

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

)	
SECURITIES AND EXCHANGE COMMISSION,)	
)	
PLAINTIFF,)	
)	
v.)	No. 15-cv-02304 (DLC)
)	
MACQUARIE CAPITAL (USA) INC., ET AL.)	
)	
DEFENDANTS.)	
)	

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION’S NOTICE OF MOTION
AND MOTION FOR AN ORDER APPROVING A JOINT NOTICE AND
DISTRIBUTION PLAN FOR THE MACQUARIE CAPITAL FAIR FUND**

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Motion, Memorandum, and Proposed Order, and all other papers and proceedings herein, Plaintiff United States Securities and Exchange Commission will move this Court before the Honorable Denise L. Cote, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an Order approving the Joint Notice of Funds to Compensate Certain Investors of Puda Coal Common Stock and Options and a distribution plan for the Macquarie Capital Fair Fund.

MOTION

Plaintiff, United States Securities and Exchange Commission (the “Commission”), moves the Court for an Order approving the Joint Notice of Funds to Compensate Certain Investors of Puda Coal Common Stock and Options (“Joint Notice”) and approving a plan to distribute more than \$15 million to compensate injured Puda Coal Inc. (“Puda Coal”) investors for their losses (“Distribution Plan”). A proposed order granting this Motion, and appending the Distribution Plan, is included as Exhibit 1. The Joint Notice is included as Exhibit 2. A Memorandum of Law in Support of this Motion is contemporaneously filed herewith.

WHEREFORE, the Commission respectfully requests that this Court enter an order approving a Distribution Plan for the Macquarie Capital Fair Fund.

Dated: January 29, 2016

Respectfully submitted,

/s/ Susan S. Pecaro

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