

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ANDREW DEFRANCESCO, MARLIO
MAURICIO DIAZ CARDONA, CARLOS
FELIPE REZK, NIKOLA FAUKOVIC,
AND CATHERINE DEFRANCESCO,

Defendants.

No. 1:23-CV-00131-JSR

~~PROPOSED~~ 

ORDER APPOINTING A DISTRIBUTION AGENT FOR THE FAIR FUND

The Court, having reviewed the Motion of Plaintiff Securities and Exchange Commission (“SEC”) for an Order Appointing a Distribution Agent (the “Motion”) and for good cause shown,

IT IS HEREBY ORDERED:

1. The Motion is GRANTED.
2. Epiq Class Action and Claims Solutions, Inc. (“Epiq”) is appointed as Distribution Agent for the Fair Fund to assist in overseeing the administration and the distribution of the Fair Fund pursuant to a distribution plan (the “Plan”) to be approved by this Court.
3. Epiq shall perform services in accordance with the pricing schedule and cost proposal submitted by the Distribution Agent to the Commission.
4. Epiq shall coordinate with the Court-appointed tax administrator Heffler, Radetich & Saitta, LLP (“HRS”) to ensure that the Fair Fund, a Qualified Settlement Fund under

Section 468B(g) of the Internal Revenue Code and related regulations, 26 C.F.R. §§ 1.468B-1 through 5, complies with all related legal and regulatory requirements, including but not limited to, satisfying any reporting or withholding requirements imposed on distributions from the Fair Fund.

5. Epiq may be removed *sua sponte* at any time by the Court or upon motion of the Commission and replaced with a successor. In the event Epiq decides to resign, it will first give written notice to the Court and to Commission's counsel of such intention, and the resignation, if permitted, will not be effective until the Court appoints a successor.

IT IS SO ORDERED.

Dated: 2/20/25



United States District Court Judge