

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 17-80916-MIDDLEBROOKS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

HIDALGO MINING CORPORATION, et al.,

Defendants.

ORDER

THIS CAUSE comes before the Court upon Plaintiff Securities and Exchange Commission's Motion for an Order Appointing a Tax Administrator and Authorizing Payment of Tax Related Fees, Expenses, and Obligations, filed on September 11, 2020. (DE 11-1). No response has been filed.

The Court having reviewed the Motion of Plaintiff Securities and Exchange Commission (the "SEC") for an Order appointing Miller Kaplan Arase LLP ("Miller Kaplan") as Tax Administrator and authorizing payment of future tax obligations and the fees and expenses of the Tax Administrator, it is hereby **ORDERED AND ADJUDGED** that:

1. The Motion (DE 11-1) is **GRANTED**.
2. Miller Kaplan is appointed Tax Administrator to execute all income tax reporting requirements, including the preparation and filing of tax returns, for all funds under the Court's jurisdiction in this case.
3. Miller Kaplan shall be designated the Tax Administrator of the Fair Fund, pursuant to Section 468B(g) of the Internal Revenue Code (IRC), 26 U.S.C. § 468B(g), and related regulations, and shall satisfy the administrative requirements imposed by those regulations, including but not

limited to (a) obtaining a taxpayer identification number; (b) filing applicable federal, state, and local tax returns and paying taxes reported thereon out of the Fair Fund; and (c) satisfying any information, reporting, or withholding requirements imposed on distributions from the Fair Fund. Upon request, the Tax Administrator shall provide copies of any filings to the SEC's counsel of record.

4. The Tax Administrator shall, at such times as the Tax Administrator deems necessary to fulfill the tax obligations of the Fair Fund, submit a request to the SEC's counsel of record for payment from the Fair Fund of any tax obligations of the Fair Fund.

5. The Tax Administrator shall 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 Fair Fund.

6. The SEC is authorized to approve and arrange payment of all future tax obligations owed by the Fair Fund and the fees and expenses of the Tax Administrator directly from the Fair Fund without further approval of this Court. All payments for taxes and the fees and expenses of the Tax Administrator shall be reported to the Court in a final accounting.

SIGNED in Chambers at West Palm Beach, Florida, this 26th day of October, 2020.

A handwritten signature in black ink, appearing to read "Donald M. Middlebrooks", written over a horizontal line.

Donald M. Middlebrooks
United States District Judge