

**B. SCOTT WHIPPLE** (OSB # 983750)  
 scott@whipplelawoffice.com  
**WHIPPLE LAW OFFICE, LLC**  
 1675 SW Marlow Avenue, Suite #201  
 Portland, OR 97225  
 Telephone: (503) 222-6004

**WILLIAM DOUGLAS SPRAGUE** (*Pro Hac Vice*)  
 dsprague@cov.com  
**ASHLEY M. SIMONSEN** (*Pro Hac Vice*)  
 asimonsen@cov.com  
**COVINGTON & BURLING LLP**  
 One Front Street  
 San Francisco, CA 94111-5356  
 Telephone: (415) 591-6000

Attorneys for Defendant  
 N. SCOTT GILLIS

[Additional Counsel of Record Listed on Following Page]

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**SECURITIES AND EXCHANGE  
 COMMISSION,**

Plaintiff,

vs.

**AEQUITAS MANAGEMENT, LLC;  
 AEQUITAS HOLDINGS, LLC;  
 AEQUITAS COMMERCIAL FINANCE,  
 LLC; AEQUITAS CAPITAL  
 MANAGEMENT, INC.; AEQUITAS  
 INVESTMENT MANAGEMENT, LLC;  
 ROBERT J. JESENİK; BRIAN A.  
 OLIVER; and N. SCOTT GILLIS,**

Defendants.

Case No. 3:16-cv-00438-PK

**DECLARATION OF MATTHEW ABREU  
 IN SUPPORT OF MOTIONS FOR RELIEF  
 FROM RECEIVERSHIP ORDER, TO THE  
 EXTENT NECESSARY, TO PERMIT  
 PAYMENT OF DEFENSE COSTS**

Complaint Filed: March 10, 2016

DECLARATION OF MATTHEW ABREU IN SUPPORT OF  
 MOTIONS FOR RELIEF FROM RECEIVERSHIP ORDER



160043817092900000000002

I, Matthew Abreu, declare as follows:

1. I am a Senior Claims Specialty at XL Catlin, Inc. In that capacity, I was responsible for the evaluation of coverage under Private Equity Management Liability Insurance Policy No. MFP-686757-0714 to Aequitas Holdings, LLC, for the Policy Period of July 1, 2014 to November 1, 2015, as amended by Endorsement 8 (the “Catlin Policy”), including payment of any covered Claims thereunder.

2. I make this declaration in connection with the Motions by Defendants Robert J. Jesenik, Brian A. Oliver, and N. Scott Gills for Relief from Receivership Order, to the Extent Necessary, to Permit Payment of Defense Costs. *See* Dkt. Nos. 496 & 499.

3. I am over eighteen years of age and otherwise am competent to testify. I make this declaration based upon my personal knowledge of the facts set forth in this declaration. If called and sworn as a witness, I could and would testify to the facts stated in this declaration.

4. On or about July 11, 2017, I reviewed the figures presented in the spreadsheet that is attached hereto as Exhibit A, which identifies, by payment date and payee, Catlin’s payment of Defense Costs totaling \$5 million under the Catlin Policy. A true and correct copy of the spreadsheet is attached as Exhibit A.

5. I am familiar with Catlin’s record-keeping system for payments that Catlin makes pursuant to liability insurance policies like the Catlin Policy in this case. Making and documenting such payments is part of Catlin’s regularly conducted business activity.

6. By querying the database that contains the records described in paragraph 5, I confirmed, on or about July 11, 2017, that the figures presented in Exhibit A accurately reflected Catlin’s records of payments. The figures presented in Exhibit A reflect payment records that (i) were made at or near the time of the payments listed, (ii) were entered by a Catlin

representative with knowledge of the payments, and (iii) are kept in the regular course of Catlin's business activity.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2017 in New York, New York.

A handwritten signature in dark ink, appearing to read 'Matthew Abreu', is written over a horizontal line.

Matthew Abreu

## **EXHIBIT A**

**Aequitas Holdings - Catlin Payments Made by Date**

<b>Date</b>	<b>Firm</b>	<b>Invoices Paid</b>	<b>Amount</b>
8/1/2016	Shartsis Friese LLP	5363938, 5365014, 5366069, 5367113, 5368209	\$71,100.99
8/1/2016	Covington & Burling LLP	60709243, 60713283, 60715496	\$165,306.50
8/1/2016	Whipple & Duyck, P.C.	4795, 4868	\$8,023.59
8/1/2016	Gibson, Dunn & Crutcher LLP	2016021290, 2016031831, 2016042509, 2916052579, 2016062667	\$325,435.01
8/1/2016	Stoel Rives LLP	3895847	\$1,232.50
10/12/2016	Shartsis Friese LLP	5369173, 5370176; 5363938 (requested supplemental information provided), 537113 (requested supplemental information provided)	\$52,137.80
10/13/2016	Black Helterline LLP	88470, 88471	\$5,573.20
10/13/2016	Covington & Burling LLP	60721409, 60722398, 60726148	\$240,828.48
10/13/2016	Whipple & Duyck, P.C.	4918	\$5,413.00
10/13/2016	Gibson, Dunn & Crutcher LLP	2016072038, 2016083098; 2016031831 (requested supplemental information provided), 2016042509 (requested supplemental information provided), 2916052579 (requested supplemental information provided), 2016062667 (requested supplemental information provided)	\$174,428.90
10/13/2016	Stoel Rives LLP	3890339, 3902204, 3907393, 3914837	\$10,592.50

Date	Firm	Invoices Paid	Amount
12/20/2016	Shartsis Friese LLP	5371202, 5372309, 5373235; 530176 (requested supplemental information provided)	\$85,358.49
12/20/2016	Black Helterline LLP	89854, 91068	\$2,555.00
12/20/2016	Covington & Burling LLP	60729987, 60733217	\$139,224.18
12/20/2016	Whipple & Duyck, P.C.	4973	\$1,985.00
12/20/2016	Stoel Rives LLP	3930360	\$27,535.00
12/20/2016	Discovia (discovery vendor)	159745, 160159	\$18,292.56
2/8/2017	Stoel Rives LLP	3919516, 3939092	\$16,015.00
3/9/2017	Shartsis Friese LLP	5374278, 5375310; 5371202 (requested supplemental information provided), 5372309 (requested supplemental information provided)	\$88,536.33
3/10/2017	Black Helterline LLP	91929	\$1,155.00
3/10/2017	Covington & Burling LLP	60737445, 60740332	\$71,449.50
3/10/2017	Whipple & Duyck, P.C.	5022; 4973 (requested supplemental information provided)	\$3,027.50
3/10/2017	Schulte Roth & Zabel LLP	PHW400533	\$207,739.37
3/10/2017	Rose Law Firm	22273, 22277	\$53,727.20
3/20/2017	Discovia (discovery vendor)	159745, 160159	\$244,169.99
6/2/2017	Shartsis Friese LLP	5379973, 5380919	\$247,781.00
6/2/2017	Black Helterline LLP	92684, 93121, 93948	\$3,470.00
6/2/2017	Covington & Burling LLP	60745586, 60746763, 60750721	\$175,061.50
6/2/2017	Whipple & Duyck, P.C.	5081	\$9,214.00
6/2/2017	Schulte Roth & Zabel LLP	PHW403777, PHW406592	\$369,180.49
6/2/2017	Rose Firm Law	22338	\$52,507.00
6/2/2017	Discovia (discovery vendor)	161432, 161575, 161862	\$192,168.30
6/2/2017	Gibson, Dunn & Crutcher LLP	Supplemental payment in satisfaction of prior invoices 2016092390, 2016103754, 2016112216, 2016122212	\$515,809.14
7/7/2017	Shartsis Friese LLP	5381916, 5382957	\$254,229.26

Date	Firm	Invoices Paid	Amount
7/7/2017	Black Helterline LLP	94636, 95485	\$2,485.00
7/7/2017	Covington & Burling LLP	60754508	\$84,600.00
7/7/2017	Whipple & Duyck, P.C.	5131	\$1,487.50
7/7/2017	Schulte Roth & Zabel LLP	PHW409671, PHW410835, PHW413083 (partial); PHW400533 (requested supplemental information provided)	\$858,114.20
7/7/2017	Rose Law Firm	22359, 22409	\$101,366.48
7/7/2017	Discovia (discovery vendor)	162311, 162802	\$19,596.15
7/7/2017	Dechert LLP	1284851, 1287888, 1291701	\$92,087.39
	<b>Total</b>		<b>\$5,000,000.00</b>