

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AL-RAYA INVESTMENT COMPANY	:	
	:	
and	:	No. 1:09-CV-6533 (NRB)
	:	
WALEED KHALID AL-BRAIKAN	:	ECF Case
As Representative of the Heirs of HAZEM	:	
KHALID AL-BRAIKAN,	:	
	:	
Defendants,	:	
	:	
and	:	
	:	
KIPCO ASSET MANAGEMENT	:	
COMPANY (KAMCO),	:	
	:	
Relief Defendant.	:	
	:	

**NOTICE OF MOTION AND MOTION TO
AMEND PLAN OF DISTRIBUTION**

PLEASE TAKE NOTICE that, based upon the accompanying Memorandum of Law in support of this Motion, Plaintiff Securities and Exchange Commission (“Commission”) will move this Court, the Honorable Naomi Reice Buchwald, at a date, time and place as may be determined by the Court to amend the Distribution Plan approved by this Court on December 16, 2013.

MOTION

The Commission submits this Motion for an Order to Amend the Plan of Distribution to clarify for those Eligible Claimants who held a short position at the beginning of the Recovery Period: (1) how the “first in first out” accounting method (“FIFO”) will be applied to the short sales; and (2) how the Eligible Loss Amount will be calculated in instances where short sales occurred before the Recovery Period. The grounds for this Motion are set forth in the Memorandum of Law submitted in support of this Notice of Motion and Motion, and the exhibits attached thereto.

WHEREFORE, the Commission respectfully requests that the Court issue an Order amending paragraphs 18, 31, 32, 34 and 35 of the Plan of Distribution in the form of the proposed Order and the Amended Distribution Plan submitted with this Notice of Motion and Motion, and grant such other relief as the Court deems just and proper.

DATED: February 6, 2015

Respectfully submitted,

s/ Nichola L. Timmons
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