

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
JAN - 9 2018 ★

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

HOWARD BRETT BERGER,

Defendant,

MICHELLE BERGER,

Relief Defendant.

LONG ISLAND OFFICE

12-CV-4728
(LDW-ARL)

ECF CASE

~~LDW~~ PROPOSED ORDER FOR DISTRIBUTION OF FAIR FUND

The Court, having reviewed the Securities and Exchange Commission’s (“SEC”) Third Motion for Order for Distribution of Fair Fund and the supporting Affidavit of the Distribution Agent, and for good cause shown,

IT IS HEREBY ORDERED:

1. The SEC shall issue a check payable to the QSF for Berger Distribution Fund, in care of the Distribution Agent, Simon Consulting, LLC, from the Commission’s account under the case name designation “SEC v. Howard Brett Berger, et al.” for all of the funds in the Commission’s accounts representing the SEC v Berger Distribution Fund (“Fair Fund” or “Fund”), totaling approximately \$795,743.93; and
2. The Commission shall send the check by overnight mail to:

Simon Consulting, LLC

3200 North Central Avenue
Suite 2460
Phoenix, AZ 85012

3. The Distribution Agent shall distribute these funds to Eligible Investors pursuant to the final payee list in accordance with the terms of the Distribution Plan.

DATED: 1/9/2018
Central Islip, NY

Leonard D. Wexler
U.S.A.
LEONARD D. WEXLER