

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-- against --

**AR CAPITAL, LLC, NICHOLAS S. SCHORSCH
and BRIAN S. BLOCK,**

Defendants.

19 Civ. 6603 (AT)

ECF Case

**NOTICE OF MOTION AND MOTION FOR AN ORDER TO
DISBURSE FUNDS FOR DISTRIBUTION**

PLEASE TAKE NOTICE that, upon the accompanying Motion, Memorandum, Declaration, and Proposed Order, and all other related papers and proceedings, Plaintiff, the Securities and Exchange Commission (the “SEC” or the “Commission”) will move this Court, at a date and time to be determined by the Court, for an Order to Disburse Funds for Distribution so that the Court-appointed Distribution Agent can distribute the AR Capital Fair Fund to investors eligible for a distribution under the Court-approved plan.

MOTION

In accordance with the plan of distribution approved by this Court on May 18, 2021 (the “Plan”), Plaintiff, the SEC, respectfully submits this Motion for an Order: (1) authorizing the SEC staff, in accordance with instructions to be provided by the Distribution Agent, to transfer \$42,501,186.21 to the escrow account established by the Distribution Agent at The Huntington National Bank, N.A.; and (2) authorizing the Distribution Agent to distribute those funds in accordance with the Plan.

The grounds for this Motion are set forth in the accompanying Memorandum and Declaration.

WHEREFORE, the SEC respectfully requests that the Court enter an Order substantially in the form submitted with this Motion.

Dated: August 7, 2023

Respectfully submitted,

/s/ Nancy Chase Burton
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CERTIFICATE OF SERVICE

I hereby certify that, on August 7, 2023, the foregoing Notice of Motion and accompanying papers was served upon the parties to this matter through the CM/ECF system.

/s/ Nancy Chase Burton
NAME