



The types of activities for which the Receiver seeks payment – managing the estate, liquidating properties, administering the claims process, and working to bring additional assets into the receivership – are the same types of activities the Court has repeatedly found to be appropriate work that entitles the Receiver to reasonable compensation. As with the previous fee petitions, the Receiver deserves to be compensated for the beneficial work he has performed on behalf of, collectively, the creditors of the Receivership Estate.

Despite the Court’s repeated confirmation that the Receiver should be compensated for his efforts on behalf of the Estate, the Receiver and his small law firm have gone effectively unpaid since *January 2020*. (ECF 1181, p. 24). Since that time, the institutional lenders’ obstructive efforts have resulted in the Receiver being deprived of more than \$2.86 million in *Court-approved* fees, covering *two years of work*, that were already heavily discounted from the Receiver’s firm’s standard billing rates. (*Id.*, pp.4 n.2, 20, 24). It is striking that this same small group of objecting lenders, who caused so much delay in this litigation and are responsible for the Receiver incurring many of the fees of which they complain, are the *only* claimants that have challenged the Receiver’s fees and ability to be compensated for his work.

As previously recognized by the Court, the lenders’ litigiousness has distracted the Receiver from his core work and depleted the recovery for the victims of the Cohens’ fraud and other creditors. (ECF 1031, pp. 11-12 n.32). Despite the Court’s admonishment, the lenders’ obstruction has continued, as evidenced by their recent (unsuccessful) motion to appoint a fee examiner that would further delay the Receiver being paid for his work. (*See* ECF 1177, 1184). The lenders’ tactics should not become precedent for others seeking to (a) disrupt future receiverships or (b) dissuade well-qualified receiver candidates from volunteering out of fear they will not receive payment for their valuable services to courts and creditors.

Respectfully submitted,

Dated: May 26, 2022

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**CERTIFICATE OF SERVICE**

I hereby certify that I provided service of the foregoing Reply, via ECF filing, to all counsel of record and Defendant Shaun Cohen, on May 26, 2022.

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