

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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U.S. SECURITIES AND EXCHANGE		)	
COMMISSION,		)	
		)	
	Plaintiff,	)	Civil Action No. 18-CV-5587
		)	
	v.	)	Judge John Z. Lee
		)	
EQUITYBUILD, INC., <i>et al.</i> ,		)	Magistrate Judge Young B. Kim
		)	
	Defendants.	)	
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**SEC’S OPPOSITION TO THE INSTITUTIONAL LENDERS’  
MOTION TO STAY AND FOR ORAL ARGUMENT**

The SEC hereby supports and joins in the Receiver’s opposition (ECF No. 670) to the institutional lenders’ motion for stay of ruling and oral argument (ECF No. 668). The Receiver’s opposition and supporting declaration demonstrate that the real estate transactions for which the Receiver seeks approval remain ready to close. Delaying ruling on the Receiver’s motion (ECF No. 618) to allow for oral argument would only imperil the ability to close those transactions, especially given the General Order entered yesterday continuing all court hearings until May 4, at the earliest. *See* Second Amended General Order 20-0012, p. 2 ¶ 3 (Mar. 30, 2020).

Given the current economic environment, preventing the Receiver from implementing his liquidation plan would likely result in decreased rent payments from tenants during the period the Receiver is unable to sell the properties. This would further burden the Receiver by forcing him to devote significant expenses to maintain properties with declining revenues. Also, delaying the closings in a deteriorating economic climate would almost certainly lead to lower eventual sales prices.

Moreover, the declaration attached to the Receiver's opposition casts considerable doubt on many assertions of the declaration supporting the lenders' motion to stay. At most, the dueling declarations show that varied methods exist for liquidating the Receiver's real estate portfolio, such that the Receiver's proposal falls squarely within his reasonable business judgment. The oral argument requested by the lenders, presumably at which both declarants would testify, would only confirm that the Receiver's chosen approach is reasonable and one of many acceptable options.

For these reasons, and those contained in the SEC's reply in support of the Receiver's sales motion (ECF No. 644), the SEC respectfully requests that the Court deny the lenders' motion to stay, expeditiously grant the Receiver's sales motion, and allow the Receiver to continue his work liquidating the Receivership estate.

Dated: March 31, 2020

Respectfully submitted,

/s/ Benjamin Hanauer  
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**CERTIFICATE OF SERVICE**

I hereby certify that I provided service of the foregoing Response, via ECF filing, to all counsel of record and Defendant Shaun Cohen, on March 31, 2020. I further certify that I caused the foregoing Response to be served on Defendant Jerome Cohen, via email at [jerryc@reagan.com](mailto:jerryc@reagan.com).

/s/ Benjamin Hanauer

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