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9
10 **UNITED STATES DISTRICT COURT**
11
12 **FOR THE DISTRICT OF COLUMBIA**

13 _____)
14 **SECURITIES AND EXCHANGE**)
15 **COMMISSION,**)

16 **Plaintiff**)

17 **v.**)

18 **DISCOVER CAPITAL HOLDINGS**)
19 **CORP., et al.,**)

20 **Defendants**)

03 Civ. 03-1496(RMC)

**Unopposed Motion for Order
Authorizing Supplemental Distribution
of Funds to Investors**

21 **UNOPPOSED MOTION FOR ORDER AUTHORIZING SUPPLEMENTAL**
22 **DISTRIBUTION OF FUNDS TO INVESTORS**

23 COMES NOW, Nancy R. Grunberg, appointed Distribution Agent in the above-captioned
24 matter, and files this Unopposed Motion for Order Authorizing Supplemental Distribution of
25 Funds to Investors and in support of such states as follows:

26 1. On December 14, 2005, this Court granted the Commission's motion to appoint Nancy
27 Grunberg, Esquire, of the law firm of Venable, LLP, to act as Distribution Agent for the purposes
28 of distributing all funds collected in the matter and deposited into the court registry. On July 10,
2006, the Court approved the Distribution Agent's proposed distribution plan. In that order, the

1 Court directed that the Distribution Agent distribute funds in accordance with the distribution
2 plan and coordinate with Damasco & Associates ("Tax Administrator"), the appointed tax
3 administrator in this matter concerning payment of tax liabilities on the settlement fund and any
4 fees incurred by the Tax Administrator in carrying out its duties. The Tax Administrator has
5 been informed of the proposed payment plan and has no objection.

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7 2. On 6/9/2009 additional funds in the amount of 5,399.12 were deposited into the Discover
8 Capital Custodial Account.

9 3. On 9/15/2009 additional funds in the amount of 38,368.60 were deposited into the
10 Discover Capital Custodial Account.

11 4. On 10/16/2009 additional funds in the amount of 38,368.60 were deposited into the
12 Discover Capital Custodial Account.

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14 5. On 11/19/2009 additional funds in the amount of 38,368.60 were deposited into the
15 Discover Capital Custodial Account.

16 6. The Distribution Agent has allocated the additional funds of the Discover Capital
17 Custodial Account among eligible Claimants pro rata, based on the amounts of their claims. The
18 proposed payment plan is attached as Exhibit A.

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20 3. The Distribution Agent has provided a copy of the attached proposed payment plan to the
21 staff of the SEC, and was subsequently informed that the SEC staff has no objection to this
22 Motion for an Order Authorizing Supplemental Distribution of Funds to Investors in accordance
23 with the proposed payment plan.

24 4. The Distribution Agent now seeks authorization to distribute funds as detailed in the
25 payment plan.
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CONCLUSION

WHEREFORE, the Distribution Agent respectfully requests that this motion be granted.

Dated: November 15, 2011

Respectfully Submitted,

Nancy R. Grunberg

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Distribution Agent

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CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing Unopposed Motion for Order Authorizing Supplemental Distribution of Funds to Investors, was served on November 15, 2011, by mail, on the following:

Arthur S. Lowry
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Nancy R. Grunberg

Executed on Nov. 15, 2011

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