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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  
ADVISORS, LLC; SRA  
16 MANAGEMENT ASSOCIATES,  
LLC; FRANK GREGORY  
17 MAZZOLA,

18 Defendants, and

19 SRA I LLC; SRA II LLC; SRA III  
LLC; FELIX INVESTMENTS, LLC;  
20 MICHELE J. MAZZOLA; ANNE  
BIVONA; CLEAR SAILING GROUP  
21 IV LLC; CLEAR SAILING GROUP V  
LLC,

22 Relief Defendants.  
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Case No. 3:16-cv-01386-EMC

**NOTICE OF MOTION BY RECEIVER  
KATHY BAZOIAN PHELPS FOR  
ORDER AUTHORIZING SALE  
PURUSANT TO 28 U.S.C. § 2004 OF  
SHARES OF EVERNOTE  
CORPORATION AND FOR  
MODIFICATION OF THE  
DISTRIBUTION PLAN**

Date: December 9, 2021

Time: 1:30 p.m.

Judge: Edward M. Chen

1 **TO ALL INTERESTED PARTIES:**

2 **PLEASE TAKE NOTICE THAT** Kathy Bazoian Phelps, the successor receiver herein (the  
3 “Receiver”) of SRA Management Associates, LLC, SRA I, LLC, SRA II, LLC, SRA III, LLC, Clear  
4 Sailing Group IV, LLC, Clear Sailing Group V, LLC, Felix Multi-Opportunity Fund I, LLC, Felix  
5 Multi-Opportunity Fund II, LLC, Felix Management Associates, LLC, NYPA Fund I, LLC, NYPA  
6 Fund II, LLC, NYPA Management Associates, LLC and Solis Associates Fund LLC, hereby files  
7 this Motion for an Order Authorizing the Sale Pursuant to 28 U.S.C. § 2004 of Shares of Evernote  
8 Corporation and for Modification of the Distribution Plan (the “Motion”).

9 **PLEASE TAKE FURTHER NOTICE THAT** the Court has approved a hearing on  
10 shortened notice and a hearing on the Motion has been set for December 9, 2021 at 1:30 p.m. in front  
11 of Judge Edward M. Chen. The hearing will take place by Zoom webinar and may be accessed  
12 through the following link:

13 <https://canduscourts.zoomgov.com/j/1619911861?pwd=TjVma1lnMIJINHR3ZE9QMkFjNkFndz09>

14 Webinar ID: 161 991 1861

15 Password: 912881

16 The Motion seeks authority to sell the estate’s remaining 96,108 shares of Evernote  
17 Corporation (“Evernote”) to Equity Acquisition Company Ltd (“EAC”) and to modify the  
18 Distribution Plan approved by this Court [Dkt. No. 613] only as necessary to sell the Evernote shares  
19 and to hold the proceeds in a separate account. Any further modification of the Distribution Plan with  
20 respect to the distribution of the sale proceeds, and any other benefits to the estate that may be realized  
21 as a result of the contemplated transaction, will be the subject of a separate motion, including any  
22 issues relating to any Plan Fund contribution and applicability of deficiency claims.

23 The Motion also seeks approval for the Receiver to execute all documents necessary to  
24 consummate the contemplated transaction and to pay all reasonable fees associated with that  
25 transaction, including but not limited up to \$5,000 in transfer fees and expenses.

26 The Motion is based upon this Notice of Motion, the Motion, the Declaration of the Receiver,  
27 and the proposed order. In addition to service by ECF, the Receiver intends to serve this Notice, the  
28 Motion and the supporting documents on all interested parties, including counsel for Evernote, using

