

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**GARRETT O'ROURKE and
MICHAEL J. BLACK,**

Defendants.

Case No.: 19-CV-4137 (KAM)

**Plaintiff's Notice of Motion and
Motion for an Order Approving the
Final Accounting, Terminating the
Distribution Fund, Discharging the
Distribution Agent, and Related
Relief**

PLEASE TAKE NOTICE that Plaintiff Securities and Exchange Commission (the "SEC") will move this Court, at a date and time to be determined by the Court, before the Honorable Kiyo A. Matsumoto, at the United States Courthouse for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, for an Order:

1. Approving the Consolidated Final Accounting Report on the Cash Basis attached as Exhibit 1 (the "Final Accounting") to the accompanying Memorandum (the "Memorandum");
2. Directing the SEC to remit any remaining funds, and any funds returned to the Distribution Fund in the future, to the general fund of the U.S. Treasury, subject to Section 21F(g)(3) of the Securities Exchange Act of 1934 [15 U.S. Code § 78u-6(g)(3)];
3. Terminating the Distribution Fund; and
4. Discharging the Distribution Agent.

MOTION

The SEC respectfully requests that the Court enter an Order approving the final accounting attached to the Memorandum as Exhibit 1; directing the SEC to remit all funds

remaining in the Distribution Fund, and any funds returned to the Distribution Fund in the future, to the general fund of the U.S. Treasury, subject to Section 21F(g)(3) of the Securities Exchange Act of 1934 [15 U.S. Code § 78u-6(g)(3)]; terminating the Distribution Fund; and discharging the Distribution Agent.

WHEREFORE, for all the reasons set forth in the Memorandum, supported by the exhibits thereto, the SEC respectfully requests that this Court enter the proposed Order and grant such other relief as it deems just and proper.

Dated: October 30, 2024

Respectfully submitted,

s/Catherine E. Pappas
Catherine E. Pappas
Admitted Pro Hac Vice, ECF No. 82
Email: pappasc@sec.gov
Securities and Exchange Commission
One Penn Center
1617 JFK Blvd., Ste. 520
Philadelphia, Pa. 19103
Tel: (215) 597-0657
Fax: (215) 597-2740
*Attorney for Plaintiff Securities and
Exchange Commission*

CERTIFICATE OF SERVICE

I hereby certify that, on October 30, 2024, a true and correct copy of the foregoing document and accompanying memorandum and order was served by the undersigned by electronic mail upon:

- Roland Riopelle, counsel for defendant O'Rourke,
rriopelle@sercarzandriopelle.com
- Marc Nurik, counsel for defendant Black, marc@nuriklaw.com

Upon full briefing of the matter, these papers will be filed through the Court's CM/ECF system, and accordingly, the document will be sent electronically to counsel for both defendants, who are participants registered to receive electronic notice in this case.

s/ Catherine E. Pappas
Catherine E. Pappas