

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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UNITED STATES SECURITIES	)
AND EXCHANGE COMMISSION,	)
	)
Plaintiff,	) Civil Action No. 18-cv-5587
	)
v.	) Hon. John Z. Lee
	)
EQUITYBUILD, INC., EQUITYBUILD	) Magistrate Judge Young B. Kim
FINANCE, LLC, JEROME H. COHEN,	)
and SHAUN D. COHEN,	)
	)
Defendants.	)
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**RECEIVER’S WITNESS AND EXHIBIT LIST FOR EVIDENTIARY HEARING  
ON HIS MOTION TO AMEND ORDER APPOINTING RECEIVER (DOCKET NO. 265)**

Pursuant to the Court’s May 8, 2019 Order (Docket No. 357), the Receiver respectfully submits the below list of witnesses he may call and exhibits he may introduce during the evidentiary hearing in connection with the Receiver’s Motion to Amend Order Appointing Receiver (Docket No. 265) that is scheduled to commence on July 10, 2019.

**A. Witness List**

The Receiver will call or may call the following witnesses to testify at the evidentiary hearing: Bernard Fish, Ann M. Tushaus, Defendant Jerome H. Cohen, and Patricia Cohen. Mr. Fish is an accountant with the firm BrookWeiner, one of the Receiver’s retained professionals. Mr. Fish can be contacted through the Receiver’s counsel of record, Michael Rachlis and Nicole Mirjanich. Ms. Tushaus is an accountant with the Securities and Exchange Commission (“SEC”) and may be contacted through the SEC’s counsel of record, Benjamin Hanauer. Jerome Cohen

and Patricia Cohen have asserted an interest in the Naples Property and bank account at issue in the Receiver's motion.

The Receiver additionally reserves the right: (a) to examine any witness called by the SEC or Defendant Jerome Cohen; and/or (b) to seek leave to call any additional or further witnesses for rebuttal and/or impeachment purposes.

### **B. Exhibit List**

The Receiver may introduce the following exhibits at the evidentiary hearing:

<b>Ex. No.</b>	<b>Description</b>	<b>Bates-Label</b>
1	Wells Fargo Account Statements for Patricia A. Schroyer-Cohen and Jerry H. Cohen, Checking Account No. *****3641 from December 2011 through August 2018	EB_RECEIVER000001-668
2	Wells Fargo Account Statements for Tikkun Holdings LLC, Checking Account No. *****5298 from May 2013 through August 2018	EB_RECEIVER001134-1381
3	Wells Fargo Account Statements for EquityBuild Inc. Operating Account, Checking Account No. *****6976 from April 2015 through August 2018	EB_RECEIVER001584-2055
4	Wells Fargo Account Statements for EquityBuild, Inc., Checking Account No. *****7110 from January 2012 through July 2018	EB_RECEIVER004021-4660
5	Wells Fargo Account Statements for Hard Money Company LLC, Checking Account No. *****8783 from January 2012 through July 2018	EB_RECEIVER008753-09204
6	Wells Fargo Account Statements for Hard Money Company LLC HMC Operating Account, Checking Account No. *****5451 from January 2012 through July 2018	EB_RECEIVER016475-16729
7	Wells Fargo Account Statements for Hard Money Company LLC Escrow Account, Checking Account No. *****3077 from January 2012 through July 2018	EB_RECEIVER016978-1723
8	Wells Fargo Bank Record reflecting August 25, 2015 wire transfer for Naples Property down payment	EB_RECEIVER003575; Docket No. 265-1, PageID # 4926
9	Affidavit of Bernard Fish in Support of the Receiver's Motion to Amend Order Appointing Receiver to Identify and Include Specific Receivership Assets	Docket No. 265-1, PageID # 4928-4932

Ex. No.	Description	Bates-Label
10	Exhibit A to the Affidavit of Bernard Fish, Summary of Payments from EquityBuild and its affiliates into the 3641 Account and Summary of Funds therein used for the Naples Property	Docket No. 265-1, PageID # 4933-4951
11	Exhibit B to the Affidavit of Bernard Fish, Summary of Payments from EquityBuild and its affiliates into the Tikkun Account (ending in 5298) and Summary of Funds from therein used for the Naples Property	Docket No. 265-1, PageID # 4952-4963
12	Exhibit C to the Affidavit of Bernard Fish, Summary of Payments from EquityBuild and its affiliates (from its operating account ending in 6976) to G2W Press	Docket No. 265-1, PageID # 4964-4965
13	Supplemental Affidavit of Bernard Fish in Support of the Receiver's Motion to Amend Order Appointing Receiver to Identify and Include Specific Receivership Assets	Docket No. 321, PageID # 5306-5311
14	Exhibit A to the Supplemental Affidavit of Bernard Fish, Summary of Payments from EquityBuild and its affiliates into Tikkun bank account (ending in 5298)	Docket No. 321, PageID # 5312-5320
15	Current or Recent First Bank Mortgage Statement Associated with the Naples Property at issue in the Receiver's Motion	N/A
16	Complaint in <i>SEC v. Slowinski</i> , Case No. 19-cv-03552 (N.D. Ill. May 29, 2019)	N/A
17	Schedule of Transactions in Cohen Wells Fargo Checking Account No. *****3641	SEC_Summary-0000001-41
18	Summary of Sources and Uses of Funds in Cohen Wells Fargo Checking Account No. *****3641 (with attached schedules)	SEC_Summary-0000042-59
19	Summary of Investor and Rental Payments from Wells Fargo Accounts for EquityBuild and EquityBuild Finance	SEC_Summary-0000060
20	Schedule of Transactions in Tikkun Wells Fargo Checking Account No. *****5298 (May 2013 to August 2015)	SEC_Summary-0000061-70
21	Summary of Sources and Uses of Funds in Tikkun Wells Fargo Checking Account No. *****5298 (May 2013 to August 2015) (with attached schedules)	SEC_Summary-0000071-83
22	Schedule of Transactions in Tikkun Wells Fargo Checking Account No. *****5298 (September 2015 to May 2018)	SEC_Summary-0000084-95
23	Summary of Sources and Uses of Funds in Tikkun Wells Fargo Checking Account No. *****5298 (September 2015 to May 2018) (with attached schedules)	SEC_Summary-0000096-103
24	Summary of Certain Transactions between Tikkun and EquityBuild Wells Fargo Accounts	SEC_Summary-0000104-105

<b>Ex. No.</b>	<b>Description</b>	<b>Bates-Label</b>
25	Transcript of Jerome Cohen testimony before SEC on January 8, 2018	N/A
26	Transcript of Jerome Cohen testimony before SEC on January 9, 2018	N/A
27	Transcript of Jerome Cohen testimony before SEC on May 29, 2018	N/A
28	Wells Fargo Check Records for Patricia A. Schroyer-Cohen and Jerry H. Cohen, Checking Account No. *****3641 from January 2012 through May 2018	EB_RECEIVER000669-906
29	Wells Fargo Deposit Records for Patricia A. Schroyer-Cohen and Jerry H. Cohen, Checking Account No. *****3641 from January 2012 through April 2018	EB_RECEIVER000907-1117
30	Wells Fargo Wire Information for Patricia A. Schroyer-Cohen and Jerry H. Cohen, Checking Account No. *****3641	EB_RECEIVER001118-1125
31	Wells Fargo Check Records for Tikkun Holdings LLC, Checking Account No. *****5298 from October 2013 through November 2017	EB_RECEIVER001382-1446
32	Wells Fargo Deposit Records for Tikkun Holdings LLC, Checking Account No. *****5298	EB_RECEIVER001447-1564
33	Wells Fargo Wire Information for Tikkun Holdings LLC, Checking Account No. *****5298	EB_RECEIVER001565-1583
34	Wells Fargo Check Records for EquityBuild Inc. Operating Account, Checking Account No. *****6976 from April 2015 through August 2018	EB_RECEIVER002056-3087
35	Wells Fargo Official Check Records for EquityBuild Inc. Operating Account, Checking Account No. *****6976 from April 2018 through March 2016	EB_RECEIVER003088-3094
36	Wells Fargo Deposit Records for EquityBuild Inc. Operating Account, Checking Account No. *****6976 from April 2015 through August 2018	EB_RECEIVER003095-3562
37	Wells Fargo Wire Information for EquityBuild Inc. Operating Account, Checking Account No. *****6976 from April 25, 2015 through August 8, 2018	EB_RECEIVER003563-4020
38	Wells Fargo Check Records for EquityBuild, Inc., Checking Account No. *****7110 from December 2011 through May 2018	EB_RECEIVER004661-7396
39	Wells Fargo Official Check Records for EquityBuild, Inc., Checking Account No. *****7110	EB_RECEIVER007397-7404
40	Wells Fargo Deposit Records for EquityBuild, Inc., Checking Account No. *****7110 from January 2012 through October 2016	EB_RECEIVER007405-8452

<b>Ex. No.</b>	<b>Description</b>	<b>Bates-Label</b>
41	Wells Fargo Wire Information for EquityBuild, Inc., Checking Account No. *****7110 from February 2012 through May 2018	EB_RECEIVER008453-8751
42	Wells Fargo Check Records for Hard Money Company LLC, Checking Account No. *****8783 from January 2012 through May 2018	EB_RECEIVER009205-14743
43	Wells Fargo Deposit Records for Hard Money Company LLC, Checking Account No. *****8783 from January 2012 through April 2018	EB_RECEIVER014744-16358
44	Wells Fargo Wire Information for Hard Money Company LLC, Checking Account No. *****8783	EB_RECEIVER016359-16474
45	Wells Fargo Check Records for Hard Money Company LLC HMC Operating Account, Checking Account No. *****5451 from January 2012 through October 2014	EB_RECEIVER016730-16736
46	Wells Fargo Deposit Records for Hard Money Company LLC HMC Operating Account, Checking Account No. *****5451	EB_RECEIVER016737-16803
47	Wells Fargo Wire Information for Hard Money Company LLC HMC Operating Account, Checking Account No. *****5451	EB_RECEIVER016804-16965
48	Wells Fargo Check Records for Hard Money Company LLC Escrow Account, Checking Account No. *****3077 from February 2012 through February 2014	EB_RECEIVER017237-17324
49	Wells Fargo Deposit Records for Hard Money Company LLC Escrow Account, Checking Account No. *****3077	EB_RECEIVER017325-17326
50	Wells Fargo Wire Information for Hard Money Company LLC Escrow Account, Checking Account No. *****3077	EB_RECEIVER017327-17328
51	Wells Fargo Signature Cards for Patricia A. Schroyer-Cohen and Jerry H. Cohen, Checking Account No. *****3641	EB_RECEIVER001126-1133
52	Wells Fargo Signature Cards for EquityBuild, Inc., Checking Account No. *****7110	EB_RECEIVER008752
53	Wells Fargo Signature Cards for Hard Money Company LLC HMC Operating Account, Checking Account No. *****5451	EB_RECEIVER016966-16977
54	Wells Fargo Signature Cards for Hard Money Company LLC Escrow Account, Checking Account No. *****3077	EB_RECEIVER017329-17334

The Receiver reserves the right to object to the admission of any documents that are on the exhibit list of Defendant Jerome Cohen. The Receiver also reserves the right to: (a) seek to introduce into evidence additional documents not identified above that the SEC or Defendant Jerome Cohen identify as potential exhibits in their exhibit lists; (b) refer to documents not identified above for purposes of impeachment during cross-examination and/or rebuttal; and/or (c) refer to documents and orders filed in the above-captioned action.

Dated: May 31, 2019

Kevin B. Duff, Receiver

By: /s/ Nicole Mirjanich

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Nicole Mirjanich  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2019, I provided service of the foregoing Receiver's Witness and Exhibit List for Evidentiary Hearing on His Motion to Amend Order Appointing Receiver (Docket No. 265), via ECF filing to all counsel of record, and via electronic mail to the following individuals and entities:

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jerryc@reagan.com  
*Defendant*

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Client Contact Center  
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By: /s/ Nicole Mirjanich

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