

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

**SECURITIES AND EXCHANGE
COMMISSION**

Plaintiff,

v.

**HERMAN’S WORLD OF SPORTS, INC.,
THOMAS J. DZWILEWSKI, MICHAEL
EISEMANN, AND LOUIS MONTAINO,**

Defendants.

Civil Action No. 05-cv-00438

**NOTICE OF MOTION AND OMNIBUS MOTION
TO APPOINT A TAX ADMINISTRATOR, APPOINT A DISTRIBUTION AGENT,
APPROVE THE DISTRIBUTION PLAN, AND AUTHORIZE PAYMENT OF TAX
OBLIGATIONS AND THE RELATED FEES AND EXPENSES OF THE TAX
ADMINISTRATOR WITHOUT FURTHER COURT ORDER**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, upon the accompanying Motion, Memorandum, 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 requesting the following relief: (1) appoint Heffler, Radetich & Saitta, LLP (“Heffler”), a certified public accounting firm with an office in Philadelphia, PA, as Tax Administrator with respect to funds under this Court’s jurisdiction in this case (the “Distribution Fund”); (2) appoint Sondra Panahi, a Commission employee, as Distribution Agent of the Distribution Fund; (3) approve the proposed distribution plan (the “Distribution Plan” or the “Plan”) for distributing the funds collected in this matter to the investors harmed by the Defendants’ violations of the federal securities laws, which is being filed

contemporaneously; (4) authorize the Distribution Agent to pay the tax obligations of the Distribution Fund, and the fees and expenses of the Tax Administrator from the Distribution Fund without further order from the Court. All such payments will be reflected in a final accounting submitted to the Court for approval; and (5) order such other relief as the Court may find just and proper.

MOTION

Plaintiff Securities and Exchange Commission (the “SEC” or the “Commission”) respectfully moves the Court to:

1. Appoint Heffler, Radetich & Saitta, LLP (“Heffler”), a certified public accounting firm with an office in Philadelphia, PA, as Tax Administrator with respect to funds under this Court’s jurisdiction in this case (the “Distribution Fund”);

2. Appoint Sondra Panahi, a Commission employee, as Distribution Agent of the Distribution Fund;

3. Approve the proposed distribution plan (the “Distribution Plan” or the “Plan”) for distributing the funds collected in this matter to the investors harmed by the Defendants’ violations of the federal securities laws, which is being filed contemporaneously herewith;

4. Authorize the Distribution Agent to pay the tax obligations of the Distribution Fund, and the fees and expenses of the Tax Administrator from the Distribution Fund without further order from the Court. All such payments will be reflected in a final accounting submitted to the Court for approval; and

5. Order such other relief as the Court may find just and proper.

The grounds for this motion are set forth in the accompanying Memorandum in Support of Omnibus Motion to Appoint a Tax Administrator, Appoint a Distribution Agent, Approve the

Distribution Plan, and Authorize Payment of Tax Obligations and the Related Fees and Expenses of the Tax Administrator without further court order.

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

Respectfully submitted,

By: /s/ Sondra Panahi
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Exchange Commission

CERTIFICATE OF SERVICE

I, Sondra Panahi, hereby certify that, on February 27, 2025, I caused the foregoing document to be electronically filed with the clerk of the court for the U.S. District Court, Eastern District of New York, using the electronic case filing system of the court. The electronic case filing system sends a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Sondra Panahi

Sondra Panahi