

IN THE UNITED STATES
COURT OF APPEALS FOR THE SEVENTH CIRCUIT

UNITED STATES SECURITIES AND)	
EXCHANGE COMMISSION, et al.)	
)	Case No.: 24-2121
Plaintiff,)	
v.)	Consolidated with 24-2217
)	
EQUITYBUILD FINANCE, LLC. et al.)	
)	
)	
Defendants.)	

AMARK INVESTMENT TRUST’S MOTION TO DISMISS ITS APPEALS

NOW COMES AMark Investment Trust (“AMark”), by and through counsel, and for its Motion to Dismiss Its Appeals, pursuant to Rule 42(b)(2) of the Federal Rules of Appellate Procedure, states as follows:

1. On July 1, 2024 and July 16, 2024, AMark filed two separate appeals assigned appeal numbers 24-2121 and 24-2217, respectively. By order of the court entered July 25, 2024 on its own motion, these two appeals were consolidated.¹ This motion is directed to both appeals.
2. The parties to these appeals are Amark Investment Trust and Kevin B. Duff, as receiver for the Estate of Defendants EquityBuild, Inc., EquityBuild Finance, LLC, their affiliates, and the affiliate entities of Defendants Jerome Cohen and Shaun Cohen (the “Receiver”).
3. Through the efforts of the Circuit’s Mediation Office, AMark and the Receiver were able to settle Amark’s consolidated appeals.
4. AMark requests that appeal numbers 24-2121 and 24-2217 be dismissed with prejudice with each party to bear its own fees and costs.

¹ The July 25, 2024 order also consolidated appeal number 24-2254 filed by a different appellant, but by order entered April 4, 2025, appeal number 24-2254 was severed from the consolidated appeals 24-2121 and 24-2217.

5. For the avoidance of doubt, AMark's motion is *not* seeking the dismissal of Shatar Capital's appeal, Case No. 24-2254, the status of which AMark is unfamiliar.

6. The Receiver agrees to the relief requested in this motion.

Wherefore, AMark Investment Trust requests dismissal of its appeals, known as Case No 24-2217 and 24-2121, with prejudice with each party to bear its own fees and costs.

Respectfully submitted,

AMARK INVESTMENT TRUST

Dated: April 15, 2025

By: /s/ D. Alexander Darcy
One of Its Attorneys
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Agreed:

Kevin B. Duff, not individually but as Receiver

By: /s/ Jodi Wine, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on April 15th, 2025, I electronically filed Claimant AMark Investment Trust’s *Motion to Dismiss Its Appeals* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.

/s/ D. Alexander Darcy
D. Alexander Darcy