

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.S. COMMODITY FUTURES
TRADING COMMISSION,
Plaintiff,

v.

Case No. 09-cv-3332 (MJD/FLN)

TREVOR COOK et al.,
Defendants,

R.J. ZAYED,
Receiver.

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,

v.

Case No. 09-cv-3333 (MJD/FLN)

TREVOR G. COOK, et al.,
Defendants,

R.J. ZAYED,
Receiver.

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,

v.

Case No. 11-cv-574 (MJD/FLN)

JASON BO-ALAN BECKMAN, et al.,
Defendants,

R.J. ZAYED,
Receiver.

**DECLARATION OF JOSEPH M. KACZROWSKI
IN SUPPORT OF RECEIVER'S MOTION TO AMEND FINAL CLAIMS LIST**

I, Joseph M. Kaczowski, hereby declare:

1. I am an attorney for the Receiver, R.J. Zayed, in the civil cases of *United States Securities and Exchange Commission v. Trevor Cook et al.*, 09-cv-3333 (D. Minn. 2009), *United States Commodity Futures Trading Commission v. Trevor Cook et al.*, 09-cv-3332 (D. Minn. 2009), and *United States Securities and Exchange Commission v. Jason Bo-Alan Beckman et al.*, 11-cv-574 (D. Minn. 2011). I submit this declaration in support of the Receiver's Motion to approve the Sixth Interim Distribution and enter the Third Amended Final Claims List. This declaration is submitted on my personal knowledge except as otherwise indicated.

2. Attached hereto as **Exhibit A** is the Receiver's proposed Third Amended Final Claims List, which is a true and correct listing of the Recognized Claim Amounts for 736 investors of this fraud. To protect the private financial information of the investors, each claim in Exhibit A is identified by number. The names and addresses of the individuals associated with these claims are being provided to the Court for *in camera* review.

3. The Third Amended Final Claims List incorporates a number of clerical changes previously approved by the Court. These administrative changes do not impact the total losses calculated by the Receiver.

4. Pursuant to the Settlement Agreements approved by the Court, David Buysse, Steven and Pamela Cheney, Walter Defiel, Terry Frahm, Steven and Jenene

Fredell, Michael and Jennifer Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morrisset, Reynold Sundstrom, and Dot Anderson have been added to the proposed Third Amended Final Claims List. *See, e.g., Settlement Agreement and Mutual Release*, 09-cv-3333 Docket 1030-1 ¶ 6 (Jan. 25, 2013); *Settlement Agreement*, 09-cv-3333 Docket 1030-13 ¶ 5 (Jan. 25, 2013).

5. On or about June 20, 2013, the Receiver reached a settlement agreement with Panama Oxford Investment, S.A. The agreed upon amount was \$1,000,000.00. The Settlement Agreement is attached hereto as **Exhibit B**.

6. After Panamanian taxes, fees and transmission charges, the deposit of settlement proceeds to the Receiver's account, made on or about January 14, 2014, was \$998,622.96.

7. Based on the Recognized Claim Amounts in the proposed Third Amended Final Claims List and the Receiver's plan for a Sixth Interim Distribution, the *pro rata* rate for the Sixth Distribution will be approximately 0.7%. The issued checks will range from \$34.50 to \$40,081.02, with an average distribution amount of \$1,391.27.

I state under penalty of perjury that the foregoing is true and correct.

Dated: January 14, 2014

s/ Joseph M. Kaczrowski
Joseph M. Kaczrowski