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5 COURT APPOINTED RECEIVER  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION  
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11 SECURITIES AND EXCHANGE ) Case No. ED CV 05-00351 AG  
12 COMMISSION, )  
13 vs. ) Plaintiff, ) ASSIGNED JUDGE: HON.  
14 ) ANDREW GUILFORD

15 TRI ENERGY, INC., H & J ENERGY ) HEARING DATE: JUNE 13, 2016  
16 COMPANY, INC., MARINA ) TIME: 10:00 a.m.  
17 INVESTORS GROUP, INC., ) COURTROOM: 10D

18 LOWELL DECKER, ROBERT )  
19 JENNINGS, HENRY JONES, and ) **ORDER:**  
20 ARTHUR SIMBURG, ) (1) APPROVING FIFTH REPORT

21 ) AND FOURTH ACCOUNT OF  
22 ) RECEIVER PREVIOUSLY FILED;  
23 ) (2) APPROVING SIXTH AND  
24 ) FINAL REPORT AND FIFTH AND

25 ) FINAL ACCOUNT OF  
26 ) RECEIVER;

27 ) (3) INSTRUCTING THE  
28 ) RECEIVER REGARDING A  
29 ) SECOND LIMITED

30 ) DISTRIBUTION OF NEWLY  
31 ) RECOVERED FUNDS TO  
32 ) ELIGIBLE CLAIMANTS AND  
33 ) REGARDING AN EXPENSE  
34 ) RESERVE;

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36 ) Relief Defendants. )  
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- ) (4) **AUTHORIZING**
- ) **DESTRUCTION OF PAPER**
- ) **RECORDS OF**
- ) **DEFENDANTS, INVESTORS**
- ) **AND THIRD PARTIES AND**
- ) **INSTRUCTIONS**
- ) **REGARDING RETENTION**
- ) **OF ELECTRONIC COPIES;**
- ) (5) **AUTHORIZING**
- ) **DESTRUCTION OF MUSIC**
- ) **CDS AND COPIES OF FILMS**
- ) **AND INSTRUCTIONS**
- ) **REGARDING RETENTION**
- ) **OF MUSIC AND FILM**
- ) **MASTERS;**
- ) (6) **TERMINATING THE**
- ) **RECEIVERSHIP AND**
- ) **FULLY DISCHARGING AND**
- ) **EXONERATING THE**
- ) **RECEIVER FROM**
- ) **LIABILITY;**
- ) (7) **FOR FINAL INSTRUCTIONS**
- ) **TO RECEIVER FOR**
- ) **CLOSURE OF**
- ) **RECEIVERSHIP AND FOR**
- ) **TRANSMITTAL OF**
- ) **RESIDUAL FUNDS TO**
- ) **SECURITIES AND**
- ) **EXCHANGE COMMISSION**
- ) **FOR TRANSFER TO U.S.**
- ) **TREASURY.**

**ORDER**

Before the Court is the Receiver's Motion for Order: (1) Approving Fifth Report and Fourth Account of Receiver Previously Filed; (2) Approving Sixth and Final Report and Fifth and Final Account of Receiver; (3) Instructing the Receiver

1 Regarding a Second Limited Distribution of Newly Recovered Funds To Eligible  
2 Claimants and Regarding An Expense Reserve; (4) Authorizing Destruction of  
3 Paper Records of Defendants, Investors and Third Parties and Instructions  
4 Regarding Retention of Electronic Copies; (5) Authorizing Destruction of Music  
5 CDs and Copies of Films and Instructions Regarding Retention of Music and  
6 Film Masters; (6) Terminating the Receivership and Fully Discharging and  
7 Exonerating the Receiver From Liability; and (7) For Final Instructions to  
8 Receiver For Closure of Receivership and For Transmittal of Residual Funds To  
9 Securities and Exchange Commission For Transfer To U.S. Treasury ("the Sixth  
10 Report Motion"). The Sixth and Final Report and Fifth and Final Account of  
11 Receiver and its Exhibits ("Sixth Report") are attachments to the Sixth Report  
12 Motion.

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18 At the hearing, appearances were made by Plaintiff, Securities and  
19 Exchange Commission, telephonically through its counsel of record, Nancy  
20 Burton; by the Receiver, Richard Weissman, pro se, and other interested persons  
21 and counsel noted in the Minutes of the hearing. All papers filed in support of  
22 and in response to the Sixth Report Motion have been considered. The matter  
23 having been argued and submitted, and good cause appearing therefor,  
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28 **IT IS HEREBY ORDERED:**

1           1.     The Fifth Report and Fourth Account of Receiver ("Fifth Report")  
2 (Doc. 321) filed on October 21, 2015, relating to the Receiver's discovery of funds  
3 owned by Marina Investors Group, Inc., and relief party Yekaterina Jones, and his  
4 efforts to recover the funds from the California State Controller held as "unclaimed  
5 property" and the supporting interim accounting, are approved.

6           2.     The Sixth and Final Report and Fifth and Final Account of Receiver  
7 (Sixth Report), describing his activities and conduct to implement the Distribution  
8 Plan (Doc. 292) and the Distribution Order entered on July 3, 2014 (Doc. 317), the  
9 recovery of the "unclaimed property" funds held by the State Controller owned by  
10 Yekaterina Jones and Marina Investors Group, Inc., and the Receiver's accounting,  
11 covering the period of April 1, 2014 through March 31, 2016, are approved in their  
12 entirety.

13           3.     The Receiver reports he holds thousands of pages of paper business  
14 and financial records of the defendants, investors and creditors covering many  
15 years of defendants' operations and acquired during the course of this litigation. He  
16 states the pertinent financial documents of the defendants and investors, including  
17 claim forms and supporting investment documentation, have been electronically  
18 copied and such copies are within his custody and control. The Receiver is  
19 authorized to destroy all paper records of the defendants and investors as soon as  
20 practicable upon this order becoming final ("Final Order"). The Receiver shall  
21 retain the electronic copies of investors' claims documentation and distribution  
22 records for the applicable statutory period of six (6) years, or he may earlier  
23 transferred the investors' electronic records to the custody of the Securities and  
24 Exchange Commission upon consultation with Commission Staff. The Receiver  
25 may destroy the remainder of the electronic records after one (1) year following  
26 this Final Order.

27           4.     The Receiver is authorized and instructed to make a second  
28 distribution of the Fair Funds he holds ("Second Distribution"), in an amount of

1 \$125,000.00, to the Eligible Claimants as defined by the Distribution Plan (Doc.  
2 292) and the first Distribution Order (Doc. 353), in the prorated amounts set forth  
3 in the Second Distribution Report filed with the Sixth Report (Exhibit A). The  
4 Receiver's use of the Rising Tide Method of calculating the Eligible Claimants'  
5 prorated shares is approved. The Receiver shall use the same method of disbursement  
6 of the Fair Fund and accounting therefor as delineated in the Distribution Plan  
7 (Doc. 292). The disbursement shall be made as soon as practicable following entry of  
8 this order, without delay for the expiration of the sixty day appeal period  
9 applicable to this government action.

10 5. Upon the expiration of ninety (90) days following the mailing of the  
11 distribution checks, the Receiver shall cancel all uncashed checks and the claim(s)  
12 of the corresponding Eligible Claimant(s) will be deemed extinguished and  
13 unenforceable against the Fair Fund, the Commission and Receiver, pursuant to the  
14 Distribution Plan. The uncashed check funds in the Fair Fund shall be deemed  
15 "Residual Funds" and remitted to the Commission for transfer to the U.S. Treasury  
16 (Doc. 292), as soon as practicable.

17 6. Pursuant to the recommendation of the Receiver, a finder's fee of  
18 \$3,000.00 is approved and awarded to Kevin G. Rios in full and final settlement of  
19 all and any claims he or anyone on his behalf may claim or assert for fees relating  
20 to the discovery, investigation or processing of the existing and potential claims of  
21 Yekaterina Jones and Marina Investors Group, Inc., to unclaimed property funds  
22 held by the California State Controller recovered by the Receiver.

23 7. The Receiver's estimated fees and expense reserve to implement,  
24 monitor and account for the Second Distribution are approved in the sum of  
25 \$21,285.12, as follows:

26 Expenses/Reserves:

27 Tax Administrator Fee Reserve: \$ 3,685.12

28 Document Destruction (revised) 4,000.00

1	Storage Reserve	3,500.00
2	Finder's Fee (Rios)	3,000.00
3	Distribution Expenses (Direct)	2,500.00
4	Receiver/Staff Fees-final	4,600.00

5 Subtotal Final Expenses/Reserves: \$ 21,285.12

6 8. The Receiver shall render to the Commission Staff his monthly billing  
7 statements for the above distribution fees and expenses for their review and  
8 approval. The requested fees shall be deemed approved following ten (10) days  
9 service of the respective billing statements by the Receiver, unless objected to with  
10 specificity. Upon approval, the Receiver may disburse the approved amounts to  
11 himself without further formal court review and order. If any Receiver's fees  
12 remain the subject of Commission objection as of the time for transfer of any  
13 Residual Funds to the Commission, the Receiver may present the fee issue(s) to the  
14 court upon noticed motion. If there are any outstanding fees due to the Tax  
15 Administrator after the Receiver's transfer of the Residual Funds to the  
16 Commission, the Tax Administrator must present its billing statements to, and seek  
17 payment directly from the Commission.

18 9. Any Residual Funds held by the Receiver at the conclusion of the  
19 Receivership, or thereafter coming into his possession, including money received  
20 in connection with the sale of Defendant Jones's Rolls Royce now in the possession  
21 of Charles Agapiou, Ltd, and from any other sources, are to be remitted to the  
22 Commission.

23 10. Upon the conclusion of administration of the Second Distribution, the  
24 requirement of the Receiver filing a final report and account, with a hearing  
25 thereon, are waived, and the receivership is deemed terminated on the occurrence  
26 of the following conditions: (a) the Receiver transmits to the Commission Staff a  
27 final interim income and expense statement covering the period of April 1, 2016  
28 through the date of completion of administration, (b) the Receiver delivers to the

1 Commission a remittance check representing the Residual Funds, and (c) the  
 2 Receiver files with the Court a notice of completion of the Distribution Plan and  
 3 termination of the Receivership. Upon the fulfillment of the foregoing conditions,  
 4 the Receivership is deemed terminated, and the Receiver and his agents, employees  
 5 and representatives are deemed released, discharged and exonerated from all  
 6 liability that may have arisen during the entire term of the Receivership and  
 7 distribution processes.

8 11. The Eligible Claimants entitled to receive a prorated share of the Fair  
 9 Fund, pursuant to the Second Distribution Report, are identified below by their  
 10 Assigned Claim Number from the First Distribution, in the amount indicated  
 11 adjacent to their number(s). The Distribution Amounts below indicated with a zero  
 12 ("0") in amount, represent extinguished and denied claims.

<u>ASSIGNED CLAIM NO.</u>	<u>DISTRIBUTION AMOUNT</u>
1	509.39
2	2,618.28
3	550.14
4	448.27
5	0.00
6	356.57
7	15.28
8	254.70
9	509.39
10	458.45
11	50.94
12	336.20

1	13	173.19
2	14	0.00
3	15	101.88
4	16	50.94
5	17	50.94
6	18	764.09
7	19	101.88
8	20	208.85
9	21	203.76
10	22	1,018.79
11	23	560.33
12	24	509.39
13	25	101.88
14	26	25.47
15	27	509.39
16	28	50.94
17	29	50.94
18	30	0.00
19	31	0.00
20	32	50.94
21	33	305.64
22	34	509.39
23	35	509.39
24	36	509.39
25	37	50.94
26	38	15.28
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1	39	0.00
2	40	0.00
3	41	0.00
4	42	127.35
5	43	662.21
6	44	0.00
7	45	71.31
8	46	254.70
9	47	1,069.72
10	48	0.00
11	49	101.88
12	50	764.09
13	51	101.88
14	52	254.70
15	53	38.20
16	54	101.88
17	55	30.56
18	56	326.01
19	57	50.94
20	58	0.00
21	59	305.64
22	60	20.38
23	61	38.20
24	62	254.70
25	63	10.19
26	64	50.94
27		
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1	65	101.88
2	66	0.00
3	67	71.31
4	68	203.76
5	69	101.88
6	70	611.27
7	71	0.00
8	72	81.50
9	73	50.94
10	74	50.94
11	75	50.94
12	76	50.94
13	77	213.94
14	78	173.19
15	79	0.00
16	80	50.94
17	81	0.00
18	82	101.88
19	83	305.64
20	84	203.76
21	85	0.00
22	86	254.70
23	87	229.23
24	88	101.88
25	89	0.00
26	90	560.33
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1	91	611.27
2	92	101.88
3	93	101.88
4	94	132.44
5	95	50.94
6	96	595.99
7	97	275.07
8	98	0.00
9	99	1,018.79
10	100	50.94
11	101	0.00
12	102	0.00
13	103	50.94
14	104	407.51
15	105	1,130.85
16	106	509.39
17	107	427.89
18	108	509.39
19	109	254.70
20	110	183.38
21	111	101.88
22	112	0.00
23	113	764.09
24	114	50.94
25	115	0.00
26	116	3,361.99
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1	117	1,018.79
2	118	203.76
3	119	132.44
4	120	101.88
5	121	5,093.93
6	122	203.76
7	123	305.64
8	124	152.82
9	125	473.74
10	126	0.00
11	127	0.00
12	128	0.00
13	129	101.88
14	130	509.39
15	131	509.39
16	132	0.00
17	133	0.00
18	134	0.00
19	135	101.88
20	136	6,112.71
21	137	0.00
22	138	101.88
23	139	163.01
24	140	81.50
25	141	61.13
26	142	50.94
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1	143	50.94
2	144	50.94
3	145	50.94
4	146	101.88
5	147	4,890.17
6	148	101.88
7	149	101.88
8	150	152.82
9	151	50.94
10	152	509.39
11	153	50.94
12	154	713.15
13	155	71.31
14	156	81.50
15	157	611.27
16	158	203.76
17	159	101.88
18	160	50.94
19	161	967.85
20	162	234.32
21	163	4,289.09
22	164	61.13
23	165	529.77
24	166	509.39
25	167	101.88
26	168	50.94
27		
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1	169	101.88
2	170	152.82
3	171	0.00
4	172	71.31
5	173	509.39
6	174	1,528.18
7	175	2,852.60
8	176	203.76
9	177	101.88
10	178	509.39
11	179	962.75
12	180	50.94
13	181	183.38
14	182	101.88
15	183	101.88
16	184	152.82
17	185	50.94
18	186	101.88
19	187	101.88
20	188	0.00
21	189	50.94
22	190	0.00
23	191	1,681.00
24	192	50.94
25	193	20.38
26	194	713.15
27		
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1	195	50.94
2	196	50.94
3	197	122.25
4	198	152.82
5	199	764.09
6	200	0.00
7	201	20.38
8	202	0.00
9	203	71.31
10	204	0.00
11	205	50.94
12	206	0.00
13	207	122.25
14	208	0.00
15	209	927.09
16	210	1,721.75
17	211	2,167.98
18	212	50.94
19	213	101.88
20	214	50.94
21	215	40.75
22	216	0.00
23	217	91.69
24	218	2,546.96
25	219	0.00
26	220	254.70
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1	221	50.94
2	222	254.70
3	223	152.82
4	224	50.94
5	225	152.82
6	226	0.00
7	227	122.25
8	228	305.64
9	229	50.94
10	230	1,324.42
11	231	0.00
12	232	61.13
13	233	101.88
14	234	50.94
15	235	662.21
16	236	0.00
17	237	0.00
18	238	1,018.79
19	239	101.88
20	240	0.00
21	241	0.00
22	242	346.39
23	243	509.39
24	244	101.88
25	245	101.88
26	246	30.56
27		
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1	247	0.00
2	248	152.82
3	249	203.76
4	250	101.88
5	251	356.57
6	252	101.88
7	253	35.66
8	254	61.13
9	255	152.82
10	256	56.03
11	257	509.39
12	258	2,974.85
13	259	2,037.57
14	260	529.77
15	261	2,047.76
16	262	101.88
17	263	2,088.51
18	264	101.88
19	265	356.57
20	266	611.27
21	267	254.70
22	268	101.88
23	269	0.00
24	270	203.76
25	271	101.88
26	272	0.00
27		
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1	273	509.39
2	274	407.51
3	275	2,959.57
4	276	865.97
5	277	3,667.63
6	278	3,056.36
7	279	50.94
8	280	101.88
9	281	101.88
10	282	0.00
11	283	101.88
12	284	168.10
13	285	2,923.91
14	286	142.63
15	287	713.15
16	288	50.94
17	289	152.82
18	290	50.94
19	291	50.94
20	292	1,375.36
21	293	0.00
22	294	203.76
23	295	305.64
24	296	50.94
25	297	50.94
26	298	305.64
27		
28		

1	299	101.88
2	300	152.82
3	301	509.39
4	302	0.00
5	303	0.00
6	304	509.39
7	305	0.00
8	306	0.00
9	307	30.56
10	308	0.00
11	309	50.94
12	310	152.82
13	311	0.00
14	312	529.77
15	313	509.39
16	314	0.00
17	315	152.82
18	316	101.88
19	317	50.94
20	318	0.00
21	319	254.70
22	320	50.94
23	353	2,130.28
24	320A	101.88
25	320B	0.00
26	321	0.00
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1	322	15.03
2	323	13.49
3	324	41.37
4	325	0.00
5	326	0.00
6	327	0.00
7	328	0.00
8	329	0.00
9	330	0.00
10	331	0.00
11	332	0.00
12	333	0.00
13	334	865.97
14	335	0.00
15	336	0.00
16	337	0.00
17	338	16.81
18	339	0.00
19	340	32.60
20	341	33.62
21	342	55.01
22	343	0.00
23	344	0.00
24	345	0.00
25	///	
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1 346

0.00

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36.68

4 **125,000.00**

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6 IT IS SO ORDERED

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8 DATED: June 13, 2016



9 ANDREW J. GUILFORD  
10 U.S. DISTRICT COURT JUDGE  
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