

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

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	Civil Action No. 18-cv-5587
)	
v.)	Hon. John Z. Lee
)	
EQUITYBUILD, INC., EQUITYBUILD FINANCE, LLC, JEROME H. COHEN, and SHAUN D. COHEN,)	Magistrate Judge Young B. Kim
)	
Defendants.)	
)	

**RECEIVER’S MOTION TO AMEND AND CLARIFY
ORDER APPOINTING RECEIVER TO SPECIFICALLY IDENTIFY
ADDITIONAL KNOWN RECEIVERSHIP DEFENDANTS**

Kevin B. Duff, as the receiver (“Receiver”) for the Estate of Defendants EquityBuild, Inc., EquityBuild Finance, LLC, their affiliates, and the affiliate entities of Defendants Jerome Cohen and Shaun Cohen (collectively, the “Receivership Defendants”), and pursuant to the powers vested in him by the Order of this Court entered on August 17, 2018, respectfully moves this Court to amend and clarify the Order Appointing Receiver (Docket No. 16) to specifically identify in the Order Appointing Receiver 108 additional known affiliate entities as Receivership Defendants. In support thereof, the Receiver states as follows:

1. On August 15, 2018, the Securities and Exchange Commission (“SEC”) filed a complaint against Defendants EquityBuild, Inc., EquityBuild Finance LLC, Jerome Cohen, and Shaun Cohen. (Docket No. 1) In connection with its complaint, the SEC also filed an emergency motion seeking, *inter alia*, appointment of a receiver.

2. On August 17, 2018, and following a hearing on the SEC's motion, this Court appointed Kevin B. Duff as the Receiver ("Receiver") over Defendants EquityBuild, Inc., EquityBuild Finance, LLC, their affiliates, and the affiliate entities of Defendants Jerome Cohen and Shaun Cohen. (Order Appointing Receiver, Docket No. 16, ¶ 2)

3. The Order Appointing Receiver specifically enumerated EquityBuild, EquityBuild Finance, and 47 affiliate-entity Receivership Defendants and included language covering unspecified affiliate entities. (*Id.* at pp. 1-2)

4. To date, the Receiver has identified 108 additional entities – not specifically identified in the Order Appointing Receiver – that are presently believed to be within the Estate (although falling within the breadth of "affiliated entities" as that term is used in the Order). A list of all such entities is attached as Exhibit A. (Duff Aff. ¶ 3). Certain potential stakeholders have, in the Receiver's view, wrongly suggested that certain entities included within the motion at bar – which are "affiliate entities" under the Order Appointing Receiver – are not within the Receivership Estate solely on the basis that they are not specifically identified by name in the Order Appointing Receiver. So as to obtain clarity and eliminate any ambiguity, the Receiver requests that the Court amend the Order Appointing Receiver to clarify and confirm that all 108 of the additional entities are Receivership Defendants as that term is used in the Order.

5. Expanding the Order Appointing Receiver to include these affiliate entities in the definition of Receivership Defendants is in the best interest of the Receivership Estate. In so doing, the additional clarity will prevent the purpose of the Order Appointing Receiver from being frustrated, eliminate the need for the Receiver to spar with potential stakeholders over the scope of the Court's Order, and allow the Receiver to properly protect the interests of the Receivership Estate.

6. The Receiver also believes that clarifying and confirming the scope of the Order Appointing Receiver in the manner requested herein will be beneficial to the cost effective implementation of the claims process which the Receiver intends to present to the Court. (Ex. A, Duff Aff. ¶ 4)

WHEREFORE, the Receiver respectfully requests that this Court grant this Motion and enter an Order clarifying and confirming that the 108 additional entities identified by the Receiver in the instance motion are “affiliate entities” within the scope of the Order Appointing Receiver (proposed order attached hereto as Exhibit B).

Dated: February 15, 2019

Kevin B. Duff, Receiver

By: /s/ Michael Rachlis

Michael Rachlis
Nicole Mirjanich
Rachlis Duff Peel & Kaplan, LLC
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Exhibit A

- 109 N. Laramie, LLC
- 400 S. Kilbourn, LLC
- 1422 E68 LLC
- 4520-26 S. Drexel LLC - n/k/a SSDF1 4520 S Drexel LLC
- 4611-17 S. Drexel, LLC
- 5450 S. Indiana LLC
- 5618 S MLK LLC
- 5955 Sacramento, Inc.
- 6001 Sacramento, Inc.
- 6217-27 S. Dorchester LLC
- 6250 S. Mozart, LLC
- 6356 California, Inc.
- 6437 S Kenwood LLC
- 7024 S. Paxton LLC
- 7026 Cornell, Inc.
- 7201 Constance Inc.
- 7201 S Constance LLC
- 7304 St. Lawrence, Inc.
- 7450 Luella LLC
- 7546 Saginaw, Inc.
- 7546 S. Saginaw LLC
- 7600 S Kingston LLC
- 7625 East End, Inc.
- 7625-35 S. East End LLC
- 7760 Coles, Inc.
- 7635 East End, Inc.
- 7748 S. Essex LLC
- 7749-59 S. Yates LLC
- 7752 S. Muskegon LLC
- 7823 Essex LLC
- 8000 Justine, Inc.
- 8100 S. Essex LLC
- 8209 S. Ellis, LLC
- 8214 Ingleside, Inc.
- 8809 S Wood Associates
- Amalgamated Capital Fund II LLC
- Amalgamated Capital Fund III LLC
- Chief Management LLC
- EB 6558 S. Vernon LLC
- EB Property Holdings LLC
- EB South Chicago 4 LLC
- EB South Chicago 1 Manager, LLC
- EB South Chicago 2 Manager, LLC
- Eretz Private Capital LLC

- Friendship LLC
- Great Lakes Development Corp LLC
- Heartland Capital Fund I LLC
- Heartland Capital Fund II, LLC
- Heartland Development Fund I LLC
- Heartland Private Capital, LLC
- Offsite Asset Management I LLC
- Offsite Asset Management II LLC
- Offsite Asset Management LLC
- Phoenix Capital Finance LLC
- Portfolio Asset Holdings LLC
- Portfolio Mezzanine Lender, LLC
- Rothbard Equity Fund LLC
- South Shore Property Holdings I LLC
- South Shore Property Holdings II LLC (DE)
- South Shore Property Holdings II LLC (WY)
- South Shore Property Holdings III LLC
- SSDF1 4611 S. Drexel LLC
- SSDF1 6751 S. Merrill LLC
- SSDF1 7110 S Cornell LLC
- SSDF1 Holdco 1, LLC
- SSDF1 Holdco 2 LLC
- SSDF1 Holdco 3 LLC
- SSDF1 Holdco 4 LLC
- SSDF2 1139 E 79th LLC
- SSDF2 Holdco 1 LLC
- SSDF2 Holdco 2 LLC
- SSDF2 Holdco 3 LLC
- SSDF3 Holdco 1 LLC
- SSDF3 Holdco 2 LLC
- SSDF4 638 N Avers LLC
- SSDF4 701 S 5th LLC
- SSDF4 6217 S. Dorchester LLC
- SSDF4 6250 S. Mozart LLC
- SSDF4 7024 S Paxton LLC
- SSDF4 7255 S. Euclid LLC
- SSDF4 Holdco 1 LLC
- SSDF4 Holdco 2 LLC
- SSDF4 Holdco 3 LLC
- SSDF4 Holdco 4 LLC
- SSDF4 Holdco 5 LLC
- SSDF4 Holdco 6 LLC
- SSDF5 Holdco 1 LLC
- SSDF5 Portfolio 1 LLC

- SSDF6 6160 S MLK LLC
- SSDF6 6224 MLK LLC
- SSDF6 Holdco 1 LLC
- SSDF6 Holdco 2 LLC
- SSDF7 2453 E 75TH LLC
- SSDF7 7600 S Kingston LLC
- SSDF7 Holdco 1 LLC
- SSDF7 Holdco 2 LLC
- SSDF7 Holdco 3 LLC
- SSDF7 Holdco 4 LLC
- SSDF7 Marquette Park LLC
- SSDF7 Portfolio 1 LLC
- SSDF8 Holdco 1 LLC
- SSDF8 Portfolio 1 LLC
- SSPH 6951 S Merrill LLC
- SSPH 7927-49 S. Essex LLC
- SSPH Holdco 1 LLC
- SSPH Holdco 2 LLC
- SSPH Portfolio 1 LLC
- SSPH Springer LLC

4. I believe that clarifying and confirming the scope of the Order Appointing Receiver in the manner requested herein will be beneficial to the cost effective implementation of the claims process which I intend to present to the Court.


Kevin B. Duff, Receiver

SUBSCRIBED AND SWORN TO
before me this 15th day of February, 2019

Anna M. Watychowicz
Notary Public

My Commission Expires: 10/01/21

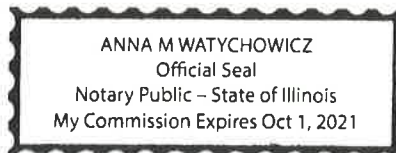


Exhibit B

- 6217-27 S. Dorchester LLC
- 6250 S. Mozart, LLC
- 6356 California, Inc.
- 6437 S Kenwood, LLC
- 7024 S. Paxton LLC
- 7026 Cornell Inc.
- 7201 Constance Inc.
- 7201 S Constance LLC
- 7304 St. Lawrence, Inc.
- 7450 Luella LLC
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- SSPH 6951 S Merrill LLC
- SSPH 7927-49 S. Essex LLC
- SSPH Holdco 1 LLC
- SSPH Holdco 2 LLC
- SSPH Portfolio 1 LLC
- SSPH Springer LLC

Entered:

Honorable

Date: _____

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NORTHERN DISTRICT OF ILLINOIS
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EQUITYBUILD, INC., EQUITYBUILD)	Magistrate Judge Young B. Kim	
FINANCE, LLC, JEROME H. COHEN,)		
and SHAUN D. COHEN,)		
)		
Defendants.)		
_____)	

**NOTICE OF MOTION
and CERTIFICATE OF SERVICE**

Please take notice that on Wednesday, February 20, 2019, at 9:00 a.m., the undersigned will appear before the Honorable John Z. Lee, or any judge sitting in his stead, in Courtroom 1225, and present **Receiver’s Motion to Amend and Clarify Order Appointing Receiver to Specifically Identify Additional Known Receivership Defendants.**

Dated: February 15, 2019

Kevin B. Duff, Receiver

By: /s/ Michael Rachlis

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2019, I electronically filed the foregoing **Notice and Receiver's Motion to Amend and Clarify Order Appointing Receiver to Specifically Identify Additional Known Receivership Defendants** with the Clerk of the United States District Court for the Northern District of Illinois, using the CM/ECF system. A copy of the foregoing pleadings were served upon counsel of record via the CM/ECF system.

I further certify that, on this same day, I served the Defendant Jerome Cohen via e-mail and via U.S. Mail.

Jerome Cohen
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Naples, FL 34102
jerryc@reagan.com
Defendant

/s/ Michael Rachlis _____

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