

JENNIFER A. CARDELLO (Mass. Bar No. 657253)
cardelloj@sec.gov
Attorney for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
33 Arch Street, 24th Floor
Boston, MA 02110
(617) 573-4577

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

vs.

LUCA INTERNATIONAL GROUP, LLC, ET AL.,
Defendants and Relief Defendants.

Case No. 3:15-CV-03101 CRB

~~PROPOSED~~ ORDER TO ESTABLISH A
FAIR FUND, APPOINT A DISTRIBUTION
AGENT AND AUTHORIZE THE SEC TO
APPROVE PAYMENTS OF FEES AND
EXPENSES OF DISTRIBUTION AGENT
WITHOUT FURTHER COURT ORDER

The Court, having reviewed the Motion of Plaintiff Securities and Exchange Commission (“Commission” or “SEC”) to Establish a Fair Fund, Appoint a Distribution Agent, and Authorize the SEC to Approve Payments of Fees and Expenses of the Distribution Agent without Further Court Order (the “Motion”) and for good cause shown,

IT IS HEREBY ORDERED:

1. The Motion is GRANTED.
2. A Fair Fund is established pursuant to Section 308(a) of Sarbanes-Oxley Act of 2002 [15 U.S.C. § 7246(a)], as amended by the Dodd-Frank Act of 2010 [15 U.S.C. § 7246] and shall be comprised of and include all funds collected from Defendants, including a future funds collected from the Defendants and/or the Relief Defendants. Any accrued interest will be added to the Fair Fund.

3. KCC Class Action Services, LLC (“KCC”) is appointed Distribution Agent for the Fair Fund to assist in overseeing the administration and the distribution plan to be approved by this Court. KCC shall coordinate with the Court-appointed Tax Administrator, Heffler, Radetich & Saitta, LLP (“HRS”), to ensure that the Fair Fund, a Qualified Settlement Fund (“QSF”) under Section 468B(g) of the Internal Revenue Code, and related regulations, 26 C.F.R. §§ 1.468B-1 through 5, complies with all related legal and regulatory requirements, including but not limited to, satisfying any reporting or withholding requirements imposed on distributions from the QSF. KCC may be removed *sua sponte* at any time by the Court or upon motion of the Commission and replaced with a successor. In the event KCC decides to resign, it will first give written notice to the Court and to the Commission's counsel of such intention, and the resignation, if permitted, will not be effective until the Court appoints a successor.

4. The Commission is authorized to approve and arrange payment of all fees and expenses of the Distribution Agent directly from the Fair Fund without further order of this Court. All payments of the fees and expenses of the Distribution Agent shall be reported to the Court in a final accounting.

IT IS SO ORDERED.

Dated: July 13, 2023



United States District Court Judge