

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

EQUITYBUILD, INC., EQUITYBUILD
FINANCE, LLC, JEROME H. COHEN,
and SHAUN D. COHEN,

Defendants.

Civil Action No. 18-cv-5587

Hon. Manish S. Shah
Magistrate Judge Young B. Kim

**UBS AG'S MOTION TO WITHDRAW
MOTION FOR LEAVE TO TAKE FURTHER DISCOVERY**

Now comes Claimant UBS AG (“UBS”), by and through its undersigned counsel, hereby moves this Court to withdraw its Motion for Leave to Take Further Discovery (Dkt. 1746) effective upon entry of an order by the Court granting the Receiver’s Motion to Approve Distribution of Proceeds from the Sale of Group 6 Properties 108-113 (Dkt. 1839). In support thereof, UBS states as follows:

1. UBS is classified as an Institutional Lender with a secured claim on six properties in Group 6 of the claims process, specifically: 2800-06 E 81st Street (Property 108); 4750-52 S Indiana Avenue (Property 109); 5618-20 S Martin Luther King Drive (Property 110); 6558 S Vernon Avenue (Property 111); 7450 S Luella Avenue / 2220 East 75th Street (Property 112); and 7840-42 S Yates Avenue (Property 113) (collectively, the “Properties”).

2. On August 27, 2024, the Receiver filed his Initial Submission on Group 6 Claims, which disclosed his avoidance claim. (Dkt. 1740)

3. On September 10, 2024, UBS filed its Motion for Leave to Take Further Discovery on the Receiver’s avoidance claim. (Dkt. 1746)

4. On September 11, 2024, the Court entered and continued UBS's motion and deferred briefing on the Receiver's Avoidance Claim pending resolution of the priority disputes. (Dkt. 1750)

5. On December 23, 2024, the Court entered its Memorandum Opinion and Order regarding the Group 6 priority disputes. (Dkt. 1818)

6. On February 11, 2025, the Receiver filed his Motion to Approve Distribution of Proceeds from the Sale of Group 6 Properties 108-113 (the "Settlement Motion"). (Dkt. 1839) As detailed in the Settlement Motion, The Receiver and UBS reached a negotiated agreement, contingent on the Court's approval, that includes, among other provisions, the Receiver's agreement to release and withdraw, with prejudice, his avoidance claims with respect to UBS. (Dkt. 1839 at ¶¶ 11-13)

WHEREFORE, Claimant UBS AG respectfully requests this Court to grant its request to withdraw its Motion for Leave to Take Further Discovery on the Receiver's avoidance claim (Dkt. 1746) effective upon entry of an order by the Court granting the Receiver's Motion to Approve Distribution of Proceeds from the Sale of Group 6 Properties 108-113 (Dkt. 1839),

Dated: Chicago, Illinois
February 12, 2025

Respectfully submitted,

UBS AG

/s/ Terence G. Banich
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Counsel for UBS AG

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2025, I served the foregoing UBS AG'S MOTION TO WITHDRAW MOTION FOR LEAVE TO TAKE FURTHER DISCOVERY electronically via the Court's ECF system on all counsel of record.

Dated: Chicago, Illinois
February 12, 2025

/s/ Terence G. Banich
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