

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 14-80823-CIV-COHN

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

WESTON CAPITAL ASSET MANAGEMENT  
LLC, ALBERT HALLAC, and KEITH  
WELLNER,

Defendants,

JEFFREY HALLAC,

Relief Defendant.

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**ORDER GRANTING PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S  
MOTION TO APPOINT A FUND ADMINISTRATOR, ESTABLISH A FAIR FUND, AND  
APPROVE DISTRIBUTION PLAN**

**THIS CAUSE** is before the Court on the Motion of Plaintiff Securities and Exchange Commission to Appoint a Fund Administrator, Establish a Fair Fund, and Approve Distribution Plan. DE 32 ("Motion"). The Court has considered the Motion and is otherwise advised in the premises. Accordingly, it is

**ORDERED AND ADJUDGED** as follows:

1. The Motion [DE 32] is **GRANTED**.
2. Michael S. Lim, an employee of Plaintiff Securities and Exchange Commission ("Commission"), is appointed as Fund Administrator.
3. A Fair Fund is established for the \$596,040.40 paid, and any future funds collected, from Defendants and Relief Defendant, pursuant to Section

308(a) of the Sarbanes-Oxley Act of 2002, as amended, 15 U.S.C. § 7246.

4. The Fair Fund will be distributed in accordance with the Distribution Plan provisions approved by this Court.
5. The Fund Administrator shall perform such functions as are necessary to implement and administer the approved Fair Fund, 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 as defined in the Distribution Plan.
6. The Fund Administrator shall be deemed to be acting within the scope of his employment with the Commission in administering this Fair Fund. In carrying out his duties, the Fund Administrator may be assisted by other Commission staff acting under his supervision.
7. The Fund 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 Fund 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, 26 U.S.C. § 468B(g), and related regulations pertaining to QSFs, 26 C.F.R. § 1.468B-1 et seq., 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 Fund 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 Fund 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 Fund Administrator will submit a final accounting to the Court prior to seeking termination of the Fair Fund and discharge of the Fund Administrator.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 12th day of October, 2017.



JAMES I. COHN  
United States District Judge

Copies provided to counsel of record via CM/ECF.