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 AEQUITAS MANAGEMENT, LLC; AEQUITAS HOLDINGS,
 LLC; AEQUITAS COMMERCIAL FINANCE, LLC; AEQUITAS
 CAPITAL MANAGEMENT, INC.; AEQUITAS INVESTMENT
 MANAGEMENT, LLC

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON
 PORTLAND DIVISION

SECURITIES AND EXCHANGE
 COMMISSION,

Plaintiff,

v.

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.

No. 3:16-cv-00438-JR

ORDER GRANTING RECEIVER’S
 MOTION TO APPROVE
 CLASSIFICATION, ALLOWANCE OF THE
 AMOUNT OF CLAIMS FOR CERTAIN
 CLAIMANTS (ADMINISTRATIVE
 CLAIMS, CONVENIENCE CLASS
 CLAIMS, AND FORMER-EMPLOYMENT
 CLAIMS), AND APPROVE
 DISTRIBUTIONS TO THOSE CLAIMANTS



This matter having come before the Court on Receiver's Motion to Approve Classification, Allowance of the Amount of Claims for Certain Claimants (Administrative Claims, Convenience Class Claims, and Former-Employment Claims), and Approve Distributions to those Claimants (the "Motion")¹ [Dkt. 835], and the Court, having given all counsel an opportunity to oppose the Motion, and having considered the Declaration of Ronald F. Greenspan [Dkt. 836], and the Court being fully advised in the premises, now, therefore,

THE COURT FINDS as follows:

A. On March 10, 2016, the Securities and Exchange Commission ("SEC") filed a complaint in this Court against the five entity defendants, Robert J. Jesenik, Brian A. Oliver, and N. Scott Gillis.

B. On March 16, 2016, pursuant to the Stipulated Interim Order Appointing Receiver, the Receiver was appointed as receiver for the entity defendants and 43 related entities (together, the "Receivership Entity") on an interim basis (the "Interim Receivership Order"). On April 14, 2016, pursuant to the Order Appointing Receiver, the Receiver was appointed as receiver for the Receivership Entity on a final basis (the "Final Receivership Order").

C. Due, timely, and adequate notice of the Motion was given, and such notice was good, sufficient, and appropriate under the circumstances. No other or further notice of the Motion is or shall be required.

D. On December 31, 2019, the Receiver moved the Court for a determination that the Aequitas Enterprise operated as a Ponzi scheme and approval of the Receiver's proposed

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Motion.

distribution plan.² That same day, the Receiver moved the Court to approve a notice procedure, briefing schedule, and hearing date.³

E. On January 14, 2020, the Court approved the Receiver's proposed means of providing interested parties notice of the Receiver's proposed distribution plan and Ponzi determination.⁴ The Court set briefing deadlines, including a February 20, 2020 deadline for interested parties to file objections.⁵ The Court additionally set March 31, 2020, as the hearing date on the Receiver's motion regarding a Ponzi determination and distribution plan.⁶

F. On March 31, 2020, following the scheduled hearing, this Court concluded that the Aequitas Enterprise operated as a Ponzi scheme.⁷ Relatedly, the Court approved the Receiver's proposed distribution plan, as modified.⁸

G. The Court having reviewed the Motion, and having considered the presentations of counsel, and having considered any objections filed to the Motion, if any, and it appearing that the relief sought in the Motion is in the best interest of the Receivership Entity and its estate, and for good cause shown,

IT IS HEREBY ORDERED AND DECREED as follows.

² Receiver's Motion to Approve Receiver's Distribution Plan and Determination of a Ponzi Scheme [Dkt. 787].

³ Receiver's Motion for Order (1) Approving Form and Manner of Notice Regarding Approval of Proposed Distribution Plan and Ponzi Determination, (2) Approving Procedures and Deadlines, (3) Setting a Hearing, and for Related Relief [Dkt. 785].

⁴ Order: (1) Approving Form and Manner of Notice Regarding Approval of Proposed Distribution Plan and Ponzi Determination, (2) Approving Procedures and Deadlines, (3) Setting a Hearing, and for Related Relief [Dkt. 790].

⁵ *Id.* at 2-3.

⁶ *Id.* at 3.

⁷ FF&CL [Dkt. 813] at 14.

⁸ *Id.* at 18.

1. The Motion is granted in its entirety and the Court hereby approves:
 - (a) Receiver's classification of those Claimants whose Claims are identified in Exhibits 1 – 3 to the Declaration of Ronald F. Greenspan ("Specified Claimants");
 - (b) Allows the amount of the claims of those Specified Claimants as listed in Exhibits 1 – 3; and
 - (c) Distributions to those Specified Claimants in the amounts set forth in Exhibits 1 – 3 in full satisfaction of the Allowed Claims of the Specified Claimants.
2. All objections to the Motion that have not been withdrawn, waived, settled, or expressly reserved pursuant to the terms of this Order are overruled.
3. This Court shall retain jurisdiction over any issues relating to the interpretation or enforcement of this Order.
4. This Order shall be binding in all respects on all creditors and interest holders of the Receivership Entity, and their successors and assigns.

Dated this 1st day of June, 2020.

/s/ Jolie A. Russo
United States Magistrate Judge Jolie A. Russo

SUBMITTED BY:

SCHWABE, WILLIAMSON & WYATT, P.C.

By: /s/ Lawrence R. Ream
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