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7 *Successor Receiver*

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 Plaintiff,

14 v.

15 JOHN V. BIVONA; SADDLE RIVER
16 ADVISORS, LLC; SRA
17 MANAGEMENT ASSOCIATES,
18 LLC; FRANK GREGORY
19 MAZZOLA,

20 Defendants, and

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

27 Relief Defendants.

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

**NOTICE OF ADMINISTRATIVE MOTION
BY RECEIVER KATHY BAZOIAN PHELPS
PURSUANT TO LOCAL CIVIL RULE 7-11
FOR ORDER MODIFYING THE
DISTRIBUTION PLAN WITH RESPECT TO
CLAIMANT THE ELIV GROUP, LLC**

Date: No Hearing Set
Time: No Hearing Set
Judge: Edward M. Chen

28 **TO ALL INTERESTED PARTIES:**

PLEASE TAKE NOTICE THAT under Local Civil Rule 7-11, Kathy Bazoian Phelps, the successor receiver herein (the “Receiver”) of SRA Management Associates, LLC, SRA I, LLC, SRA II, LLC, SRA III, LLC, Clear Sailing Group IV, LLC, Clear Sailing Group V, LLC,

1 Felix Multi-Opportunity Fund I, LLC, Felix Multi-Opportunity Fund II, LLC, Felix Management
2 Associates, LLC, NYPA Fund I, LLC, NYPA Fund II, LLC, NYPA Management Associates,
3 LLC and Solis Associates Fund LLC, hereby files this Motion for Order Modifying the
4 Distribution Plan with respect to Claimant The ELIV Group, LLC.

5 The Motion seeks authority to modify the Distribution Plan with respect to Claimant, The
6 ELIV Group, LLC (“Claimant”), by permitting the Receiver to sell the securities that would
7 otherwise be distributed to Claimant and paying the net cash proceeds to Claimant in lieu of a
8 distribution of securities. Specifically, the United States Department of Justice, which is
9 overseeing a restitution fund on behalf of the victims of Claimant, has informed the Receiver that
10 it cannot accept securities into the restitution fund and therefore requests that the Receiver
11 liquidate the securities that would be otherwise be distributed to Claimant, and distribute the net
12 proceeds to the United States Attorney’s Office for the Northern District of New York that is
13 overseeing the restitution fund.

14 The Motion is based upon this Notice of Motion, the Motion, the Declaration of the
15 Receiver, the Declaration of the United States Attorney’s Office for the Northern District of New
16 York, and the proposed order. In addition to service by ECF, the Receiver intends to serve this
17 Notice, the Motion and the supporting documents on the United States Attorney’s Office for the
18 Northern District of New York via email. *See* Civil L.R. 66-6.

19 **PLEASE TAKE FURTHER NOTICE THAT** any opposition to the Motion must be filed
20 within four days of the filing of the Motion. *See* Civil Local Rule 7-11.

21
22 Respectfully submitted,

23 DATED: September 9, 2020

By: /s/ Kathy Bazoian Phelps
Kathy Bazoian Phelps
Successor Receiver