

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 8:20-cv-394-T-35SPF

KINETIC INVESTMENT GROUP, LLC,
MICHAEL SCOTT WILLIAMS, KINETIC
FUNDS I, LLC, KCL SERVICES, LLC,
SCPIO, LLC, LF42, LLC, EL MORRO
FINANCIAL GROUP, LLC, KIH, INC.,
and BRANCH BANKING AND TRUST
COMPANY,

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of the Receiver's Amended Motion to Establish and Approve (i) Procedure to Administer and Determine Claims; (ii) Proof of Claim Form; and (iii) Claims Bar Date and Notice Procedures (the "Motion"). (Dkt. 131) Having considered the Motion, and being otherwise fully advised, it is **ORDERED AND ADJUDGED** that:


1. The Motion, (Dkt. 131), is **GRANTED as stated herein**.
2. Each person or entity that asserts a claim against the Receivership arising out of or related in any way to the acts, conduct, or activities of the Receivership Entities and the fraudulent investment scheme set forth in the complaint filed by the Securities and Exchange Commission in this action must submit an original, written Proof of Claim Form, as attached

to the Motion as Exhibit 1, (Dkt. 131-1), to the Receiver, Mark A. Kornfeld, c/o Jordan D. Maglich, Esq., Quarles & Brady LLP, 101 East Kennedy Blvd., Suite 3400, Tampa, Florida 33602, **to be received on or before 90 days from the mailing of the Proof of Claim Form to known possible Claimants** (the “**Claim Bar Date**”). Any person or entity that fails to submit a claim to the Receiver on or before the Claim Bar Date (*i.e.*, fails to take the necessary steps to ensure that the Proof of Claim Form is received by the Receiver on or before the Claim Bar Date), shall be forever barred and precluded from asserting any claim against any Receivership Entity or the Receivership. The Claim Bar Date will apply to all creditors and victims of the Kinetic Funds scheme.

3. The notice procedures for the Claim Bar Date provided in the Motion shall be sufficient and reasonably calculated to provide notice to all creditors if made by (a) first class U.S. mail to the last known addresses of known potential Claimants, (b) by publication on **ONE (1) DAY** in the national edition of The New York Times, **SEVEN (7) CONTINUOUS DAYS** in the El Nuevo Dia, and **SEVEN (7) CONTINUOUS DAYS** in the local edition of The Sarasota Herald-Tribune, and (c) by continuous publication on the Receiver’s website at www.kineticreceivership.com. The Notice shall be in substantially the form attached to the Motion as Exhibit 3. (Dkt. 131-3) The Court hereby authorizes that the costs of publication be paid directly from Receivership assets.

4. The Proof of Claim Form attached to the Motion as Exhibit 1, (Dkt. 131-1), and the claims administration procedures set forth in the Motion as well as the Claims Process Instructions attached as Exhibit 2 to the Motion, (Dkt. 131-2), are approved.

DONE and **ORDERED** in Tampa, Florida, this 5th day of November, 2020.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person