

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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<b>UNITED STATES SECURITIES AND EXCHANGE COMMISSION,</b>	:
	:
<b>Plaintiff,</b>	:
	:
<b>v.</b>	<b>: CIVIL ACTION</b>
	<b>: FILE NO. 09-cv-3333 (MJD/JJK)</b>
	:
<b>TREVOR G. COOK, and</b>	:
<b>PATRICK J. KILEY, et al.,</b>	:
	:
<b>Defendants,</b>	:
	:
<b>and</b>	:
	:
<b>BASEL GROUP, LLC, et al.,</b>	:
	:
<b>Relief Defendants.</b>	:

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**RESPONSE OF SECURITIES AND EXCHANGE COMMISSION TO  
RECEIVER’S MOTION TO COMPEL CLIFFORD AND ELLEN BERG  
TO RETURN RECEIVERSHIP FUNDS**

Plaintiff Securities and Exchange Commission (“SEC”) hereby responds to the Receiver’s Motion to Compel Clifford and Ellen Berg to Return Receivership Funds (Doc. # 309). The SEC agrees with the Receiver’s position that the funds in question should be returned and marshaled for distribution to the victims. The SEC further agrees with the Receiver’s position that the Bergs should not, in effect, receive a preference. Accordingly, the SEC supports the Receiver’s motion.

Respectfully submitted,

Dated: May 21, 2010

s/ John E. Birkenheier  
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