

1 KATHY BAZOIAN PHELPS (State Bar No. 155564)
kphelps@diamondmccarthy.com
2 DIAMOND MCCARTHY LLP
1999 Avenue of the Stars, Suite 1100
3 Los Angeles, California 90067-4402
4 Telephone: (310) 651-2997

5 *Successor Receiver*

6 CHRISTOPHER D. SULLIVAN (148083)
csullivan@diamondmccarthy.com
7 STACEY L. PRATT (124892)
stacey.pratt@diamondmccarthy.com
8 DIAMOND MCCARTHY LLP
150 California Street, Suite 2200
9 San Francisco, CA 94111
10 Telephone: (415) 692-5200

11 *Counsel for Kathy Bazoian Phelps, Successor Receiver*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

16 SECURITIES AND EXCHANGE
17 COMMISSION,

18 Plaintiff,

19 v.

20 JOHN V. BIVONA; SADDLE RIVER
ADVISORS, LLC; SRA
21 MANAGEMENT ASSOCIATES,
LLC; FRANK GREGORY
22 MAZZOLA,

23 Defendants, and

24 SRA I LLC; SRA II LLC; SRA III
LLC; FELIX INVESTMENTS, LLC;
25 MICHELE J. MAZZOLA; ANNE
BIVONA; CLEAR SAILING GROUP
26 IV LLC; CLEAR SAILING GROUP V
LLC,

27 Relief Defendants.
28

Case No. 3:16-cv-01386-EMC

**(PROPOSED) ORDER GRANTING
RECEIVER’S MOTION TO DISALLOW
PURPORTED GUARANTEE CLAIMS**

Date: April 7, 2020
Time: 10:30 A.M.
Location: Courtroom 5, 17th Floor
450 Golden Gate Ave.
San Francisco, CA 94102
Judge: Edward M. Chen

1 The Motion of Kathy Bazoian Phelps, the Court-appointed successor receiver ("Receiver")
2 to Disallow Purported Guarantee Claims came on regularly for hearing at the above-referenced
3 date, time and place before the Honorable Edward M. Chen, United States District Judge presiding.
4 Appearances at the hearing were made as noted on the record. The Court, having reviewed the
5 Motion and all pleadings and papers filed in support hereof, and any response or opposition thereto,
6 and having heard the arguments of counsel, and good cause appearing,
7

8 IT IS HEREBY ORDERED THAT:

- 9 1. The Motion is granted in its entirety;
- 10 2. The following claims that are claims on purported guarantees relating to investments
11 made with the Receivership Entities are hereby disallowed in their entirety:

Claimant	Failed Investment	Amount
O'Leary	Practice Fusion	\$220,373.94
Hsu	Practice Fusion	\$150,000

12
13
14
15 3. Any guarantee claims in connection with a Failed Investment Claim as defined in
16 the Receiver's Proposed Distribution Plan set forth in Docket ___ are hereby disallowed in their
17 entirety;

18 4. The form and manner of notice of the Motion given by the Receiver to the
19 claimants whose claims are at issue in this Motion at their known, valid email address, or by first
20 class mail if no email address is known, is sufficient.

21 IT IS SO ORDERED.

22 DATED:

23 _____
24 EDWARD M. CHEN
25 United States District Judge
26
27
28