

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 06-20975-CIV-HUCK / OTAZO-REYES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

JOHN P. UTSICK, ROBERT YEAGER,
DONNA YEAGER, WORLDWIDE
ENTERTAINMENT, INC., THE
ENTERTAINMENT GROUP FUND, INC.,
AMERICAN ENTERPRISES, INC. AND
ENTERTAINMENT FUNDS, INC.,

Defendants.

_____ /

**RECEIVER'S MOTION TO MAKE FINAL DISTRIBUTION TO INVESTORS AND TO
ESTABLISH PROCEDURES FOR DECEASED INVESTOR DISTRIBUTIONS
WITH INCORPORATED MEMORANDUM OF LAW**

Michael I. Goldberg (the “Receiver”), in his capacity as the court-appointed Receiver for Worldwide Entertainment, Inc., The Entertainment Group Fund, Inc., American Enterprises, Inc., and Entertainment Funds, Inc. (collectively, the “Receivership Entities”), by and through undersigned counsel, hereby files this *Motion To Make Final Distribution To Investors And To Establish Procedures For Deceased Investor Distributions* (the “Motion”). In support, the Receiver states as follows:

I. Preliminary Statement

1. Through this Motion, the Receiver seeks entry of an order authorizing the Receiver to make a final distribution of \$6,012,000 to the defrauded investors in this case. To date, the Receiver has made three distributions totaling approximately \$35 million to allowed claims of the

investors, representing a 21.37% return of their principal investments. If the final distribution is approved, the total amount distributed to investors would be approximately \$41 million. While recoveries in receivership cases vary, in many instances investors receive a significantly less percentage than the recovery the investors will have received in this case.

2. This matter has been pending since 2006; victims have waited almost 18 years for the possibility of further repayment on their claims from life insurance proceeds. Brighthouse Life Insurance Company (“Brighthouse”) recently turned over insurance proceeds plus the interest earned on those funds in the total amount of \$6,149,917.81 due and owing to the Receivership Estate as a partial beneficiary of Brighthouse Policy No. 7253.

3. Due to the length of time the Receivership Estate has been open, the Receiver anticipates a significant number of the 2,924 claimants may have died since the last distribution in 2013. In an effort to streamline the final distribution process and minimize administrative costs, the Receiver seeks to establish procedures for deceased investor distributions. The Receiver believes such procedures will expedite the recovery of the final distribution by the deceased investor’s heirs and/or beneficiaries and allow the Receiver to close the case as expeditiously as possible.

II. Procedural and Factual Information

4. On April 18, 2006, the Securities and Exchange Commission (“SEC”) commenced this case in the United States District Court for the Southern District of Florida against the Receivership Entities, and against their principals, John P. Utsick (“Utsick”) and Robert and Donna Yeager (the “Yeagers”). The SEC alleged that Utsick and the Yeagers, through the Receivership Entities, sold unregistered securities in the form of loan agreements or units in special

purpose limited liability companies to raise funds for a variety of entertainment ventures, thereby violating various sections of the Securities Act of 1933 and the Securities Exchange Act of 1934.

5. On April 20, 2006, this Court entered the *Order Appointing Receiver* [ECF No. 12] (the “Receivership Order”) whereby Michael I. Goldberg was appointed Receiver over the assets, liabilities and business interests of the Receivership Entities.

6. This Court previously scheduled a claims bar date and approved the process to establish claims. *See* ECF Nos. 106 and 147.

7. Pursuant to the procedures approved by the Court, the Receiver undertook a thorough review of the claims. There are 2,924 claims filed against the estate, totaling approximately \$300 million from Investors (collectively, the “Investor Claims”), which included nine (9) claims from various entities and individuals that engaged in business transactions with the Receivership Entities prior to the Receivership (the “Trade Creditor Claims”)(Investor Claims and Trade Creditor Claims are hereafter collectively referred to as the “Claims”).

8. Pursuant to the Order granting the *Receiver’s Motion for Authorization to Make an Initial Distribution to Creditors with Undisputed Claims* [ECF No. 403], entered on January 21, 2009, and supplemented by the *Amended Order Granting Relief Requested in Receiver’s Report on the Status of Investor Claims* [ECF No. 468], the Receiver made his initial distribution (“Initial Distribution”) in the sum of \$21.3 million. The Initial Distribution resulted in a payment to the claimants in an approximate sum of 14% of their allowed claims under the rising tide formula used to calculate the Initial Distribution.¹

¹ The rising tide formula is more fully described in the Receiver’s Motion to Establish (i) A Claims Mechanism to Calculate Investors’ Claims; (ii) A Claims Procedure to Deal with Disputed Claims; and (iii) A Claims Bar Date [ECF No. 99].

9. On September 28, 2010, the Court entered an *Order Closing Case* [ECF No. 662] (the “Case Closing Order”), wherein the Clerk of the Court was instructed to administratively close the case. The Case Closing Order provided, however, that the Receiver was to continue to liquidate assets, settle claims, collect on judgments, and carry out his duties under the terms of the Receivership Order, subject to further Court approval. Case Closing Order, ¶ 1.

10. On October 29, 2010, the Receiver filed *Receiver’s Motion for Authorization to Make Second Interim Distribution to Creditors* [ECF No. 665]. Pursuant to the *Order Granting Receiver’s Motion for Authorization to Make Second Interim Distribution to Creditors* entered on November 2, 2010 [ECF No. 667], the Receiver made his second distribution (“Second Distribution”) in the approximate sum of \$7 million. Thereafter, the Receiver made a third distribution (“Third Distribution”) also in the amount of approximately \$7 million. To date, the Receiver has made three distributions totaling approximately \$35 million to allowed claims of the investors, representing a 21.37% return of their principal investments.

A. The Sale of the Life Insurance Policies

11. On April 29, 2021, the Receiver filed his *Motion for Authority to Sell Remaining Life Insurance Policies and Incorporated Memorandum of Law* [ECF No. 736] (the “Sale Motion”) because he no longer had sufficient funds to pay the required premiums due on the Policies. On April 30, 2021, the Court entered an *Order Granting Receiver’s Motion for Authority to Sell Remaining Life Insurance Policies and Incorporated Memorandum of Law* [ECF No. 737] (the “Sale Order”).

12. Through the Sale Motion and Sale Order, the Receiver sought and obtained the authority to transfer the receivership estate’s right, title, and interest in and to (i) the John Hancock Universal Life Insurance Policy No. ending in 2683 (“Policy No. 2683”); and (ii) the Brighthouse

Life Insurance Policy No. ending in 7253 (“Policy No. 7253” and together with Policy No. 2683, the “Policies”) to LifeFactor II, LLC, a Nevada limited liability company, with a mailing address of 6009 Welch Ave., Fort Worth, TX 76133 (the “Purchaser”) on the terms set forth in the Life Settlement Purchase Agreement (the “Agreement”) attached to the Sale Motion.

13. Pursuant to the Agreement, and as memorialized in the Sale Order, the Receiver was authorized to transfer and assign 100% of the Receivership Estate’s ownership interest in both of the Policies to the Purchaser, and in exchange, retain the following irrevocable benefits under Policy No. 7253 (the “Retained Death Benefit”):

- (a) \$7,000,000.00 of the death benefits under Policy No. 7253 if the Insured dies within the first one year period, beginning on the date that both the change of ownership and change of beneficiary confirmations are successfully completed on the record books of the Insurance Company (the “Closing Date”);
- (b) \$6,500,000.00 of the death benefits payable under Policy No. 7253 if the Insured dies within second one year period, beginning on the Closing Date;
- (c) \$6,000,000.00 of the death benefits payable under Policy No. 7253 if the Insured dies within third one year period, beginning on the Closing Date;
- (d) \$5,500,000.00 of the death benefits payable under Policy No. 7253 if the Insured dies within the fourth one year period, beginning on the Closing Date;
- (e) \$5,000,000.00 of the death benefits payable under Policy No. 7253 if the Insured dies within the fifth one year period, beginning on the Closing Date;
- (f) \$4,000,000.00 of the death benefits payable under Policy No. 7253 if the Insured dies within the sixth one year period, beginning on the Closing Date;
- (g) \$3,000,000.00 of the death benefits payable under Policy No. 7253 if the Insured dies within the seventh one year period, beginning on the Closing Date;
- (h) \$2,000,000.00 of the death benefits payable under Policy No. 7253 if the Insured dies within the eighth one year period through the ninth one year period, beginning on the Closing Date; and
- (i) \$0.00 of the death benefits payable under Policy No. 7253 if the Insured dies within the tenth one year period and through policy maturity, beginning on the Closing Date.

Sale Order, ¶ 3

14. The Sale Order instructs Brighthouse to remit the Retained Death Benefit under Policy No. 7253 directly to the Receiver and the balance to the Purchaser. Sale Order, ¶ 4.

15. The Court retained jurisdiction with respect to all matters arising from or related to the implementation of the Sale Order. *Id* at ¶ 6.

B. The Subsequent Assignment of Policy No. 7253

16. In March of 2022, the Purchaser communicated to the Receiver that it wished to exercise its right to assign Policy No. 7253 and the Agreement (the “Assignment”) to Life Shares 1019, LLC (the “Purchaser Transferee”). The Receiver consented to the Assignment of Policy No. 7253 and Agreement, so long as the Purchaser and the Purchaser Transferee both remained responsible for the covenants and obligations of Section 6 of the Agreement, notwithstanding any provisions of the Agreement to the contrary.

17. In order to effectuate the assignment from LifeFactor II, LLC to Life Shares 1019, LLC, Brighthouse needed the Worldwide Receiver to execute a document titled the Life Insurance Absolute Assignment (the “Assignment Form”) together with a document titled Life Insurance Change of Beneficiary Form (the “Beneficiary Form”).

18. As such, on March 24, 2022, the Receiver filed a *Motion for Authority to Execute Assignment and Life Insurance Change of Beneficiary Forms and Incorporated Memorandum of Law* [ECF No. 738]. On March 25, 2022, the Court entered an *Order Granting Receiver’s Motion for Authority to Execute Assignment and Life Insurance Change of Beneficiary Forms and Incorporated Memorandum of Law* [ECF No. 739] (the “Assignment Order”).

19. The Assignment Order authorized the Receiver to execute the Assignment Form together with any Beneficiary Forms necessary, and instructs Brighthouse “to remit the Retained

Death Benefit under Policy No. 7253 directly to the Receiver and the balance to the Purchaser Transferee in accordance with the Retained Death Benefit schedule reflected in the Sale Order.” Assignment Order, ¶ 2, 4 – 5.

20. As with the Sale Order, the Court retained jurisdiction with respect to all matters arising from or related to the implementation of the Assignment Order. Assignment Order, ¶ 6.

C. The Pending Litigation

21. Shortly after executing the Assignment Form and the Beneficiary Form, the Receiver learned of the material omissions made by the Purchaser in soliciting the execution of Assignment Form and the Beneficiary Form— namely allegations of fraudulent transfer made in a since settled California State Court Proceeding as it pertains to the assignment of the interest from Purchaser to Purchaser Transferee. As such, while both documents were in transit the Receiver instructed Purchaser, Purchaser Transferee, and Brighthouse to refrain from honoring either form until such time as authorized to do so by the Receiver.

22. Upon information and belief, Purchaser (LifeFactor II, LLC), Purchaser Transferee (Life Shares 1019, LLC), and their agent, Mr. Leer are party to or implicated by a variety of ongoing state civil court proceedings. While the fact patterns in each case may vary, the crux of the matter is what entity (i.e. the Purchaser, the Purchaser Transferee, or some other third party) is entitled to payment of remaining insurance proceeds from Brighthouse on behalf of Purchaser’s partial beneficial interest in Policy No. 7253.

D. The Death of Insured

23. Utsick (the “Insured”) passed away on June 8, 2023.

24. Upon the death of the Insured, death benefits in the amount of \$15,000,000.00 became due and owing to the beneficiaries of Policy No. 7253.

25. As the Insured's death occurred during the third one year period, beginning on the Closing Date², the Receivership Estate was entitled to receive a Retained Death Benefit payout in the amount of \$6,000,000 from Brighthouse. Sale Order, ¶ 3(c).

26. The Sale Order instructs Brighthouse to remit the Retained Death Benefit under Policy No. 7253 directly to the Receiver and the balance to the Purchaser. Sale Order, ¶ 4. The Assignment Order further instructs Brighthouse to remit the Retained Death Benefit under Policy No. 7253 directly to the Receiver in accordance with the Retained Death Benefit schedule reflected in the Sale Order. Assignment Order, ¶ 4.

27. Brighthouse refused to remit the \$6,000,000 Retained Death Benefit under Policy No. 7253 due to the Receiver, notwithstanding the express requirements of the Court's Sale Order and Assignment Order, citing various pending state civil court proceedings over the payment of the balance of the insurance proceeds in the amount of \$9,000,000 as a basis to withhold payment of insurance proceeds due and owing to the Receivership Estate.

28. On September 8, 2023, the Receiver filed a *Motion to Compel Turn Over And Request For Entry Of An Order To Show Cause as to Why Brighthouse Should Not Be Held In Contempt of Court* [ECF No. 741]. The Court ordered Brighthouse to file a status report updating the Court regarding the Motion to Compel [ECF No. 746]. Brighthouse filed a status report on September 28, 2023 [ECF No. 747]. On September 29, 2023, the Court entered an Order denying the Receiver's Motion to Compel as moot [ECF No. 748].

29. The Receiver received payment from Brighthouse for the Retained Death Benefit totaling \$6,149,917.81. The \$6,149,917.81 consists of \$6,000,000 in insurance proceeds from the Retained Death Benefit and \$149,917.81 in interest that had accrued since the day of the Insured's

² The "Closing Date" as that term is defined in the Sale Order occurred on May 18, 2021.

death and the date Brighthouse remitted the Insurance Proceeds to the Receiver. On October 18, 2023, the Receiver filed a *Notice of Receipt of Insurance Proceeds* [ECF No. 753].

Relief Requested

30. Through this Motion, the Receiver seeks entry of an Order: (a) authorizing the Receiver to make a final distribution in the amount of \$6,012,000 to the claimants in this case; and (b) establishing procedures for deceased investor distributions, *to wit*:

- (i) deceased claimant with open probate estate;
- (ii) deceased claimant with closed probate estate;
- (iii) deceased claimant with no probate estate; and
- (iv) joint claim of deceased claimant with surviving spouse.

31. The Receiver requests entry of an order implementing procedures for the treatment of certain deceased investor distributions. The Receiver's recommendations and comments concerning each of the deceased investor distribution scenarios are discussed below.

A. The Proposed Final Distribution

32. Since the third interim distribution in 2013, the Receiver has taken in significant proceeds from the remaining asset - the Retained Death Benefit totaling \$6,149,917.81. The Receiver proposes to distribute \$6,012,000 to the claimants under the rising tide formula used to calculate the three previous distributions. If the final distribution is approved, the total amount distributed to investors would be approximately \$41 million. While recoveries in receivership cases vary, in many instances investors receive a far lower percentage of the money back than the amount the investors in this case will receive.

33. The Receiver proposes to reserve approximately \$375,000 which would remain in the receivership estate after the proposed final distribution in order to pay for the current and

anticipated fees and expenses of the receivership estate. The Receiver and his attorneys currently have outstanding fees and expenses in the total amount of \$165,844. The Receiver's accountants have outstanding fees and expenses in the total amount of \$28,790. The Receiver's accountants anticipate it will cost approximately \$12,000 to prepare the final 2023 returns and address any post filing issues with the IRS. The Receiver anticipates the receivership estate will incur additional fees and expenses in the total amount of approximately \$168,500 for (i) the costs associated with the final distribution and related accounting including preparation of the Standardized Fund Accounting Report for the SEC; (ii) the Receiver's and his professionals' fees for services for preparing this Motion, addressing all issues related to the final distribution and deceased investors including reviewing and analyzing all information and documentation regarding probate estates, beneficiaries/heirs, etc. which may take several months to resolve, and seeking any other necessary relief from the Court including a motion to close the estate and discharge the Receiver; and (iii) any other expenses associated with the wind down and closing of this estate. The Receiver will request authority from the Court to pay such fees and expenses at the time the Receiver seeks to be discharged and to close the case.

B. Proposed Deceased Investor Procedures

34. The Receiver proposes to send a letter with each final distribution and to post on the Receiver's website information regarding the procedures adopted by the Court which pertain to certain deceased claimant situations. If one of the below described scenarios exists, such claimant's representative and/or executor will need to provide the necessary documentation and/or information in order to claim the distribution. Based upon the documentation and information provided to the Receiver, the Receiver will have the sole discretion as to whether the reissuance of a final investor distribution is appropriate.

(1) Deceased Claimant with Open Probate Estate

35. In some instances, the claimant may be deceased and there is a pending probate proceeding in the claimant's jurisdiction. The Receiver proposes the personal representative or executor of the probate estate provide certified copies of the death certificate, the letters of administration appointing the personal representative to act on behalf of the estate, and any other information deemed necessary by the Receiver. Upon receipt of sufficient documentation and/or information, the Receiver may make the distribution payable to the claimant's probate estate or as may be directed by a court order from the probate estate demonstrated through a certified copy furnished to the Receiver.

(2) Deceased Claimant with Closed Probate Estate

36. In some cases, the claimant may be deceased and there is a closed probate estate. The Receiver is concerned that the cost of reopening a probate estate may likely exceed the amount of the claimant's final distribution. If there has been a court order entered in the probate estate as to the distribution and discharge of the estate (or the equivalent of such an order in a foreign jurisdiction), the Receiver proposes the distribution be made directly to the personal representative of the discharged estate, who will take the necessary actions to distribute the funds to the surviving named beneficiaries or claimants. The claimant's representative will need to provide the Receiver with the probate case information and a certified copy of the order of distribution and discharge and any other requested documentation and/or information. Upon receipt of sufficient documentation and/or information, the Receiver may make the distribution payable to the personal representative who will then distribute the funds to the surviving named beneficiaries or claimants.

37. If the probate administration of a claimant is not able to furnish the necessary information and documentation, the claimant's personal representative or executor or authorized

representative will need to take all necessary procedures to open the estate and secure the required information and direction in order for the Receiver to reissue the claimant's distribution. The Receiver will not be required to re-open or open an estate for any deceased claimant or for a deceased beneficiary of the estate of a claimant.

(3) Deceased Claimant with No Probate Estate

38. In some instances, the claimant may be deceased with no probate estate having been commenced. The Receiver proposes the claimant's representative provide a certified copy of the death certificate and an affidavit as to the claimant's heirs/beneficiaries and that all obligations or claims against the deceased claimant have been paid, resolved, or satisfied by operation of law (the "Affidavit"). Upon receipt of sufficient documentation, including the Affidavit, and/or additional information, the Receiver may issue a new check(s) in the name(s) of the surviving heir(s)/beneficiary(ies) or claimant(s) of the decedent pursuant to the Affidavit.

(4) Joint Claim of Deceased Claimant with Surviving Spouse

39. In other cases, the claim may be held as a joint claim between a husband and wife and one spouse is now deceased. The Receiver proposes the surviving spouse provide a certified copy of the death certificate of the deceased spouse. Upon receipt of sufficient documentation and/or information, the Receiver may pay the surviving spouse the full amount of the distribution as a result of the surviving spouse receiving the funds by operation of law as a joint owner.

40. Provided the Receiver follows the procedures set forth herein, he and his professionals shall have no further responsibility or liability to any person with respect to the deceased investor's estate.

Incorporated Memorandum of Law

41. The district court has broad powers and wide discretion to determine relief in an equity receivership. *SEC v. Elliott*, 953 F.2d 1560, 1566 (11th Cir. 1992). The basis for this broad deference to the district court's supervisory role in equity receiverships arises out of the fact that most receiverships involve multiple parties and complex transactions. See *SEC v. Capital Consultants LLC*, 397 F.3d 733, 738 (9th Cir. 2005); *SEC v. Hardy*, 803 F.2d 1034, 1037 (9th Cir. 1986)(because a district judge supervising an equity receivership faces a myriad of complicated problems in dealing with the various parties and issues involved in administering the receivership, then reasonable administrative procedures, crafted to deal with the complex circumstances of each case, will be upheld).

42. Pursuant to the Receivership Order, the District Court has “authorized, empowered, and directed” the Receiver to take possession of all of the property, assets and estates of the Receivership Defendants of every kind whatsoever and wheresoever located and administer such assets as required to comply with the Receivership Order and hold all other assets pending further order of the court. See Receivership Order, ¶ 1.

43. The Receiver recommends the Court approve a final distribution to claimants in the total amount of \$6,012,000. Due to the length of time the Receivership Estate has been open, the Receiver anticipates a significant number of the 2,924 claimants may have died since the last distribution in 2013. Accordingly, the Receiver seeks to establish procedures for deceased investor distributions. The law does not mandate a specific method of distribution “so long as the distribution is ‘fair and equitable.’” In deciding how receivership assets should be distributed to investors, “the fundamental principle which emerges from [the] case law is that any distribution

should be done equitably and fairly, with similarly situated investors or customers treated alike.” *SEC v. Credit Bancorp Ltd.*, No. 99-civ-1195, 2000 WL 1752979 at *13 (S.D.N.Y. Nov. 29, 2000).

44. Here, each similarly situated deceased claimant will be treated alike based upon whether (i) a probate estate is open, (ii) a probate estate is closed, (iii) a probate estate does not exist; or (iv) there is a surviving spouse for a joint claim of a husband and wife. The Receiver submits that these administrative procedures are important for administering the receivership. The Receiver believes such procedures will expedite the recovery of the final distribution by the deceased investor’s heirs and/or beneficiaries and allow the Receiver to close the case as expeditiously as possible. Accordingly, the Receiver believes the proposed final distribution and procedures are fair and just.

45. The Court has the inherent power to approve the final distribution and the deceased investor procedures. In *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1990), the Supreme Court of the United States described inherent powers as those “necessary to the exercise of all others” and that are “necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Id.* at 43.

WHEREFORE, the Receiver respectfully requests the Court to enter an Order in the form attached hereto as **Exhibit A**, (a) authorizing the Receiver to make a final distribution in the amount of \$6,012,000 to the claimants in this case; (b) establishing procedures for deceased investor distributions, *to wit*:

- (i) deceased claimant with open probate estate;
- (ii) deceased claimant with closed probate estate;
- (iii) deceased claimant with no probate estate; and
- (iv) joint claim of deceased claimant with surviving spouse;

and (c) granting such further relief as the Court deems just and proper.

LOCAL RULE 7.1 CERTIFICATION OF COUNSEL

Pursuant to Local Rule 7.1, undersigned counsel hereby certifies that he has conferred with counsel for the SEC who has no objection to the relief requested herein.

Dated: March 11, 2024

Respectfully submitted,

/s/ Michael I. Goldberg

Michael I. Goldberg, Esq.

Florida Bar Number: 886602

Email: michael.goldberg@akerman.com

201 East Las Olas Boulevard

Suite 1800

Fort Lauderdale, FL 33301-2999

Phone: (954) 463-2700

Fax: (954) 463-2224

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by CM/ECF on March 11, 2024 on all counsel or parties of record on the Service List below.

By: /s/ Michael I. Goldberg

Robert K. Levenson
Regional Trial Counsel
Securities and Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, Florida 33131
(305) 982-6341 (Direct Dial)
(305) 982-6300 (Telephone)
(305) 536-4154 (Facsimile)
E-Mail: levensonr@sec.gov
Counsel for Plaintiff
Served by CM/ECF

Teresa Jacqueline Verges
Yolanda Gonzalez
Andre Zamorano
Securities & Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, Florida 33131
E-Mail: vergest@sec.gov
E-Mail: gonzalezlm@sec.gov
E-Mail: zamoranoa@sec.gov
Counsel for Plaintiff
Served by CM/ECF

Robert V. Cornish, Jr.
Dilworth Paxson LLP
655 Fifteenth Street, NW, Suite 810
Washington, DC 20005
(202) 466-9158 (Telephone)
(202) 452-0930 (Facsimile)
E-Mail: rcornish@dilworthlaw.com
Counsel for Jack P. Utsick
Served by CM/ECF

David R. Chase, Esq.
David R. Chase, P.A.
1700 East Las Olas Blvd., Penthouse 2
Fort Lauderdale, Florida 33301
(954) 920-7779 (Telephone)
(954) 923-5622 (Facsimile)
E-Mail: david@davidchaselaw.com
Counsel for Jack P. Utsick
Served by CM/ECF

Richard A. Serafini, Esq.
Adams Cassidy & Phillippi, P.A.
One East Broward Boulevard, Suite 1410
Fort Lauderdale, FL 33301
(954) 764-6430 (Telephone)
(954) 764-6448 (Facsimile)
Email: rserafini@acplaw.net
**Counsel for Robert Yeager, Donna Yeager
American Enterprises, Inc. and
Entertainment Funds, Inc.**
Served by CM/ECF

David M. Levine, Esq.
Tew Cardenas LLP
Four Seasons Tower, 15th Floor
1441 Brickell Avenue
Miami, Florida 33131-3407
(305) 536-1112 (Telephone)
(305) 536-1116 (Facsimile)
E-Mail: dml@tewlaw.com
Counsel for First Source Bank
Served by CM/ECF

Michael James Rosen
Michael J. Rosen
2937 SW 27 Avenue
Suite 101
Miami, FL 33133
305-446-6116
Fax: 305-446-6150
Email: mjr@mjrosenlaw.com
Counsel for Jack P. Utsick
Served by CM/ECF

EXHIBIT “A”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 06-20975-CIV-HUCK / OTAZO-REYES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

JOHN P. UTSICK, *et al.*

Defendants.

**ORDER GRANTING RECEIVER'S MOTION TO MAKE
FINAL DISTRIBUTION TO INVESTORS AND TO ESTABLISH
PROCEDURES FOR DECEASED INVESTOR DISTRIBUTIONS**

This matter came before the Court without hearing upon the *Receiver's Motion to Make Final Distribution to Investors and to Establish Procedures for Deceased Investor Distributions with Incorporated Memorandum of Law* (the "Motion") [ECF No. --] filed by Michael I. Goldberg, the Court-appointed receiver¹ (the "Receiver"). The Court, having reviewed the Motion, being advised that counsel for the Securities and Exchange Commission has no objection to the relief requested in the Motion, and finding that the Receiver has made a sufficient and proper showing in support of the relief sought, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

1. The Motion is **GRANTED**.
2. The Receiver is authorized to make a final distribution in the total amount of \$6,065,000 to the allowed claims of the investors.

¹ The Court-appointed Receiver over Worldwide Entertainment, Inc., The Entertainment Group Fund, Inc., American Enterprises, Inc., and Entertainment Funds, Inc. (collectively, the "Receivership Entities").

3. The Receiver is authorized to establish procedures for deceased investor distributions as more fully described in paragraphs 34 through 40 of the Motion.

4. The Receiver shall not be required to open or re-open a probate estate for any deceased investor or for any deceased beneficiary of such deceased investor.

5. The Receiver shall have the sole discretion as to whether the reissuance of a final investor distribution is appropriate.

6. The Receiver shall use his best efforts to ascertain the personal representative of a deceased investor but in no event shall be liable for any incorrect distributions.

7. Provided the Receiver follows the procedures set forth in the Motion, the Receiver and his professionals under no circumstances shall be liable to any creditor or beneficiary of any deceased investor in the event such person does not receive their distribution from the personal representative or the payee the Receiver believed to be the claimant's representative.

8. The Receiver is further authorized to execute any documents and take any actions reasonably necessary to consummate the transactions contemplated herein.

9. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

DONE AND ORDERED in Chambers at Miami, Florida this ___ day of _____, 2024.

PAUL C. HUCK
UNITED STATES DISTRICT JUDGE

Copies furnished to:
All counsel of record