

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-20975-CIV-HUCK/O'SULLIVAN

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

vs.

JACK P. UTSICK, et al.,

Defendants.

ORDER GRANTING RECEIVER, MICHAEL I. GOLDBERG'S, OMNIBUS MOTION TO: (i) RELEASE AND/OR DISBURSE THE INTERPLED ACCOUNTS, OTHER THAN THE ALONSO, BUTCHER AND PATZOLDT ACCOUNTS, PURSUANT TO THE JULY 25, 2006 INTERPLEADER ORDER, (ii) RESET CERTAIN INVESTOR CLAIMS AND (iii) SET TIME FOR INVESTORS TO OBJECT TO MOTION (D.E. 427)

THIS CAUSE is before the Court on Michael I. Goldberg's (the "Receiver") Motion to: (i) Release and/or Disburse the Interpled Accounts, Other than the Alonso, Butcher and Patzoldt Accounts, pursuant to the July 25, 2006 Interpleader Order, (ii) Reset Certain Investor Claims and (iii) Set Time for Investors to Object to Motion (the "Motion") (D.E. 427).

Pursuant to the Court's order entered on February 3, 2009 (D.E. 471), all parties were provided 30 days, through and including March 5, 2009, to file and serve objections to the Motion. Only one investor served an objection to the Motion (460) which the receiver e-filed on behalf of the *pro se* litigant ("Objection"). The Objection was subsequently withdrawn (D.E. 462).¹ The Court having reviewed the Motion and there being no objections thereto, it is hereby:

ORDERED AND ADJUDGED that:

1. 1st Source Bank shall transfer to the Receiver, the Profits from the Tainted Accounts as reflected in column 3 of Amended Exhibit 2 (D.E. 447);

¹ Thereafter, the Clerk e-filed the identical Objection (D.E. 476) and the Receiver re-filed the withdrawal (D.E. 480).

2. 1st Source Bank, to the extent funds remain available, shall distribute to itself the Bank Fees in the Accounts other than the Alonso, Butcher and Patzoldt Accounts, as set forth in column 2 on Amended Exhibit 1 (D.E. 447);

3. The balances in the Accounts, if any, after the Profits are disbursed to the Receiver and the Bank Fees are retained by 1st Source, as such balances are reflected in column 4 of Amended Exhibit 2 (D.E. 447) and Column 4 of Amended Exhibit 3 (D.E. 447) of the Motion, shall be disbursed, maintained or rolled over as directed by the account holders to the Bank;

4. The claim amounts for the investors listed on Exhibit 4 shall be set by the Receiver to the amounts reflected on Items 6, 7 and 8 of Amended Exhibit 4 (D.E. 447); and

5. The hearing on objections to the Motion scheduled on March 20, 2009 is CANCELLED, since there are no outstanding objections.

DONE AND ORDERED in Chambers, in Miami-Dade County, Florida this March 11, 2009.



JUDGE PAUL C. HUCK
UNITED STATES DISTRICT JUDGE

Copies to:
All Counsel of Record