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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JOHN V. BIVONA, et al.,

Defendants.

Case No. 16-cv-01386-EMC

**ORDER REGARDING NOVEMBER 16,
2017 STATUS CONFERENCE AND
PROPOSED CLAIM FORM**

Docket No. 265, 268

The parties should be prepared to discuss the following issues at the November 16, 2017 status conference:

1. The Court’s proposed revisions to the proposed claim form, attached to this order.
2. Whether, to reduce the burden on potential claimants, the Receiver can pre-populate notices to investors whose identities or investments are already known.
3. Whether the Receiver has sent demand letters to all persons to whom Square shares are believed to have been over-distributed; whether the Receiver is satisfied with the two responses received thus far; and what action, if any, the Receiver proposes to take with respect to any persons who have not responded or any persons whose responses it deemed unsatisfactory.

IT IS SO ORDERED.

Dated: November 14, 2017



EDWARD M. CHEN
United States District Judge

Securities and Exchange Commission v. Bivona et al., Case No. 3:16-cv-1386 (N.D. Cal.)

**If you invested money with
SRA Management Associates, LLC, managed by John
Bivona, or any of the entities below, you may be entitled to
relief if you complete and send this claim form
by **December 31, 2017**.**

A federal court authorized this notice. This is not a solicitation from a lawyer.

- This case involves an action for securities fraud initiated by the Securities and Exchange Commission. The court has placed all all assets belonging to the following entities under the control of a Court-appointed Receiver:

Defendant Entities ¹	Affiliated Entities
SRA Management Associates, LLC	FMOF I, LLC
SRA I, LLC	FMOF II, LLC
SRA II, LLC	FMOF Management Associates, LLC
SRA III, LLC	NYPA I, LLC
Clear Sailing Group IV, LLC	NYPA II, LLC
Clear Sailing Group V, LLC	NYPA Management Associates, LLC

- The assets include pre-IPO securities interests in the following companies:
[List Companies]
- The Court must determine a fair and equitable means to distribute the assets above to investors in the aforementioned entities, as well as any potential creditors. The purpose of this claim form is to identify all potential investors and creditors with valid claims against the Receivership Entities.
- **If you invested money with any of the entities above, or are a creditor, you must complete and submit this form to the court-appointed Receiver by **December 31, 2017**.** Completed claims should be delivered to:

Sherwood Partners, Inc.
Po Box 391600
Mountain View, CA 94039
E-mail: saddleriver@sherwood.com

If you have any questions, a representative of the Receiver can be contacted at Sherwood Partners, Inc., (650) 329-9996.

¹ Saddle River Advisors, LLC and Felix Investments, LLC are also defendants in this action, but not entities within the Receivership.

PROOF OF CLAIM

This is an important legal document that will affect your legal rights if you have an interest in one or more of the Receivership Entities as an investor or creditor. If you have an interest in one or more of the Receivership Entities as an investor or creditor, you must submit this proof of claim to the Receiver on or before **December 31, 2017**. Failure to do so could result in the forfeiture of your claim.

The Court has not yet ~~made any determination determined as to~~ how the assets of the Receivership Entities will be managed or distributed or how ~~any~~ claims against the Receivership Entities will be paid. However, when the Court ~~does~~ makes this determination, the information provided in this Proof of Claim Form will be used to calculate your interest in the Receivership Entities and your entitlement, if any, to participate in any distribution from the Receivership.

The Receiver has the right to dispute and/or verify any information you have provided in order to determine the proper distribution amount, if any, to which you may be entitled. The Receiver additionally reserves the right to request additional documentation supporting your claim at a later date. All original documentation should be preserved as it may be requested at a future date. If you are an investor, the Receiver has the right to amend **[Court's Comment: What does this mean?]** any information you may have provided as to your Net Investment Amount. The Receiver does not waive any right to (1) deny, contest the validity of, or otherwise object to a claim, or (2) if warranted, amend the provided Net investment Amount.

~~IMPORTANT INFORMATION TO READ PRIOR TO SUBMITTING THIS FORM:~~

~~ANY PERSON OR ENTITY SUBMITTING THIS PROOF OF CLAIM FORM, EXCEPT FOR STATE AND LOCAL GOVERNMENT ENTITIES, SUBMITS TO THE EXCLUSIVE JURISDICTION OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA AS TO ANY CLAIMS, OBJECTIONS, DEFENSES, OR COUNTERCLAIMS THAT COULD BE OR HAVE BEEN ASSERTED BY THE RECEIVER AGAINST SUCH CLAIMANT OR THE HOLDER OF SUCH CLAIM IN CONNECTION WITH THIS RECEIVERSHIP, INCLUDING THOSE ARISING OUT OF (1) ANY DEALING OR BUSINESS TRANSACTED BY OR WITH ANY RECEIVERSHIP ENTITY OR (2) ANY DEALING OR BUSINESS TRANSACTED THAT RELATES IN ANY WAY TO ANY RECEIVERSHIP PROPERTY.~~

~~YOU MUST SUBMIT THIS COMPLETED FORM, SIGNED UNDER PENALTY OF PERJURY, SO THAT IT IS RECEIVED BY THE RECEIVER BY NO LATER THAN DECEMBER 31, 2017. SEND YOUR FORM TO:~~

~~Sherwood Partners, Inc.
Po Box 391600
Mountain View, CA 94039~~

~~YOU CAN ALSO EMAIL YOUR COMPLETED FORM TO THE RECEIVER AT:
saddleriver@shrwood.com~~

IF YOU DO NOT SUBMIT YOUR COMPLETED CLAIM FORM BY **DECEMBER 31, 2017**, YOU WILL BE FOREVER BARRED FROM ASSERTING ANY CLAIM AGAINST THE RECEIVERSHIP ENTITIES' ASSETS AND YOU WILL NOT BE ELIGIBLE TO RECEIVE ANY DISTRIBUTIONS FROM THE RECEIVER. _____ (Please Initial to indicate you have read)

Contact Information

Please check all that apply:

_____ I am (we are/my firm is) an investor ~~and/or creditor~~ in one or more of the above Receivership Entities.

_____ I am (we are/my firm is) a creditor for one or more of the above Receivership Entities.

My contact information is as follows:

Name(s): _____

Address: _____

Telephone: _____

E-mail: _____

Fax: _____

Investor Claim

I invested the following amount into one or more of the Receivership Entities on the dates as follow for the pledged numbers of shares or units.

(Please list each investment separately and for which fund the investment was intended, and the net investment amount. Net investment amount is the amount invested, net of management fees. Use as many pages as necessary to list all your investments. ~~If you received a full disbursement of cash or shares for any particular investment and have provided that information above, do not include that information again here.~~)

Date: _____

Intended Fund (e.g., SRA I, LLC): _____

Intended Investment (e.g., Bloom Energy): _____

Net Investment Amount (s): _____

Shares/Units Purchased _____

Date: _____

Intended Fund: _____

Intended Investment: _____

Net Investment Amount(s): _____

Shares/Units Purchased _____

Supporting Documents: Please attach copies of any documents that support the investment, such as cancelled checks, Welcome Letters, statements or subscription agreements. DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain below:

Disbursements Received

Please check only one box:

_____ I have received cash or stock due from one of the investments identified above. (Please list each disbursement separately. Use as many pages as necessary to enter all disbursements received. Include any bank/broker statement, copy of certificates, or acknowledgment of receipt.)

_____ I have *not* received any cash or stock due from the investments identified above.

~~If you have received cash or stock, I have have not received any cash or stock due from my investment into one or more of the Receivership Entities. (Please list each disbursement separately. Use as many pages as necessary to enter all disbursements received. Include any bank/broker statement, copy of certificates, or acknowledgment of receipt.)~~

please provide information about the cash or stock you have already received below. Please list each disbursement separately. Use as many pages as necessary to enter all disbursements received. Include copies of any bank/broker statement, copy of certificates, or acknowledgment of receipt.

Fund Invested (e.g., SRA I, LLC): _____

Pre- IPO Investment (e.g., Bloom Energy): _____

Original Amount Invested: _____

Amount of shares
or Cash Received: - _____

Date Received: _____

Amount of shares or Cash Outstanding: _____

Fund Invested (e.g., SRA I, LLC): _____

Pre- IPO Investment (e.g., Bloom Energy): _____

~~received a full disbursement of cash or shares for any particular investment and have provided that information above, do not include that information again here.)~~

~~Date: _____~~

~~Intended Fund (e.g., SRA I, LLC): _____~~

~~Intended Investment (e.g., Bloom Energy): _____~~

~~Net Investment Amount (s): _____~~

~~Shares/Units Purchased _____~~

~~Date: _____~~

~~Intended Fund: _____~~

~~Intended Investment: _____~~

~~Net Investment Amount(s): _____~~

~~Shares/Units Purchased _____~~

~~Supporting Documents: Please attach copies of any documents that support the investment, such as cancelled checks, Welcome Letters, statements or subscription agreements. DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain below:~~

~~_____

_____~~

Attestation

I have enclosed copies of my subscription(s), cancelled check(s) or other acknowledgment of my investment or claim, as well as the most recent correspondence and/or information I received from Saddle River Advisors, et. al., including a copy of my most recent statement form to support the above claim. I acknowledge that I have read, understood, and agreed to all of the requirements above.

I declare under penalty of perjury that all the foregoing information is true and correct.

Executed in _____ on _____, 2017.

Signature: _____

Print Name: _____

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NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JOHN V. BIVONA, et al.,

Defendants.

Case No. [16-cv-01386-EMC](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/14/2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Frank Gregory Mazzola
27 Dogwood Hill Drive
Upper Saddle River, NJ 07458

Michele J. Mazzola
27 Dogwood Hill Drive
Upper Saddle River, NJ 07458

Dated: 11/14/2017

Susan Y. Soong
Clerk, United States District Court

By: Leni Doyle-Hickman, Deputy Clerk to the
Honorable EDWARD M. CHEN

United States District Court
Northern District of California