

RAINES FELDMAN LITRELL LLP

Kathy Bazoian Phelps (State Bar No. 155564)

kphelps@raineslaw.com

1900 Avenue of the Stars, Suite 1900

Los Angeles, California 90067

Telephone: (310) 440-4100

Facsimile: (310) 691-1367

Successor Receiver

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants, and

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

Relief Defendants.

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

**NOTICE OF HEARING ON MOTION BY
RECEIVER KATHY BAZOIAN PHELPS
FOR ORDER AUTHORIZING:**

- (1) FINAL DISTRIBUTION TO CLASS
3 UNSECURED CREDITORS;**
- (2) THIRD INTERIM DISTRIBUTION
TO CLASS 4 INVESTORS;**
- (3) FIRST INTERIM DISTRIBUTION
TO CLASS 6A AND 6B
INVESTORS;**
- (4) ALLOWANCE OF REMAINING
FAILED INVESTMENT CLAIMS;**
- (5) EXTENSION OF TIME TO
COMPLETE DISTRIBUTIONS**

Date: May 22, 2025

Time: 1:30 pm

Judge: Edward M. Chen

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT Kathy Bazoian Phelps, the successor receiver (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, Felix Multi-Opportunity Fund I, LLC, Felix Multi-Opportunity Fund II, LLC, Felix Management Associates, LLC, NYPA Fund I, LLC, NYPA Fund II, LLC, NYPA Management Associates, LLC and Solis Associates Fund LLC, hereby files this Motion for Order Authorizing: (1) Final Distribution to Class 3 Unsecured Creditors; (2) Third Interim Distribution to Class 4 Investors; (3) First Interim Distribution to Class 6A and 6B Investors; (4) Allowance of Remaining Failed Investment Claims; and (5) Extension of Time to Complete Distributions (the “Motion”).

PLEASE TAKE FURTHER NOTICE THAT a hearing on the Motion has been set for May 22, 2025, at 1:30 p.m. in front of Judge Edward M. Chen. The hearing will take place by Zoom webinar and may be accessed through the following link:

<https://cand-uscourts.zoomgov.com/j/1619911861?pwd=TjVma1lnMlJlNHR3ZE9QMkFjNkFndz09>

Webinar ID: 161 991 1861

Password: 912881

The Motion asks the Court for the following relief:

1. Authorization of a final distribution to Class 3 Unsecured Creditors pursuant to the distribution schedule attached as Exhibit “1” to the Declaration of the Receiver, which will provide a 100% return of principal investment to the Class 3 claimants, with a holdback of any distribution to Global Generation due to an ongoing dispute with its counsel and an asserted attorneys’ lien;
2. Authorization to make an interim distribution to the following subclasses of Class 4 pursuant to the distribution schedules attached as Exhibits “2” through “11” to the Declaration of the Receiver: Airbnb, Inc. (“Airbnb”), Bloom Energy Corp. (“Bloom”); Cloudera, Inc. (“Cloudera”); Dropbox, Inc. (“Dropbox”); Lyft, Inc. (“Lyft”);

MongoDB, Inc. (“MongoDB”); Palantir, Inc. (“Palantir”); Pinterest, Inc. (“Pinterest”); Snap, Inc. (“Snap”); and Uber, Inc. (“Uber”) (collectively, the “Publicly Traded Securities”);¹

3. Authorization to make an interim distribution to Class 6A and 6B Investors pursuant to the distribution schedules attached as Exhibits “12” and “13” to the Declaration of the Receiver;
4. Modification of the Plan to allow Remaining Failed Investment² claims to be paid from the SEC segregated funds in the Anne Bivona Funds account pursuant to the distribution schedules attached as Exhibit “14” to the Declaration of the Receiver, and authorization to make distributions pursuant to Exhibit “14”;³
5. Authorization to pay any administrative or wire fees or any other reasonable administrative expenses necessary to make the distributions in this Motion;
6. Setting a deadline by which any Claimant wishing to receive a distribution by wire transfer must provide the Receiver with valid wire instructions. Otherwise, the Receiver shall make distribution by check to each claimant at the claimant’s last known address; and
7. An extension of time to complete the distributions beyond May 2025, as required by the Plan. (Plan at 20).

¹ Distributions of funds from the recent sales of Evernote Corp. (“Evernote”), Lookout, Inc. (“Lookout”), and Addepar, Inc. (“Addepar”) will be deferred pending conclusion of the tax review period. Since a receiver may be held personally liable for unpaid federal income taxes pursuant to 31 U.S.C. § 3713, it is imperative that the estate hold these Reserves to fund any unanticipated tax liability before any distributions are made.

² The Remaining Failed Investments consist of Aliphcom DBA Jawbone, Badgeville, Inc., Glam Media, Inc., Jumio, Inc., Odesk Corp., and Virtual Instruments Corp. (the “Remaining Failed Investments”). The other Failed Investments, Candi Controls and Practice Fusion, have separately been addressed in Classes 6A and 6B.

³ There was no accommodation in the Plan for the claims arising from the Failed Investments. The Motion to Modify the Plan addressed a subcategory of Failed Investments (Candi Controls and Practice Fusion) that generated tax benefits for the estate, but left the handling of the other Failed Investments (the Remaining Failed Investments) to be addressed in the future.

1 The Motion is based upon this Notice of Motion, the Motion, the Declaration of the Receiver,
2 and the proposed order. In addition to service by ECF, the Receiver intends to serve this Notice, the
3 Motion and the supporting documents on all interested parties using a confidential email list, and to
4 post this Notice, the Motion and supporting documents on the Receivership website. *See* Civil L.R.
5 66-6.

6 **PLEASE TAKE FURTHER NOTICE THAT** any opposition to the Motion must be filed
7 no later than April 21, 2025.

8
9 Dated: April 7, 2025

RAINES FELDMAN LITTRELL LLP

10 By: /s/ Kathy Bazoian Phelps

11 Kathy Bazoian Phelps
12 *Successor Receiver*
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28