

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

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S NOTICE OF MOTION
AND MOTION FOR AN ORDER APPROVING DISBURSEMENT OF FUNDS
TO ELIGIBLE INVESTORS**

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, to enter an Order directing the Commission to disburse funds currently held on deposit in an SEC-designated account with the U.S. Treasury Bureau of the Fiscal Service to an escrow account established by the Third-Party¹ at The Huntington National Bank, N.A. for distribution to eligible investors.

¹ All capitalized terms used herein but not defined shall have the same meanings ascribed to them in the Distribution Plan. (Dkt. No. 42).

MOTION

Plaintiff Securities and Exchange Commission (the “SEC” or the “Commission”) respectfully moves the Court to enter an Order (1) directing the Commission to disburse funds currently held on deposit in an SEC-designated account with the U.S. Treasury Bureau of the Fiscal Service to an escrow account established by the Third-Party at The Huntington National Bank, N.A. for distribution to eligible investors; and (2) 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 an Order Approving Disbursement of Funds to Eligible Investors.

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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Attorneys for Plaintiff Securities and
Exchange Commission

CERTIFICATE OF SERVICE

I, Sondra Panahi, hereby certify that, on February 12, 2026, 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. Additionally, I served a true copy of this Notice of Motion and Motion, to Mr. Michael J. Eisemann via the email address in our records and caused him to be served via UPS Next Day mail at his confirmed mailing address in our records.

/s/ Sondra Panahi
Sondra Panahi