

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**SECURITIES AND EXCHANGE COMMISSION,** :  
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 : **ECF Case**  
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 **Plaintiff,** :  
 :  
 : **09 Civ. 4755 (PGG)**  
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 **- against -** :  
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 **FTC Capital Markets, Inc.,** :  
 **FTC Emerging Markets, Inc., also d/b/a FTC Group,** :  
 **Guillermo David Clamens,** :  
 **Lina Lopez a/k/a Nazly Cucunuba Lopez,** :  
 :  
 :  
 :  
 **Defendants.** :  
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**MOTION FOR APPROVAL OF DISTRIBUTION PLAN AND SCHEDULING ORDER**

The Securities and Exchange Commission (“SEC” or “Commission”) respectfully requests that the Court enter the Commissions proposed Distribution Plan and Scheduling Order with respect to the distribution of the funds under this Court’s jurisdiction in this case.

On May 20, 2009, the Commission brought this action against defendants FTC Capital Markets, Inc., FTC Emerging Markets, Inc. also d/b/a FTC Group, Guillermo David Clamens, and Lina Lopez, also known as Nazly Cucunuba Lopez (collectively, the “Defendants”). In its complaint, the Commission charged the Defendants with violations of the anti-fraud provisions of the federal securities laws, Section 17(a) of the Securities Act of 1933 (“Securities Act”), 15 U.S.C. § 77q(a), Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§ 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

By order dated August 26, 2010, the Court entered Final Judgments as to defendants FTC Capital Markets, Inc., FTC Emerging Markets, Inc. also d/b/a FTC Group, and Guillermo David

Clamens (collectively, the “FTC Defendants”). Pursuant to the Final Judgments, the FTC Defendants relinquished all legal and equitable right, title, and interest in all of their United States assets, which were ordered to be converted to cash as soon as practicable. The proceeds from the sale of the defendants United States assets and any other assets in the United States that are subsequently discovered are to be sent to the Clerk of this Court and deposited into an interest-bearing account with the Court Registry Investment System (“CRIS”), under the case name designation “SEC v. FTC Capital Markets, Inc., et al. 09 Civ. 4955 (PGG)”

Since the entry of the Final Judgment, the Commission has sought to convert the assets to cash and have the funds deposited into the CRIS. To date, the Commission has collected a total of approximately \$3,200,000 from the sale of the defendants United States assets and efforts to identify and liquidate the defendants U.S. assets are ongoing. The “FTC Fund” will include all of the funds currently in the CRIS account and any other amounts that may subsequently be paid into that account as well as any interest on such amounts.

The Commission respectfully requests that the Court enter an Order approving a plan of distribution (the “Distribution Plan”) pursuant to which the FTC Fund would be distributed pro rata to the investors who were defrauded by the FTC Defendants and the FTC Defendants’ creditors.

In order to ensure that all of the victims and creditors are identified and afforded the opportunity to recover from the FTC Fund, the Commission requests that the Court approve the steps outlined in the proposed Distribution Plan and the proposed Scheduling Order for publication, notice, and filing a proof of claim. The proposed Scheduling Order further provides that the name, address, and other personal identification information concerning any investor or

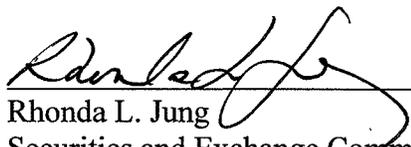
creditor shall be redacted from any documents filed by ECF and the unredacted documents shall be filed under seal.

WHEREFORE, the Commission respectfully moves that the Court issue an Order:

- (1) Approving the Commission's proposed Distribution Plan;
- (2) Approving the Commission's proposed Scheduling Order; and
- (3) Appointing John J. Graubard, Esq. as Fund Administrator .

Dated: May 27, 2011

Respectfully submitted,

  
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