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7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO/OAKLAND DIVISION**

11 SECURITIES AND EXCHANGE)
12 COMMISSION,)

13 Plaintiff,)

14 vs.)

15 GARY R. MARKS,)

16 Defendant)
17)
18)
19)

) Case Number: CV-12-4486-WHA

) ~~PROPOSED~~ ORDER TO TRANSFER
) FUNDS TO DISTRIBUTION AGENT FOR
) DISTRIBUTION TO ELIGIBLE
) INVESTORS

20 The Court having reviewed the Securities and Exchange Commission’s Unopposed
21 Motion and Memorandum to Transfer Funds to the Distribution Agent for Distribution to
22 Eligible Investors (“Motion”), and the supporting Affidavit of Nashira McCoy (“Affidavit”), and
23 for good cause shown,

24 **IT IS HEREBY ORDERED:**

- 25 1. The Motion is **GRANTED**.

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1 2. The SEC shall transfer the entire fund amount of \$504,902, plus interest, and less fees
2 and expenses (the “Fair Fund”), on deposit with the United States Treasury to Gilardi & Co. LLC
3 (the “Distribution Agent”).

4 3. The Distribution Agent is authorized, without further order of the Court, to distribute
5 \$468,632.40 of the Fair Fund to Eligible Investors in accordance with the terms of the
6 Distribution plan.

7 4. Subject to review and approval of its invoice by the Commission’s staff, the Distribution
8 Agent is authorized to pay to the Distribution Agent \$12,266.25 from the Fair Fund for fees and
9 expenses already incurred during the distribution.

10 5. The Distribution Agent is further authorized to pay all remaining fees, expenses, and tax
11 obligations of the Fair Fund without further order of the Court, subject to the review and
12 approval of the Commission’s staff.

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15 Dated: January 12, 2017.



WILLIAM H. ALSUP
United States District Judge