

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,**

v.

**ICP ASSET MANAGEMENT, LLC,
ICP SECURITIES, LLC,
INSTITUTIONAL CREDIT PARTNERS, LLC, and
THOMAS C. PRIORE,**

Defendants,

-and-

**THOMAS C. PRIORE,
LORI A. PRIORE, and
BERTRAND H. SMYERS,**

Relief Defendants

**Case No.: 10-cv-4791-LAK-
JCF**

**Notice of Motion and Motion
for an Order Appointing a
Distribution Agent,
Discharging the Fund
Administrator, and Related
Relief**

PLEASE TAKE NOTICE that, upon the accompanying Motion, Memorandum, and Proposed Order, and all other related papers and proceedings, Plaintiff, the Securities and Exchange Commission (the "SEC") will move this Court, at a date and time to be determined by the Court, for an Order requesting the following relief: (1) appointing RCB Fund Services LLC ("RCB") as Distribution Agent for the Fair Fund previously established by this Court (the "Fair Fund"); (2) discharging the Fund Administrator; and (3) authorizing the SEC to approve and direct the payment of the fees and expenses of RCB from the Fair Fund without further Court Order.

MOTION

In anticipation of proposing to this Court a plan to distribute collected funds, the SEC respectfully submits this Motion for an Order: (1) appointing RCB, a full-service distribution administration and project management consulting firm, to, among other things, work with the

SEC to provide notice to investors who may be eligible for a recovery from the Fair Fund and to draft a distribution plan for approval by the Court, and implement a Court-approved plan of distribution; (2) discharging the previously appointed Fund Administrator; and (3) authorizing the SEC staff to approve and direct the payment of the fees and expenses of RCB from the Fair Fund without further Court Order.

The grounds for this motion are set forth in the accompanying Memorandum in Support.

WHEREFORE, the SEC respectfully requests that the Court enter an Order substantially in the form submitted with this Motion.

Dated: August 7, 2020

Respectfully submitted,

s/ Catherine E. Pappas

Catherine E. Pappas

Admitted *Pro Hac Vice*, ECF No. 269

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Securities and Exchange Commission

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*Attorney for Plaintiff Securities and Exchange
Commission*

CERTIFICATE OF SERVICE

I certify that on August 7, 2020, I caused a copy of the foregoing document to be filed with the Court's CM/ECF system, which will automatically send a copy of the document to all counsel of record.

s/ Catherine E. Pappas
Catherine E. Pappas