

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 14-cv-60954-GAYLES

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**ROBERT J. VITALE and REALTY
ACQUISITIONS AND TRUST, INC.,**

Defendants,

and

**CORAL SPRINGS INVESTMENT
GROUP, INC.,**

Relief Defendant.

**ORDER TRANSFERRING FUNDS, APPOINTING DISTRIBUTION AGENT,
AND APPROVING PROPOSED DISTRIBUTION PLAN**

THIS CAUSE comes before the Court on Plaintiff Securities Exchange Commission's (the "Commission") Unopposed Motion to Transfer Funds, Appoint Distribution Agent, and Approve Proposed Distribution Plan [ECF No. 65]. Being fully advised, it is **ORDERED AND ADJUDGED** that the Motion is **GRANTED** as follows:

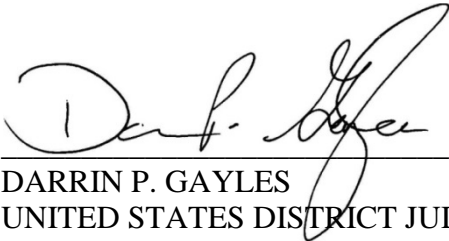
- (1) the Commission's Proposed Distribution Plan (the "Distribution Plan") [ECF No. 65 Exs. A-C] is **APPROVED**;
- (2) Nichola L. Timmons is **APPOINTED** as Distribution Agent;
- (3) the Court shall transfer all funds in the Court Registry Investment System account number DFSL014-cv-60954001 under the case name designation "SEC v Robert J. Vitale" in the amount of \$661,390.94 plus accrued interest to the Commission c/o Enterprise Services Center, Accounts Receivable Branch, 6500 South MacArthur

Boulevard, HQ Bldg., Room 181, AMZ-341, Oklahoma City, OK 73169;

- (4) the Distribution Fund will be distributed in accordance with the Distribution Plan approved by this Court;
- (5) the Distribution Agent shall perform such functions as are necessary to implement and administer the approved Distribution Plan, pursuant to which monies in the Distribution Fund, minus tax obligations and fees and expenses of the Tax Administrator, shall be distributed to Eligible Recipients as defined in the Distribution Plan;
- (6) the Distribution Agent shall be deemed to be acting within the scope of her employment with the Commission in administering this Distribution Fund. In carrying out her duties, the Distribution Agent may be assisted by other Commission staff acting under her supervision;
- (7) the Distribution Agent shall receive no compensation for the services performed in administering the Distribution Fund, other than her regular salary as an employee of the Commission;
- (8) the Distribution Agent shall coordinate with the Court-appointed Tax Administrator, Damasco & Associates LLP, to ensure that the Distribution Fund, a Qualified Settlement Fund (“QSF”) under Section 468B(g) of the Internal Revenue Code and related regulations pertaining to QSFs, 26 C.F.R. §§ 1.468B-1 through -5, complies with all legal and regulatory requirements imposed on distributions from the Distribution Fund;
- (9) the Distribution Agent may be removed *sua sponte* at any time by the Court or upon motion of the Commission and replaced with a successor;
- (10) the Distribution Agent and her designees, agents, and assistants are not required to post a bond and shall not be liable to any person for their actions hereunder, except on a finding of willful disregard of duty; and

(11) the Distribution Agent will submit a final report describing the distribution made to the Court prior to seeking termination of the Distribution Fund and discharge of the Distribution Agent. In the unlikely event that a check is not cashed, those funds will be transferred to the U.S. Treasury.

DONE AND ORDERED in Chambers at Miami, Florida, this 3rd day of January, 2017.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE