

UNITED STATES DISTRICT COURT
EASTERN DISTRICT NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ JUL 18 2017 ★

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NICHOLAS SAVVA

Defendant.

BROOKLYN OFFICE

Civil No. 16-cv-05432-AMD

Hon. Ann M. Donnelly

ANN DONNELLY, District Judge.

ORDER ESTABLISHING FAIR FUND, APPOINTING PLAN ADMINISTRATOR AND APPROVING DISTRIBUTION PLAN

The Court, having reviewed Plaintiff Securities and Exchange Commission's ("Commission") Motion to: 1) establish a Fair Fund; 2) appoint a Plan Administrator; and 3) approve the Commission's plan to distribute funds collected from Defendant Nicholas Savva to harmed investors, and it appearing for good cause shown,

IT IS HEREBY ORDERED:

1. The Motion to Establish Fair Fund, Appoint Plan Administrator, and Approve Distribution Plan is **GRANTED**.

2. A Fair Fund is established for the funds already paid by Defendant.

3. Michael S. Lim is appointed as Plan Administrator.

4. The Fair Fund will be distributed in accordance with the Distribution Plan approved by this Court.

5. The Plan Administrator shall perform such functions as are necessary to

implement and administer the approved Distribution Plan, pursuant to which monies in the Fair Fund, minus tax obligations and fees and expenses of the Tax Administrator, shall be distributed to Eligible Recipients.

6. The Plan Administrator shall be deemed to be acting within the scope of his employment with the Commission in administering the Fair Fund. In carrying out his duties, the Plan Administrator may be assisted by other Commission staff acting under his supervision.

7. The Plan Administrator shall receive no compensation for the services performed in administering the Fair Fund, other than his regular salary as an employee of the Commission.

8. The Plan Administrator shall coordinate with the Court-appointed Tax Administrator, Miller Kaplan Arase LLP, to ensure that the Fair Fund, a Qualified Settlement Fund ("QSF") under Section 468B(g) of the Internal Revenue Code, and related regulations pertaining to QSFs, 26 C.F.R. §§ 1.4688-1 through 65, complies with all related legal and regulatory requirements, including without limitation, satisfying any reporting or withholding requirements imposed on distributions from the Fair Fund.

9. The Plan Administrator may be removed *sua sponte* at any time by the Court or upon motion of the Commission and replaced with a successor.

10. The Plan Administrator and his designees, agents and assistants are not required to post a bond, and shall not be liable to any person for their actions hereunder, except on a finding of willful disregard of duty.

11. The Plan Administrator will submit a final accounting to the Court prior to seeking termination of the Distribution Plan and discharge of the Plan Administrator.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge



Dated: Brooklyn, New York
June 13, 2017