

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
Case Number: 18-23992-CIV-MARTINEZ-OTAZO-REYES

COMMODITY FUTURES TRADING
COMMISSION,
Plaintiff,

vs.

TIMOTHY JOSEPH ATKINSON, et al.,
Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THE MATTER was referred to the Honorable Alicia M. Otazo-Reyes, United States Magistrate Judge, for a Report and Recommendation on Temporary Receiver Melanie E. Damian's Unopposed Motion to Approve (A) Noticing and Claims Administration Process and (B) Plan of Distribution ("Motion for Approval"), [ECF No. 242]. Magistrate Judge Otazo-Reyes filed a Report and Recommendation, [ECF No. 244], recommending that the Motion for Approval be granted and that the Proposed Order Granting the Motion, [ECF No. 242-4], be entered. The Court has reviewed the entire record and notes that no objections have been filed.

Additionally, the Court agrees with Magistrate Judge Otazo-Reyes's conclusion that the Noticing and Claims Administration Process and Plan of Distribution will provide a fair, equitable, and efficient method for distributing the proceeds of Defendants' receivership estates to Defendants' defrauded customers and creditors.

After careful consideration, it is hereby:

ADJUDGED that United States Magistrate Judge Otazo-Reyes's Report and Recommendation, [ECF No. 244], is **AFFIRMED** and **ADOPTED**. Accordingly, it is:

ADJUDGED that

1. The Motion for Approval, [ECF No. 242], is **GRANTED**.
2. The Court approves and authorizes the Receiver to implement the Claims Process and Distribution Plan proposed in the Motion or a Process and Plan that is substantially

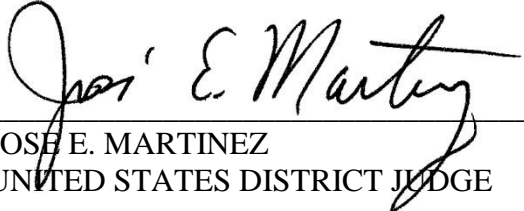
similar in form, effect and cost as the Receiver may determine, in his sole discretion, is necessary, appropriate and in the best interest of the Estate.

3. The Receiver is authorized to employ Bankruptcy Management Solutions d/b/a Stretto (“Stretto”) to provide noticing, claims processing and distribution services pursuant to the terms of the proposal attached as Exhibit B to the Motion.

4. The Receiver is authorized to utilize Stretto to send by email a Notice (in a form substantially similar to the form attached as Exhibit C to the Motion) to all potential claimants as identified by the Receiver.

5. The Receiver is authorized, without further order of the Court, to use the funds of the Defendants’ Estate to pay to Stretto the initial setup fee and the amounts of Stretto’s monthly statements or lesser amounts that the Receiver may determine, in his sole discretion, is reasonable and appropriate based on the services provided and costs incurred by Stretto, pursuant to the terms of the proposal attached as Exhibit B to the Motion.

DONE AND ORDERED in Chambers at Miami, Florida, this 23rd day of June, 2020.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Otazo-Reyes
All Counsel of Record