

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

06 CV 6153 (LDW) (ETB)

Plaintiff,

- against -

SPIRO GERMENIS,  
ORACLE SERVICES INC., and  
ORACLE EVOLUTION, LLC,

Defendants,

- and -

ORACLE E FUND, L.P.,  
ORACLE J FUND, LP, and  
ORACLE EVOLUTION CAPITAL, LLC,

Relief Defendants.

**[PROPOSED] SUPPLEMENTAL DISTRIBUTION PLAN**

**I. INTRODUCTION**

1. This Supplemental Distribution Plan sets forth the method and procedures for distributing additional amounts transferred to the Distribution Fund in the above-captioned action from Topwater Exclusive Fund IV, LLC (Dkt. No. 98) and other amounts present in the Court Registry Investment System (“CRIS”) account. The distribution shall be made on the same basis as the initial distribution (Dkt. No. 91), the terms of which are incorporated herein and which shall remain in full force and effect except as specifically modified by this Supplemental Distribution Plan. Pursuant to the Amended Final Judgment entered by the Court on October 2, 2008, and the Order Approving Distribution Plan, Appointing Fund Administrator, and Directing Distribution, the amounts paid in disgorgement, prejudgment interest, and any

accumulated interest earned on such amounts, less appropriate expenses, may be distributed in accordance with this plan.

## **II. DEFINED TERMS.**

2. All terms defined in the Distributions Plan shall have the same meaning in this Supplemental Distribution Plan.

## **III. DISTRIBUTION PROCESS**

3. Attached as Exhibit A is the Proposed Supplemental Distribution to Eligible Investors, based on their pro rata share (as determined in the Distribution Plan) to the funds transferred into the CRIS account. An unredacted copy for Exhibit A is being filed under seal.

4. The current balance in the CRIS account (as of March 4, 2015) is \$89,251.85. A reserve for taxes and for the fees of the Tax Administrator of \$8,000 has been set aside, leaving \$81,251.85 to distribute. All distribution amounts have been rounded down to the next \$10. The total to be distributed is \$80,990.

5. The Clerk of the Court shall distribute the funds from the CRIS account as shown in Exhibit A.

6. All payments shall be preceded or accompanied by a communication that includes, as appropriate: (a) a statement characterizing the distribution; (b) a description of the tax information reporting and other related tax matters; (c) a statement that checks will be void after six months; and (d) the names of the Fund Administrator and appropriate Commission staff to contact in the event of any questions regarding the distribution. Distribution checks, on their face, or in the accompanying mailing will clearly indicate that the money is being distributed from the Distribution Fund established by the Court.



**EXHIBIT A**  
**PROPOSED SUPPLEMENTAL DISTRIBUTION (REDACTED)**

<b>Inv. No.</b>	<b>Invested In</b>	<b>Address</b>	<b>Pct.</b>	<b>Distribution</b>
1	Individual Account	Staten Island, NY	5.83	\$4,740
1A	E Fund		0.64	\$510
2	Individual Account	Unknown - Hold in CRIS	6.11%	\$4,960
	J Fund			
	E Fund			
3	J Fund	Unknown - Hold in CRIS	1.14%	\$920
4	Individual Account	Forest Hills, NY	2.29%	\$1,860
5	J Fund	Cranford, NJ	0.17%	\$130
6	J Fund	Unknown - Hold in CRIS	1.05	\$850
7	J Fund	Whitestone, NY	0.30%	\$240
8	J Fund	Whitestone, NY	0.43%	\$350
	Individual Account			
9	Individual Account	Miami Beach, FL	23.34%	\$18,960
10	J Fund	Roslyn Heights, NY	0.65%	\$520
11	J Fund	Hicksville, NY	0.32%	\$260
12	J Fund	Great Neck , NY	0.65%	\$490
13	J Fund	Staten Island, NY	3.14%	\$2,540
	Individual Account			
14	J Fund	Queens Village, NY	0.87%	\$710
15	J Fund	Port Washington, NY	2.27%	\$1,840
16	J Fund	Port Jefferson Station, NY	0.91%	\$730
17	J Fund	Claremont, FL	0.52%	\$420
18	E Fund	Unknown - Hold in CRIS	0.32%	\$260
19	J Fund	Palm Beach Gardens, FL	2.19%	\$1,670
20	J Fund	East Hampton, NY	2.34%	\$1,890
21	E Fund	St. Louis, MO	11.19%	\$9,090
22	J Fund	Palm Beach, FL	28.41%	\$23,080
	Individual Account			
23	J Fund	Plainview, NY	0.26%	\$210
24	Individual Account	New Hyde Park, NY	0.41%	\$330
25	J Fund	St. Albans, NY	0.39%	\$310
26	J Fund	Melville, NY	0.26%	\$210
27	J Fund	Simpsonville, SC	3.59%	\$2,910
<b>TOTAL</b>			<b>100%</b>	<b>\$80,990.00</b>