

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CASE NO.: 2:09-CV-229-FTM-29SPC

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

FOUNDING PARTNERS CAPITAL MANAGEMENT  
and WILLIAM L. GUNLICKS,

Defendants,

FOUNDING PARTNERS STABLE-VALUE FUND, LP,  
FOUNDING PARTNERS STABLE-VALUE FUND II, LP,  
FOUNDING PARTNERS GLOBAL FUND, LTD., and  
FOUNDING PARTNERS HYBRID-VALUE FUND, LP,

Relief Defendants.

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**THE RECEIVER'S MOTION  
FOR LEAVE TO MAKE DISTRIBUTION BY WIRE TRANSFER**

Receiver Daniel S. Newman, not individually, but solely in his capacity as the Court-appointed receiver (“Receiver”) for Founding Partners Capital Management Company; Founding Partners Stable-Value Fund, L.P.; Founding Partners Stable-Value Fund II, L.P.; Founding Partners Global Fund, Ltd.; and Founding Partners Hybrid-Value Fund, L.P., respectfully requests entry of an order permitting him to make a Court-approved distribution to FP Offshore by wire transfer.

The SEC does not object to the relief sought in this Motion.

1. In or about April 2016, Founding Partners Global Fund Inc. (“Global Inc.”), approved Claimant No. 217, transferred its entire claim to FP Offshore Ltd. (“FP Offshore”). [D.E. 469].

2. On May 20, 2016, the Court entered an order permitting the Receiver to update his books and records to reflect FP Offshore as Claimant No. 217. [D.E. 470]. The Court further ordered the Receiver to make subsequent distributions to FP Offshore. *Id.*

3. To date, the Receiver has made distributions from the Court-approved settlement with Mayer Brown by sending checks to approved claimants, requiring each approved claimant to sign the check and acknowledge receipt.

4. According to FP Offshore, following this same process of making a distribution by check will significantly delay FP Offshore from making further distributions to its own sub-investors. As such, FP Offshore requests to receive its distribution by wire.

5. In an abundance of caution, and given the amount of the distribution, the Receiver respectfully requests leave to make the distribution to FP Offshore by wire transfer, in accordance with wire instructions provided by Ian Stokoe, a director of FP Offshore. After consulting with FP Offshore, the Receiver believes good cause exists to make the distribution by wire transfer in accordance with the instructions to be provided by Mr. Stokoe.

WHEREFORE, the Receiver respectfully requests leave to distribute funds to FP Offshore by wire transfer, using wiring instructions provided by Mr. Stokoe, a director of FP Offshore, as opposed to distribution by check like the rest of the approved claimants.

Dated: June 8, 2021.

Respectfully submitted,

**NELSON MULLINS BROAD AND CASSEL**

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By: /s/ Jonathan Etra

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Jonathan Etra  
Jonathan Etra

**SERVICE LIST**

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