

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Civil Action No. 1:19-CV-08454
TODAYS GROWTH CONSULTANT INC.	:	
(dba THE INCOME STORE)	:	
	:	
and	:	
	:	
KENNETH D. COURTRIGHT, III,	:	
	:	
Defendants.	:	
	:	

RECEIVER’S FIFTEENTH STATUS REPORT

Melanie E. Damian, the court-appointed receiver (“Receiver”) in the above-captioned enforcement action (“SEC Enforcement Action”), submits her fifteenth status report concerning the status of the Receivership, established pursuant to the Court’s Temporary Restraining Order Freezing Assets and Imposing Other Emergency Relief [ECF No. 20] (“TRO”) and Order Appointing Receiver (“Appointment Order”) [ECF No. 19]. This interim report sets forth the Receiver’s activities and efforts to fulfill her duties under the Appointment Order for the period from July 1, 2023, through September 30, 2023 (the “Reporting Period”).¹

¹ The Receiver inadvertently did not file this Report by the October 31, 2023 deadline.

TABLE OF CONTENTS

I. INTRODUCTION3

II. PROCEDURAL BACKGROUND.....4

III. STATUS AND ACTIVITIES OF THE RECEIVERSHIP6

 A. *Marketing for Sale Remaining Assets of the Estate, Transferring Assets Related to Websites to Purchasers, and Resolving Issues with Certain Transferred Digital Assets*7

 B. *Responding to Investor Inquiries Regarding Court-Approved Claims Process*.....7

 C. *Pursuing Recovery Claims Against Third Parties, Affiliates, Insiders, Professionals and Financial Institutions*9

 D. *Assistance of Receiver’s Forensic Accountant and Tax Consultant*13

 E. *Courtright’s Criminal Proceeding*.....13

IV. ESTATE’S CASH ON HAND, EXPENSES, AND DISBURSEMENTS.....13

V. KNOWN PROPERTY OF THE RECEIVERSHIP ESTATE.....15

VI. KNOWN CREDITORS OF THE RECEIVERSHIP ESTATE16

VII. RECOMMENDATION FOR CONTINUATION OF RECEIVERSHIP AND CONCLUSION.....16

I. INTRODUCTION

Since her appointment on December 30, 2019, the Receiver, with the assistance of her retained professionals, worked diligently to continue to fulfill her duties and obligations as set forth in the Appointment Order and to preserve the assets and records of the receivership estate (the “Estate”). In particular, the Receiver took control of all known assets of Defendant Today's Growth Consultant Inc. d/b/a The Income Store (“TGC”), including the many websites and domains owned by TGC, its business operations, funds held in bank accounts, funds transferred to or in the possession of third parties, and other personal property of TGC.

Moreover, the Receiver investigated and litigated the Estate's claims against third-parties, insiders, and affiliates of the Defendants who had improperly received significant recoverable transfers from TGC and/or aided and abetted Courtright in the TGC scheme and claims against former professionals of TGC. One of the most significant of those third-party actions was against Heartland Bank and Trust Company (“Heartland Bank”). The Receiver settled the Estate's claims against Heartland Bank for \$9 million (the “Settlement”), and the Court approved that Settlement. *See* [ECF No. 296] Court's Order Approving Settlement. Heartland Bank transferred the \$9 million settlement amount to the Estate on August 29, 2023. The Estate will hold the funds for 90 days as required by this Court's Order [ECF No. 274]. Then, on or around November 30, 2023, the Estate will make the Court-approved interim monetary distribution exceeding \$7 million.

During the Reporting Period, the Court approved the Receiver's Amended Monetary Distribution Plan [ECF No. 283] with an amended distribution list including the new claimants

holding Allowed Claims. *See* ECF No. 295 (Order Granting Receiver's Unopposed Motion to Amend Court-Approved Monetary Distribution Plan).

Moreover, during the Reporting Period, the Court approved the Receiver's settlement with Messiah Lutheran Church which has brought in a total of \$487,000 as of the filing of this Report. *See* ECF No. 299 (Order Granting Receiver's Unopposed Motion to Approve Settlement and Release Agreement with Messiah Lutheran Church).

Also, the Receiver continued to litigate her malpractice claims against the law firm that previously rendered legal services for TGC, including preparing briefs in connection with the firm's second motion to dismiss and motion for reconsideration of the Court's denial of that motion. *See* 1:22-cv-02830, ECF No. 83. The Receiver then promptly propounded discovery on Defendant. That case is now at issue and the Parties are scheduled to mediate in the next reporting period.

Further, during the Reporting Period, the Court that presided over the bench trial in the Receiver's action against Cody Neer and his company for recovery of fraudulent transfers during the prior reporting period, considered the parties' competing findings of fact and conclusions of law and entered Final Judgment in favor of the Receiver for \$153,000.

During the Reporting Period, the Receiver also recovered \$25,298.15 from Facebook comprised of ad revenues earned from TGC websites.

Finally, the Receiver continued to utilize the online digital asset broker, Afternic, to sell domains and to market for sale the remaining domains of the Estate; three domains were sold during the Reporting Period resulting in proceeds totaling \$2,414.15.

II. PROCEDURAL BACKGROUND

The Appointment Order entered on December 30, 2019, directs the Receiver to file with

the Court within thirty (30) days after the end of each calendar quarter her report and recommendations regarding the status and activities of the Receivership Estate and TGC's business operations during the prior calendar quarter. *See* ECF No. 19. In particular, the Receiver's quarterly status reports are required to include: (1) a summary of the operations of the Receiver; (2) a summary of cash on hand, accrued administrative expenses, and the amount of unencumbered funds in the Estate; (3) a schedule of the Estate's receipts and disbursements; (4) a description of all known assets of the Estate; (5) a description of liquidated and unliquidated claims held by the Estate; (6) a list of all known creditors of the Estate; (7) a status of Creditor Claims Proceedings (once commenced); and (8) the Receiver's recommendations for a continuation or discontinuation of the receivership. *See* ECF No. 19 at pp. 21-22.

On January 30, 2020, as required under the Appointment Order, the Receiver filed her Initial Status Report, which described, among other things, the Receiver's activities and efforts to fulfill her obligations under the Appointment Order during the first thirty (30) days of the receivership. *See* ECF No. 45. Importantly, in her Initial Status Report, the Receiver concluded that TGC's business records confirm the allegations as set forth in the SEC's Complaint [ECF No. 1]. *See* EFC No. 45. Specifically, because TGC's revenue from all of the websites each month was significantly less than the monthly payment obligations to the investors and are thus not sufficient to cover both monthly payments to investors as well as TGC's monthly overhead expenses, the Receiver concluded that the long-term costs associated with maintaining and preserving the digital assets of TGC was not in the best interest of the Receivership Estate.² *See*

² Indeed, the Receiver detailed in her quarterly status reports the significant expenses associated with merely maintaining the assets, including retaining a skeletal group of IT professionals and the ongoing carrying costs of the domains and websites and eventually, as a cost-saving measure, eliminating the outside IT group and moving the remaining day-to-day operations to the Receiver's

id. Based on this conclusion and the Receiver's analysis of the equities of all interested parties, including the investors, the receipts, and expenses of TGC's operations and of the Receivership Estate, and likely recoveries of the Estate, the Receiver outlined her proposal to promptly seek Court approval for a claims process and partial distribution plan which provided for, among other things, the transfer of websites to investors electing to receive them in lieu of monetary distributions. *See id.* On February 28, 2020, the Receiver filed her Claims Process Motion. *See* ECF No. 53. The Court granted the Receiver's Claims Process Motion on November 30, 2020 [ECF No. 109] and the Receiver implemented the plan as set forth therein.

The Receiver's subsequent status reports detailed, among other things, the Receiver's continued efforts to carry out her duties and obligations as set forth in the Appointment Order including, without limitation, her efforts to preserve, maintain, and recover the assets and pursue claims of the Estate. *See* ECF Nos. 81, 101, 115, 127, 160, 172, 184, 202, 220, 233, 242 (supplementing 233), 247, 265, and 292.

III. STATUS AND ACTIVITIES OF THE RECEIVERSHIP

The Receiver, with the assistance of her professionals, continues to perform all duties and obligations as set forth in the Appointment Order. During the Reporting Period, the Receiver focused her attention and resources on:

- (A) marketing for sale the remaining digital assets of the Estate, transferring social media accounts related to websites to purchasers, and resolving issues with certain transferred digital assets;
- (B) responding to inquiries from, and addressing issues raised by, investors who participated in the Court-approved claims process regarding the digital assets they received in lieu of monetary distributions and/or the status of the SEC Enforcement Action, the Heartland Bank settlement, and the Receivership;

in-house team. *See* ECF Nos. 45, 81, 101, 115, 127, 160, 172, 184, 202, 220, 233, 247, 265, and 292.

- (C) responding to inquiries from potential claimants seeking to file late claims, reviewing and approving those claims and seeking to amend the monetary distribution plan to allow those late claimants to participate in the Court-approved initial distribution;
- (D) continuing to litigate pending recovery actions against third-parties, insiders, and affiliates of TGC who received significant transfers from TGC without providing reasonably equivalent value, and/or facilitated and assisted TGC and Courtright to commit the alleged fraud that is the subject of the SEC Enforcement Action;
- (E) obtaining Court approval of settlements of the Receiver's claims against Heartland Bank and Messiah Lutheran Church; and
- (F) working with her forensic accountant to analyze the reconstructions of accounts of TGC and perform damages calculations and other analyses to support the Receiver's claims against third parties, insiders, and affiliates of, and former counsel for, TGC.

A. Marketing for Sale Remaining Assets of the Estate, Transferring Assets Related to Websites to Purchasers, and Resolving Issues with Certain Transferred Digital Assets

During the Reporting Period, the Receiver and her counsel continued to maintain and market for sale the Estate's remaining digital assets, collect of ad revenue related to Receivership domains, and worked to finalize the transfer of purchased websites and domains and all content related to those websites and domains, and worked on resolving issues related to certain transferred digital assets and related social media accounts.

B. Responding to Investor Inquiries Regarding Court-Approved Claims Process

As previously reported, in accordance with this Court's Memorandum and Opinion Order granting the Receiver's Claims Process Motion [ECF No. 109], on December 15, 2020, the Receiver sent Claims Packages to 832 potential claimants (including government taxing agencies) via email and another 24 Claims Packages via U.S. Mail or Federal Express. Shortly after sending

out the Claims Packages, the Receiver and her professionals began receiving, organizing, and processing completed claim forms that claimants had sent to the Receiver's email address established for the claims process (IncomeStoreClaims@dvllp.com).

Pursuant to her Final Determinations of all claimants' claims (including the late filed claims), the Receiver approved claims for monetary distributions as follows: \$71,970,801.36 in investor claims, \$1,118,248.04 (\$760,552.17 of which is subordinated to the claims of investors pursuant to an agreed order) in creditor claims, and \$17,110.20 in employee/independent contractor claims.

Pursuant to the Settlement payment from Heartland Bank, the Estate now has sufficient funds to make an interim monetary distribution in excess of \$7 million in accordance with the Court-approved Amended Monetary Distribution Plan [ECF No. 283] which includes the allowed late-filed claims to the distribution list. The Receiver's proposed Amended Monetary Distribution Plan, as amended, provides for a *pro rata* distribution of funds to claimants holding Allowed Claims totaling \$72,355,659.66, providing a 9.94% recovery to those claimants.³

During the Reporting Period, the Receiver continued to regularly communicate with investors through the email accounts, telephone number, and Receivership website established to provide information to, and address the questions and concerns of, investors. In particular, through the email accounts established for the Receivership (IncomeStore@dvllp.com and IncomeStoreClaims@dvllp.com) and the telephone number set up soon after the commencement of the Receivership, the Receiver's professionals responded to investors' communications

³ The subordinated creditor claim for \$760,552.17 and the \$7.8 million in claims that were satisfied through the return of investor websites are not included in the total Allowed Claims amount. Also, claims totaling \$310,195.96, which were satisfied through the class action styled *PLB Investments LLC, et al. v. Heartland Bank and Trust Company*, 1:20-cv-1023 (N.D. Ill.), were withdrawn and are not included in the Allowed Claims total.

regarding (i) the Court-approved claims process and the status and timing of the eventual monetary distributions, (ii) updated investor contact information, (iii) transferring websites, domains, and corresponding social media channels to investors pursuant to their elections to receive same in lieu of monetary distributions in the claims process, (iv) the assets of the Estate sold at the online auction sale and directly to third parties and the results of the sales, and (v) the SEC Enforcement Action and Receivership in general.

C. Pursuing Recovery Claims Against Third Parties, Affiliates, Insiders, Professionals, and Financial Institutions

During the Reporting Period, the Receiver and her counsel continued to litigate the Estate's actions against third-parties, affiliates, and insiders, commenced during prior reporting periods, including by conducting discovery in accordance with applicable scheduling orders.⁴

During the prior reporting period, the Receiver entered into the Settlement of the Estate's claims against Heartland Bank. The Settlement provided for a \$9 million payment by the Bank to the Estate in exchange for the entry of an order barring all potential claims that may be asserted by TGC's investors and other creditors against Heartland Bank. During the Reporting period, at the July 14, 2023 final hearing on the Settlement with Heartland Bank, the Court, noting that no objections to the settlement or bar order were submitted, orally approved the settlement granting the Receiver's Motion to approve the Settlement and enter the bar order. During the Reporting Period, the Court entered that approval and bar order. *See* ECF No. 296 (Order Approving Settlement Agreement by and between Melanie E. Damian, as Receiver of Today's Growth

⁴ As detailed in the Receiver's prior Status Reports, to preserve the minimal funds in the Receivership Estate at the time, the Receiver and her counsel did not bill the Estate for the formulation and litigation of these recovery claims. Rather, on September 16, 2020, the Receiver filed her Motion for Approval of Contingency Fee Arrangement for such claims. *See* ECF No. 99. And, on November 5, 2020, the Court granted that Motion. *See* ECF No. 103.

Consultant Inc. and Heartland Bank and Trust Company, and Barring Certain Claims, the “Approval and Bar Order”). The Estate received the settlement payment and is holding the funds for 90 days prior to making the initial distribution in excess of \$7 million to the allowed claimants, as ordered by the Court. *See* ECF Nos. 274 (Order Preliminarily Approving Settlement) and 296 (Approval and Bar Order).

During the prior reporting period, the Receiver prepared for and attended a one day bench trial on the Estate’s claims for recovery of fraudulent transfers and unjust enrichment against Cody Neer and Bucks of America, Inc., Case No. 8:21-cv-01999, pending in the United States District Court for the Middle District of Florida, Tampa Division. During the Reporting Period, that District Court entered a verdict in this matter and a Final Judgment for \$153,000 against both Defendants and in favor of the Estate. *See* Case No. 8:21-cv-01999, ECF Nos. 86 (Bench Trial Opinion and Order) and 87 (Final Judgment). The court found that defendants had not provided reasonably equivalent value in exchange for \$153,000 of the transfers they received from TGC. Thereafter, Defendants filed a motion to alter or amend the judgment, which the Court denied. Neither Defendants nor the Receiver appealed the Bench Trial Opinion and Order or Final Judgment, which are now final and non-appealable. Shortly after the close of the Reporting Period, the Receiver filed a Bill of Costs and supporting Memorandum of Law as the prevailing party in this case for all taxable costs totaling \$5,294.32. *See id.* at ECF No. 90. The Court granted the Receiver’s Bill of Costs in part. *See id.* at ECF No. 96.

In addition, the Receiver continued to pursue the Estate’s claims for recovery of fraudulent transfers, breaches of contracts, and aiding and abetting Courtright’s fraud against certain merchant cash advance companies, including EIN Cap, Inc., Alpha Capital Source, Inc., BMF Capital, LLC, Fundkite, LLC, AKF, Inc., World Global Capital, LLC, Fox Capital Group, Inc.,

High Five Group, LLC, and Sutton Funding NY, Inc., Case No. 1:21-cv-01792 (the “MCA Recovery Action”), pending in the United States District Court for the Northern District of Illinois. Those defendants provided cash advances to TGC and then improperly swept investor funds, rather than TGC’s operating receivables, to repay themselves. During the Reporting Period, following a telephone status hearing, the Court ordered Defendants extended the deadline for Defendants to serve their answers to interrogatories and produce documents in response to the Receiver’s request for production. When Defendants failed to do so, the Court entered an order compelling Defendants to respond to the Receiver’s discovery requests and produce responsive documents and ordered Defendants to pay by October 26, 2023 the Receiver’s attorneys’ fees and costs totaling \$1,610.00 incurred in connection with the Receiver’s motion to compel discovery responses. *See id* at ECF No. 139. Defendants’ counsel made the payment after the deadline. Because certain Defendants failed to serve verified answers to the Receiver’s interrogatories and produce documents responsive to the Receiver’s request for production by the Court’s extended deadline of September 20, 2023, the Receiver filed a motion to strike the pleadings of all such Defendants. *See id.* at ECF No. 136. Defendants have not yet filed their response to the Receiver’s Motion. After the Reporting Period, the Receiver set the depositions for all Defendants’ corporate representative, took four of those depositions, and will take the remaining four depositions in the coming weeks.

The Receiver also advanced the Estate’s claims for recovery of fraudulent transfers, aiding and abetting Courtright’s fraud and breaches of fiduciary duties, and unjust enrichment against William Courtright and Courtright Consulting, Inc., Case No. 1:21-cv-01694, pending in the United States District Court for the Northern District of Illinois. The Receiver seeks to recover the nearly \$2.3 million that those defendants were paid, and other damages based on the significant

investor losses resulting from their efforts to lure in investors to TGC. The Court set the bench trial for January 24, 25 and 26, 2024.

During the prior reporting period, the Receiver settled the Estate's claims for recovery of fraudulent transfers against Messiah Lutheran Church, Case No. 1:20-cv-07817, pending in the United States District Court for the Northern District of Illinois. Messiah Lutheran received transfers of funds from TGC without providing any value in return. During the prior reporting period, the Receiver negotiated a favorable settlement for \$487,000. During the Reporting Period, the Court entered its Order approving the settlement. *See* ECF No. 291 (Motion to approve settlement) and 299 (Order approving Settlement). As of this filing, Messiah Lutheran paid the full \$487,000 to the Estate.

Further, the Receiver continued to pursue the Estate's claims for professional malpractice against SmithAmundsen, LLC, Case No. 1:22-cv-02830, pending in the United States District Court for the Northern District of Illinois. During a prior reporting period, on March 10, 2023, the SmithAmundsen filed its Motion to Dismiss Second Amended Complaint [Case No. 1:22-cv-02830 at ECF No. 63], and, on March 29, 2023, the Receiver filed her Response to that Motion [*id.* at ECF No. 69]. During the prior reporting period, the Court denied Defendant's Motion to Dismiss Second Amended Complaint [*id.* at ECF No. 74]. Defendant then moved for reconsideration of that denial [*id.* at ECF No. 74], and during the Reporting Period, the Court denied that motion for reconsideration [*id.* at ECF No. 83]. During the Reporting Period, Defendant filed its Answer to the Receiver's Second Amended Complaint [*id.* at ECF No. 91] and served Defendants' Responses to the Receiver's discovery requests.

D. Assistance of Receiver’s Forensic Accountant and Tax Consultant

During the initial reporting period, the Receiver retained Kapila Mukamal (“Kapila”) as her forensic accountant and tax consultant to assist her to fulfill her duties under the Appointment Order. Kapila assisted the Receiver with an in-depth investigation of TGC’s former business operations, accounting and banking records, and transactions involving investors, creditors, third-parties, insiders, and affiliates.

During the Reporting Period, Kapila provided valuable support to the Receiver in both the enforcement action as the Receiver’s retained forensic accountant and tax consultant as well as important advice and analysis as the Receiver’s retained expert witness in the MCA Recovery Action.⁵

E. Courtright’s Criminal Proceeding

The Receiver continued to monitor Courtright’s criminal proceeding styled *United States of America v. Kenneth D. Courtright*, Case No. 20-CR-77, for which the jury trial was held. During the Reporting Period, Defendant Courtright was convicted on all counts alleged against him.

IV. ESTATE’S CASH ON HAND, EXPENSES, AND DISBURSEMENTS

As of the end of the Reporting Period (September 30, 2023), the Estate held a total of \$7,777,879.65 in cash on hand, comprising, among other things, the net proceeds of the sale of the Estate’s digital assets, funds generated from TGC’s business operations (including residual website revenue deposited in TGC’s operating accounts), and settlement funds received from third-

⁵ Pursuant to the parties’ Stipulation and Order Concerning the Receiver’s Payment of Expenses in the Ancillary Actions [ECF No. 228] and the Court’s Order granting same [ECF No. 229], the Receiver was authorized to retain Kapila as her expert witness in the Ancillary Actions *nunc pro tunc* to January 1, 2022. Further, the Receiver’s Lead Counsel, Damian & Valori, LLP agreed to advance payment for all reasonable expenses incurred in connection with the Ancillary Actions, including the expenses of Kapila or any other retained expert(s) to manage the expenses of the Estate. *See* ECF No. 228.

parties, insiders, affiliates, and former counsel for TGC against whom the Receiver pursued claims. *See* Standardized Fund Accounting Report reflecting starting and ending balances, and receipts and disbursements, of the Receiver's fiduciary account, attached hereto as **Exhibit A**. The Receiver deposited such funds in her fiduciary account for the Receivership Estate at City National Bank in Miami, Florida.

On March 2, 2022, the Court had entered the parties' Stipulation and Order Concerning Receiver's Interim Fee Applications that, among other things, set forth the timing and procedure for payment of the Receiver's and her professionals' outstanding administrative fees and further governing the protocol for application and payment of the Receiver's and her professionals' administrative fees set forth in all future fee applications. *See* ECF No. 191. In conformance with these procedures, during the Reporting Period, on May 15, 2023, the Receiver filed her Fourteenth Interim Application for an Order Approving and Authorizing Payment of Fees and Expenses of Receiver and Her Professionals [ECF No. 293] (the "14th Fee Application"), seeking approval and payment of certain fees and costs incurred during the first quarter of 2023. During the Reporting Period, on August 17, 2023, the Court granted the Receiver's 14th Fee Application. *See* ECF No. 298. Pursuant to the Court's Order, the Receiver disbursed \$1,235.00 to the Receiver's Illinois counsel and \$3,763.91 to the Receiver's forensic accountant, after the close of the Reporting Period.

During the next reporting period, the Receiver will file her Fifteenth Interim Application for an Order Approving and Authorizing Payment of Fees and Expenses of Receiver and Her Professionals, seeking approval and payment of the fees and costs incurred by certain of the Receiver's professionals in connection with fulfilling the Receiver's duties under the Court's Orders during this Reporting Period.

V. KNOWN PROPERTY OF THE RECEIVERSHIP ESTATE

As of the end of the Reporting Period (September 30, 2023), the Receiver was in possession, custody, or control of the following assets of the Receivership Estate:

- \$7,777,879.65 in cash on hand in the Receiver's fiduciary account and TGC's operating accounts.
- 85 domain names (precise value currently unknown) of which 49 remain active. As the domains expire, the Receiver has elected not to renew them in order to save the costs of maintaining domains having little to no value.
- Claims and Judgments against third-parties, insiders, affiliates, professionals, and a financial institution for fraudulent transfers, aiding and abetting fraud and breach of fiduciary duty, legal malpractice, and other claims, including the following:
 - Claims against William Courtright and Courtright Consulting, Inc.; Case No. 2:20-cv-01012; Venue in the United States District Court for the Northern District of Illinois;
 - Claims against EIN Cap, Inc., Alpha Capital Source, Inc., BMF Capital, LLC, FundKite, LLC, AKF, Inc., World Global Capital, LLC, Fox Capital Group, Inc., High Five Group, LLC, and Sutton Funding NY, Inc.; Case No. 21-cv-01792; Venue in the United States District Court for the Northern District of Illinois;
 - Claims against SmithAmundsen, LLC; Case No. 1:22-cv-02830; Venue in the United States District Court for the Northern District of Illinois;
 - Judgment against Cody Neer and Bucks of America, Inc. for \$153,000.00;
 - Judgment against Legacy Families in the amount of \$154,038.50; and
 - Judgment against JDS Consulting in the amount of \$121,409.65.

VI. KNOWN CREDITORS OF THE RECEIVERSHIP ESTATE

As detailed above, after allowing the late-filed claims which were reviewed and approved during the Reporting Period, the Receiver has allowed a total of \$71,970,801.36 in investor claims, \$1,118,248.04 in creditor claims (\$760,552.17 of which is subordinated to the claims of investors pursuant to an agreed order), and \$17,110.20 in employee/independent contractor claims, which remain outstanding as of this filing.

VII. RECOMMENDATION FOR CONTINUATION OF RECEIVERSHIP AND CONCLUSION

The Receiver recommends the Receivership continue so she may continue to litigate to conclusion the Estate's three remaining actions against third-party funders, insiders, and former counsel for TGC, collect the Judgments against Cody Neer and Bucks of America, Inc., Legacy Families, and JDS Consulting, maximize the value of the Estate's assets for the benefit of the investors and creditors of the Estate, finalize the transfer and sale of the remaining digital assets, and make initial and final distributions to allowed claimants in accordance with the Monetary Distribution Plan, as amended, and any further order of this Court.

The Receiver will continue to perform all other duties as mandated by the Appointment Order and update the Court on a quarterly basis as to the status and activities of the Receivership.

Respectfully submitted this 7th day of November 7, 2023.

Respectfully submitted,

/s/ Kenneth Dante Murena

Kenneth Dante Murena, Esq.

Florida Bar No. 147486

DAMIAN & VALORI LLP

1000 Brickell Avenue, Suite 1020

Miami, Florida 33131

Telephone: (305) 371-3960

Facsimile: (305) 371-3965

Email: kmurena@dvllp.com

Counsel for Melanie E. Damian,

Court-Appointed Receiver

*Admitted Pro Hac and General Admission
to Northern District of Illinois*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic transmission via this Court's CM/ECF filing system on November 7, 2023, on all counsel or parties who have appeared in the above-styled action.

/s/Kenneth Dante Murena

Kenneth Dante Murena, Esq.

Counsel for Melanie E. Damian,

Court-Appointed Receiver