

**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.

**ORDER APPROVING NINTH INTERIM DISTRIBUTION AND
PAYMENT OF CONTINGENT FEE COUNSEL**

THIS MATTER came before the Court upon the Receiver's Motion for an Order Approving the Ninth Interim Distribution and Payment of Contingent Fee Counsel (Docket Nos. 1380, 1468 and 759).

The Court having considered the pleadings, files and records before it, and being fully advised in the premises,

IT IS HEREBY ORDERED THAT:

1. The Receiver's motion is granted.
2. The Receiver shall make a Ninth Interim Distribution of \$750,000.00 in checks and credits on a *pro rata* basis to claimants identified in the Receiver's Fourth Amended Final Claims List and those identified in petitions to replace the name of restitution payees granted by the Court, as follows:
 - a. The Receiver shall adjust the *pro rata* shares of the claimants identified in the Fourth Amended Final Claims List, and those identified in petitions to replace the name of restitution payees granted by the Court, such that the total restitution received by all claimants from all sources is approximately equal;
 - b. Any claimant whose overall recovery rate exceeds the median recovery rate for all claimants shall have this and future distributions reduced or otherwise adjusted until such time that his or her overall recovery rate is on par with the overall recovery rate of the remaining claimants;

- c. No claimant shall receive additional funds from the Receiver until such time that the median recovery rate by all other claimants reaches the same *pro rata* recovery rate obtained by the claimant through any settlements and previous distributions; and
3. The Receiver shall not make any distributions to claimants who have not returned the excess amounts from the Third Interim Distribution, but rather credit to the Clerk of Court the *pro rata* shares for these claimants, until such time that their overall recovery rates are on par with the overall recovery rate of the remaining claimants.
4. The Receiver is authorized to pay the law firms of Keith A. Vogt, Esq., Flachsbart & Greenspoon, LLC, and McVey & Parsky, LLC (collectively “Contingent Fee Counsel”) the collective amount of \$487,500.00, for their work representing the Receiver in litigation against Associated Bank, which has now been concluded by settlement.

SO ORDERED.

Dated: April 16, 2019.

s/ Michael J. Davis
The Honorable Michael J. Davis
UNITED STATES DISTRICT COURT