

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>SECURITIES AND EXCHANGE COMMISSION,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>Civ. No. 09-63</b>
	:	
<b>JOSEPH S. FORTE and</b>	:	
<b>JOSEPH FORTE, L.P.,</b>	:	
<b>Defendants.</b>	:	

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**ORDER**

**AND NOW**, this 9th day of March, 2022, upon consideration of the Securities and Exchange Commission’s Motion for an Order Appointing a Tax Administrator, Setting Notice Procedures, and Related Relief (Doc. No. 289), it is hereby **ORDERED** that Motion is **GRANTED**. It is further **ORDERED** as follows:

1. Miller Kaplan Arase LLP is appointed Tax Administrator to execute all income tax reporting requirements, including the preparation and filing of tax returns, for the Distribution Fund;
2. Miller Kaplan shall be designated the Tax Administrator of the Distribution Fund, pursuant to Section 468B(g) of the Internal Revenue Code, 26 U.S.C. § 468B(g), and related regulations, and shall satisfy the administrative requirements imposed by those regulations, including but not limited to: (i) obtaining a taxpayer identification number; (ii) filing applicable federal, state, and local tax returns and paying taxes reported thereon out of the Distribution Fund; and (iii) satisfying any information, reporting, or withholding requirements imposed on distributions from the Distribution Fund, including but not limited to the Foreign Account Tax Compliance Act. Upon request, the Tax Administrator shall provide copies of any filings to the SEC’s counsel of record;

3. Miller Kaplan shall perform services in accordance with, and be entitled to charge reasonable fees for tax compliance services and related expenses in accordance with its agreement with the SEC for the Tax Years 2019 through 2021. The Tax Administrator shall, at such times as the Tax Administrator deems appropriate, submit a request to the SEC's counsel of record for payment of fees and expenses from the Distribution Fund;
4. At such times as the Tax Administrator deems necessary to fulfill the tax obligations of the Distribution Fund, submit a request to the SEC's counsel of record for authorization to pay from the Distribution Fund tax obligations of the Distribution Fund;
5. The SEC is authorized to approve and arrange payment of all tax obligations owed by the Distribution Fund and the fees and expenses of the Tax Administrator directly from the Distribution Fund without further approval of this Court. The Tax Administrator will submit invoices of all fees and expenses incurred in connection with its respective duties to the SEC's counsel of record for review and, as appropriate, payment. All payments will be reflected in the final accounting referenced below;
6. Upon completing its duties as set forth herein and upon request by the SEC, the Tax Administrator will provide to the SEC's counsel of record a final accounting in a form provided by the SEC's counsel of record;
7. Unless otherwise ordered by this Court, "Notice" by the SEC of an event or filing in connection with the Distribution Fund shall be deemed complete upon (i) provision of notice, or a copy of the filing at issue, including all filings with the Court, to the CFTC, the Defendants at their last known address, any interested person or entity who informs the SEC in writing of their inability to access the SEC's public webpage, and any person or entity which, in the SEC's sole discretion, is directly impacted by the event or filing;

and (ii) publication of the notice or filing at issue on the public website maintained by the SEC for this matter: <https://www.sec.gov/divisions/enforce/claims/forte.htm>;

8. This Court will retain exclusive jurisdiction over the distributions, including but not limited to, claims against the Tax Administrator asserting liability for violation of any duty imposed by a court-approved plan for distribution or other Order.

**AND IT IS SO ORDERED.**

*/s/ Paul S. Diamond*

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Paul S. Diamond, J.