DISTRIBUTION FUND.

## **Background**

### **The Civil Action**

The Securities and Exchange Commission (the “SEC”) instituted the captioned action (the “Civil Action”) by Complaint filed on July 17, 2019, alleging that, from approximately May 2016 through July 2019, Garrett O’Rourke (“O’Rourke”) and Michael J. Black (“Black”) (collectively, the “Defendants”) schemed to sell the stock of the five publicly traded companies listed above to investors through false and misleading statements and high pressure stock promotional campaigns. The SEC further alleged that the Defendants disguised their control over some or all of the companies and their stock, thereby circumventing their obligations to register the stock with the SEC pursuant to Section 5 of the Securities Act of 1933 and conduct sales in accordance with the governing registration regulations. The SEC charged the Defendants, variously, with violations of Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

### **The O’Rourke Distribution Fund, the Tax Administrator, and the Distribution Agent**

The Civil Action has since been resolved against O’Rourke. By amended final order entered by consent on December 7, 2020, the Court ordered O’Rourke, among other things, to pay disgorgement and prejudgment interest aggregating to \$5,763,719. The SEC has since collected this monetary relief in full and holds over \$5.7 million in an interest-bearing account at the U.S. Treasury’s Bureau of Fiscal Service (the “O’Rourke Distribution Fund”).<sup>2</sup>

By Order dated March 4, 2021, the Court appointed Miller Kaplan Arase LLP as Tax Administrator and appointed JND Legal Administration as Distribution Agent (the “Distribution Agent”).

### **The Plan**

The Plan governs the administration and distribution of the O’Rourke Distribution Fund and sets forth the methodology for calculating Distribution Payments and the procedures for distributing the assets of the O’Rourke Distribution Fund to investors harmed by the conduct alleged in the Complaint. On May 26, 2021, the United States District Court for the Eastern District of New York approved the Plan. The Court-approved Distribution Plan is available on the Distribution Website at [www.OrourkeDistributionFund.com](http://www.OrourkeDistributionFund.com) as well as on the SEC public webpage for this matter, <https://www.sec.gov/divisions/enforce/claims/orourke-black.htm>.

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<sup>2</sup> The Civil Action is still pending with respect to Black. Additional collections in the Civil Action, accrued interest, and funds directed to the Civil Action for distribution will be added to the O’Rourke Distribution Fund if the O’Rourke Distribution Fund has not yet been distributed.

### **Who May Be Eligible for a Distribution?**

If you invested in one or more of the five publicly traded companies listed in the chart on page 1 of this notice, during the corresponding Relevant Period(s); are not an Excluded Party as defined in the Plan; and suffered a loss according to the Plan, you may be eligible for a distribution from the O'Rourke Distribution Fund.

To be considered for a Distribution Payment, you must timely submit a completed and signed Claim Form including adequate documentation for claimed transactions and a completed tax certification. If you believe you may be eligible for a distribution and are not an Excluded Party (see below), you should timely submit a completed and signed Claim Form.

"Excluded Parties" are defined in paragraph 5(m) of the Plan as follows and are not eligible to receive a distribution from the O'Rourke Distribution Fund:

- i) The Defendants in the captioned action and the legal representatives, nominees, assigns, creditors, heirs, distributees, spouses, parents, children, successors-in-interest, or controlled entities of the Defendants;
- ii) Any respondent or defendant in an SEC enforcement action or criminal proceeding that is instituted prior to the determination of Eligible Claimants under the Plan and that seeks relief for conduct related to the conduct underlying this action, including, without limitation, the defendants in *SEC v. Knox, et al.*, No. 18-cv-12058-RGS (D. Mass.) and *SEC v. Bajic, et al.*, No. 20-cv-7-LGS (S.D.N.Y.), and the legal representatives, nominees, assigns, creditors, heirs, distributees, spouses, parents, children, successors-in-interest, or controlled entities of the Defendants;
- iii) The Distribution Agent, its employees, and those persons assisting the Distribution Agent in its role as the Distribution Agent; and
- iv) Any purchaser or assignee of another Person's purported right to obtain a recovery from the O'Rourke Distribution Fund for value; provided, however, that this provision shall not be construed to exclude Third-Party Filers or those Persons who obtained such a right by gift, inheritance, devise or operation of law.

### **Allocation of the O'Rourke Distribution Fund**

A Plan of Allocation has been prepared that provides the formula by which Distribution Payments will be determined (*See* paragraphs 13 through 20, and Exhibits A and B, of the Plan). The Net Available Distribution Fund will be distributed to Eligible Claimants in accordance with that Plan of Allocation.

All Distribution Payments will be subject to a "De Minimis Amount" -- if a Potential Claimant's Distribution Payment is less than \$10.00, that Potential Claimant will not receive a Distribution Payment and the funds will be distributed to Eligible Claimants whose Distribution Payments are equal to or greater than \$10.00. *See* paragraph 20 of the Plan.

### **Claim Forms**

Your Claim Form may be submitted either online via the Distribution Website, or by First Class Mail or other delivery. A paper Claim Form has been included with this Plan Notice. If you require additional copies of the Claim Form, you may obtain them from the Distribution Website.

Your completed and signed Claim Form, including tax certification and adequate supporting documentation, must be submitted **online no later than 11:59 p.m. PST on November 9, 2021, following the directions at [www.OrourkeDistributionFund.com](http://www.OrourkeDistributionFund.com)**. Alternatively, you may submit your completed and signed Claim Form by **First Class Mail, postmarked by November 9, 2021 or, if not sent by First Class Mail, received by the Distribution Agent by November 9, 2021**. Mailed and/or otherwise physically delivered Claim Forms should be directed to the following address:

O'Rourke Distribution Fund  
c/o JND Legal Administration  
PO Box 91401  
Seattle, WA 98111

If you fail to timely submit a completed and signed Claim Form by the deadline, you may be barred from receiving a payment from the O'Rourke Distribution Fund. The Claim Form must be accompanied by a completed tax certification and adequate supporting documentation for each transaction listed in the Claim. You will be responsible for demonstrating timely submission of your Claim Form.

If you submit a Claim Form that fails to provide all required information, or is otherwise deficient, you may receive a Claim Deficiency Notice advising you of the reason(s) why the claim is deficient and providing to you an opportunity to cure such deficiencies.

### **Special Notice to Securities Brokers and Other Nominee Purchasers**

Brokers, Dealers and other nominees that may have records of purchasers of the Securities during the Relevant Period must notify the respective beneficial owners within fourteen (14) days of receipt of the Claims Packet so that beneficial owners may timely file a claim or provide to the Distribution Agent within fourteen (14) days of receipt a list of last known names and addresses for all beneficial owners for whom the record holders purchased the Securities during the Relevant Period.

### **Additional Information**

Additional information regarding the O'Rourke Distribution Fund, including the Distribution Plan, the Plan Notice, the Claim Form, relevant deadlines, and related materials are available on the Distribution Website at [www.OrourkeDistributionFund.com](http://www.OrourkeDistributionFund.com). You may obtain additional information or request copies of the Claim Form by contacting the Distribution Agent toll-free at (833) 358-1844, emailing [info@OrourkeDistributionFund.com](mailto:info@OrourkeDistributionFund.com), or writing to:

O'Rourke Distribution Fund  
c/o JND Legal Administration  
PO Box 91401  
Seattle, WA 98111

PLEASE CHECK THE WEBSITE [WWW.OROURKEDISTRIBUTIONFUND.COM](http://WWW.OROURKEDISTRIBUTIONFUND.COM) FOR UPDATES