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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 THE RECEIVER'S
OBJECTION TO AND REQUEST FOR
DISALLOWANCE OF THE PROOFS OF
CLAIM FILED BY RON PIRELLO

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This matter having come before the Honorable Jolie A. Russo on the Receiver's Objection To And Request For Disallowance Of The Proofs of Claim Filed By Ron Pirello [Dkt. 95] (the "Objection"), 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 Entity Defendants¹ and three individual 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 on an interim basis (the "Interim Receivership Order"). On April 14, 2016, pursuant to the Final Receivership Order, the Receiver was appointed as receiver of the Entity Defendants and 43 related entities on a final basis.

C. On April 25, 2019, the Court fixed a Claims Bar Date of July 31, 2019; approved the manner of notice of the Claims Bar Date; and approved the Proof of Claim Form, the Claims Procedure, and associated exhibits and attachments (the "Claims Bar Date and Procedures Order"). The Claims Bar Date has passed.

D. On or about May 28, 2019, Ron Pirello ("Mr. Pirello") submitted duplicate proofs of claim, one received through regular mail and one received via electronic mail, both asserting a Creditor Claim in the amount of \$53,400.00.

E. On March 31, 2020 the Court entered its Findings of Fact and Conclusions of Law approving the Receiver's Distribution Plan (the "Court-approved Distribution Plan").

F. The Court-approved Distribution Plan provides for the classification and treatment of Allowed Claims, including what constitutes a Creditor Claim.

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

G. Mr. Pirello's proofs of claim fail to identify any Receivership Entity as a contracting party and such failure is grounds to invalidate the purported claims.

H. Mr. Pirello has not provided adequate documentation to support his claims or provided evidence that the purported services were provided to the Receivership or any Receivership Entity.

I. Mr. Pirello has not provided any evidence of any agreement that would bind or otherwise obligate the Receivership for Mr. Pirello's asserted claims and the Receiver is unaware of any such agreement.

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

The Court having reviewed the Objection, and being duly advised,

IT IS HEREBY ORDERED AND DECREED as follows.

1. The Objection is granted in its entirety.
2. Mr. Pirello's proofs of claim are disallowed in their entirety and no distribution will be paid on account of such claims from the Receivership Estate or the Aequitas Qualified Settlement Fund Irrevocable Trust.

Dated this 12th day of April, 2022.

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

SUBMITTED BY:

SCHWABE, WILLIAMSON & WYATT, P.C.

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