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10 **UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO/OAKLAND DIVISION**


13 SECURITIES AND EXCHANGE)
14 COMMISSION,) Case Number: CV-12-4486-WHA
15)
16 Plaintiff,) ~~PROPOSED~~ ORDER TO ESTABLISH A
17) FAIR FUND AND APPOINT A TAX
18 vs.) ADMINISTRATOR
19)
20 GARY R. MARKS,)
21)
22)
23 Defendant)
24)
25)
26)
27)
28)

29 The Court having reviewed the Securities and Exchange Commission’s motion and
30 memorandum to establish a Fair Fund and appoint Damasco & Associates LLP as Tax
31 Administrator and for good cause shown, it is hereby ORDERED that

- 32 1. The Motion is GRANTED.
33 2. A Fair Fund is established pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002,
34 as amended by the Dodd-Frank Act of 2010 [15 U.S.C. § 7246(a)], from the funds paid by
35 defendant pursuant to the Final Judgment in the case name designation “SEC v. Gary R. Marks,”
36 plus interest earned on those funds minus fees, taxes, and other expenses (the “Fund”).

1 7. At least ten (10) days before any motion to pay fees and expenses is filed with the Court,
2 the Tax Administrator shall provide the Commission counsel of record with a draft of the
3 supporting declaration for review. If the Commission has any corrections or objections to the
4 declaration, the Tax Administrator and the Commission's counsel shall attempt to resolve them
5 on a consensual basis. If a consensual resolution is not reached, the Commission may submit
6 with the motion any objections along with the Tax Administrator's response thereto.
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12 Dated: May 2, _____ 2014.



WILLIAM H. ALSUP
United States District Judge