## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE

V.

COMMISSION,

Civil Action No. 1:08cv04520-PAC

Plaintiff,

Related Case No.

1:08cv06609-PAC

DOCUMENT FILECTRONICALLY FILED

USDC SDNY

Christian De Colli,

Defendant.

## ORDER ESTABLISHING FAIR FUND, APPROVING DISTRIBUTION PLAN, AND ESTABLISHING NOTICE PROCEDURES

The Court, having reviewed the Plaintiff Securities and Exchange Commission's ("Commission") Motion To Establish Fair Fund, Approve Distribution Plan, and Establish Notice Procedures, and Memorandum in Support thereof (the "Motion"), the proposed Distribution Plan (the "Distribution Plan"), the supporting Declaration of Stuart Jackson (the "Declaration"), and the related documents; having found that the relief requested therein is in the best interests of the Distribution Fund, the Counter-Parties, and all parties in interest; and after due deliberation and for good cause shown,

## IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- 1. The Motion is GRANTED.
- 2. A Fair Fund, in accordance with Section 308(a) of the Sarbanes-Oxley Act of 2002, as amended [15 U.S.C. § 7246(a)], is hereby created for the benefit of defrauded investors and shall comprise and include the entire amount currently contained in the Court's registry established by the Clerk of the Court in this matter, minus the appropriate fees

and expenses incurred in establishing and maintaining the account or ordered by the Court to be paid to satisfy the Fair Fund's tax-related obligations.

- 3. The Distribution Plan of the Securities and Exchange Commission is APPROVED.
- 4. The Commission staff shall send out the Notice of Plan to Distribute Funds and other documents as provided in the Distribution Plan and follow the steps set forth in the Distribution Plan to resolve any objections to the Plan and move for a Final Distribution Order thereafter. Recipients of the Distribution Plan shall have 60 days to object.

5. The Court shall retain jurisdiction over the Distribution Plan and the effectuation thereof.

6 The Clerk of Court shall terminate the pending motions.

SO ORDERED.

Dated: Sylenka (5, 2017)
New York

UNITED STATES DISTRICT JUDGE OF