

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**BRENDA SMITH, BROAD REACH
CAPITAL, LP, BROAD REACH
PARTNERS, LLC, and BRISTOL
ADVISORS, LLC,**

Defendants.

C. A. No. 2:19-cv-17213 (MCA)

Motion Day: Dec. 1, 2025

**NOTICE OF MOTION OF RECEIVER, KEVIN DOOLEY KENT, FOR
APPROVAL OF TWENTY-FIRST INTERIM FEE APPLICATION FOR
THE PERIOD JULY 1, 2025 THROUGH SEPTEMBER 1, 2025**

PLEASE TAKE NOTICE that the undersigned, on behalf of the Receiver, Kevin Dooley Kent, will move before the Honorable Madeline Cox Arleo, U.S.D.J., United States District Court for the District of New Jersey, Martin Luther King Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, on December 1, 2025, or as soon thereafter as the Court permits, at a date and time to be determined by the Court, for Approval of the Receiver's Twenty-First Interim Fee Application for the Period July 1, 2025 through September 30, 2025.

PLEASE TAKE FURTHER NOTICE THAT, in support of this Motion, the undersigned will rely upon the accompanying Interim Fee Application with exhibits attached thereto, which incorporates and is in lieu of a more formal brief, and which is incorporated herein by reference.

PLEASE TAKE FURTHER NOTICE that the undersigned requests that the proposed form of Order submitted herewith be entered by the Court.

Respectfully submitted,

Dated: 10/30/2025

s/ Robin S. Weiss

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**RECEIVER, KEVIN DOOLEY KENT'S TWENTY-FIRST INTERIM FEE
APPLICATION, FOR THE PERIOD
JULY 1, 2025 THROUGH SEPTEMBER 30, 2025**

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Dated: 10/30/2025

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Pursuant to the Court's Order Appointing Receiver dated June 29, 2020, Kevin Dooley Kent, Receiver, hereby submits this Twenty-First Interim Fee Application for the Period July 1, 2025 through September 30, 2025, and moves for approval of payment of fees and expenses invoiced by the Receiver, the Receiver's Counsel (Clark Hill PLC) and the Court-appointed accountant to the Receiver, Alvarez & Marsal Disputes and Investigations, LLC ("the Application").

The total balance in the Receivership Accounts as of the close of the twenty-first quarter was \$5,325,699.01.¹

The Receiver and his Counsel continue to focus their efforts on preserving, locating and maximizing Receivership Assets, pursuing claims informally and through litigation, and evaluating, negotiating and managing claims asserted against the Receivership Estate. The Receiver's Accountants continue to provide forensic support as needed in connection with the pursuit of affirmative claims, including serving as the Receiver's expert witness when appropriate, assist with quantifying and evaluating claims asserted against the Estate, manage the document repository, and perform tax-related services for the Receivership. The Receiver continues to collect settlement funds pursuant to various settlements with extended pay-out schedules, and anticipates the receipt of additional funds during the twenty-second quarter. Additionally, the Receiver

¹ Additionally, as of September 30, 2025, the balance of the Reserve Account opened to hold Reserved Funds pursuant to the Order Approving the Receiver's First Proposed Plan of Interim Distribution (ECF No. 371) was \$32,043.09.

has begun the process of distributing funds to Investor Creditors pursuant to the Court's approval of his First Interim Distribution Plan.

This interim fee application focuses on developments during the twenty-first quarter of the Receivership. The Receiver incorporates by reference his prior interim fee applications with respect to events that took place in prior quarters.

I. BACKGROUND

This action involves an investment advisory fraud in connection with which Defendants, Brenda A. Smith ("Brenda Smith" or "Smith"), Broad Reach Capital, LP, Broad Reach Partners, LLC and Bristol Advisors, LLC, are alleged to have raised in excess of \$100 million from at least forty (40) investors, based upon false representations regarding trading strategies to be implemented when, in reality, the vast majority of these investments were funneled into unrelated companies, used to pay back other investors, or utilized for personal use. (ECF No. 1). It is estimated that investors are still owed approximately \$60 million in principal. Brenda Smith pled guilty to committing securities fraud in connection with Broad Reach Capital on September 9, 2021, in *USA v. Smith*, No. 2:20-cr-00475-MCA (D.N.J.). Smith was sentenced to 109 months in prison on May 4, 2022.

On June 29, 2020, this Court appointed Mr. Kent as Receiver to assume control of, marshal, pursue and preserve assets of Defendant, Brenda Smith, and Receivership Parties Broad Reach Capital, LP ("Broad Reach Capital"), Broad

Reach Partners, LLC, Bristol Advisors, LLC, BA Smith & Associates LLC, Bristol Advisors LP, CV Brokerage, Inc., Clearview Distribution Services LLC, CV International Investments Limited, CV International Investments PLC, CV Investments LLC (“CV Investments”), CV Lending LLC, CV Minerals LLC, BD of Louisiana, LLC, TA1, LLC (“TA1”), FFCC Ventures LLC, Prico Market LLC, GovAdv Funding LLC, Elm Street Investments, LLC (ECF No. 96), Investment Consulting LLC (“Investment Consulting”), and Tempo Resources LLC (hereinafter “Receivership Assets” or “Receivership Estate”). Receivership Order, Whereas ¶ 3; ¶¶ 1–3, 5 (ECF No. 22).

The Receivership Order provides that, subject to the Court’s approval, the Receiver and his Retained Personnel are entitled to reasonable compensation and expense reimbursement from the Receivership Estate. Receivership Order, ¶ 72.

On January 22, 2025, the Receiver filed a Motion to Modify Rates for the Receiver and his Retained Personnel. (ECF No. 352). The Court entered an order granting the Motion on March 11, 2025, effective as of January 1, 2025. (ECF No. 362). Accordingly, the Court-approved fee schedules are as follows:

<u>Receiver</u>		
Name		Rate
Kevin Dooley Kent		\$700.00
<u>The Law Firm</u>		
Name/Position		Rate
Robin S. Weiss, Lead Counsel		\$500.00
Other Members		\$500.00

Senior Attorneys	\$420.00
Associates	\$390.00
Paraprofessional	\$270.00

The Accountant

Name/Position	Rate
Mike Shanahan, Managing Director	\$775.00
Others Managing Directors	\$875.00
Senior Directors	\$660.00
Directors	\$600.00
Managers	\$515.00
Senior Associates	\$475.00
Associates	\$370.00

These rates still provide substantial discounts from the standard rates of the Law Firm and the Accountant. More specifically, they represent an approximately 25% discount from the Receiver and the Law Firm’s 2025 Standard Attorney and Paraprofessional Rates, and an approximately 33% discount on the Accountant’s 2025 Standard Rates.

Pursuant to the Receivership Order and the U.S. Securities and Exchange Commission’s Billing Instructions for Receivers (“Billing Instructions”), the Receiver, Counsel and the Accountant are to be paid their reasonable fees and expenses out of the Receivership Estate. Upon Order of this Court approving such Application, the Receiver may pay up to eighty percent (80%) of the compensation/professional fees and expenses of the applicants.² *Id.*, ¶¶ 75, 81, 84.

² At the close of the Receivership, the Receiver will file a final fee application for reasonable compensation and expense reimbursement, describing in detail the costs

The Receiver previously submitted this Application to the SEC, in accordance with the Billing Instructions and the Receivership Order.³ The SEC has advised the Receiver that it does not have any objection to the Application.

This is the twenty-first interim application for approval of fees and expenses of the Receiver and his Retained Professionals. A summary of the prior interim fee applications is as follows:

	Total Fees	Fees Requested ⁴	Total Expenses	Expenses Requested ⁵	Status
First Interim Fee Application for the Period June 29, 2020 through September 30, 2020 (ECF No. 43), Filed November 13, 2020					
COB⁶	\$171,760.80	\$137,408.64	\$12,434.25	\$9,947.40	Approved 4/5/21 (ECF No. 70)
Accountant	\$43,577.50	\$34,862.00	\$0.00	\$0.00	
Second Interim Fee Application for the Period October 1, 2020 through December 31, 2020 (ECF No. 50), Filed February 12, 2021					
COB	\$101,076.50	\$80,861.20	\$441.58	\$353.26	Approved 7/6/21 (ECF No. 103)
Accountant	\$155,977.50	\$124,782.00	\$170.00	\$136.00	

and benefits associated with all litigation and other actions pursued by the Receiver during the Receivership. Although Interim Fee Applications are subject to a twenty percent (20%) holdback, “[t]he total amounts held back during the course of the receivership will be paid out at the discretion of the Court as part of the final fee application submitted at the close of the receivership.” *Id.*, ¶¶ 74-75.

³ While the Receivership Order provides that the Receiver shall serve the proposed fee application, with exhibits upon counsel for the SEC at least thirty (30) days prior to filing, counsel for the SEC has already reviewed these materials and advised of their lack of objection to this filing.

⁴ This represents eighty percent (80%) of the total fees.

⁵ This represents eighty percent (80%) of the total expenses.

⁶ The abbreviation “COB” refers to Conrad O’Brien.

Third Interim Fee Application for the Period January 1, 2021 through March 31, 2021 (ECF No. 88), Filed May 28, 2021					
COB	\$210,921.00	\$168,736.80	\$510.87	\$408.70	Approved 7/6/21 (ECF No. 104)
Accountant	\$454,867.50	\$363,894.00	\$3,280.70	\$2,624.56	
Fourth Interim Fee Application for the Period April 1, 2021 through June 30, 2021 (ECF No. 112), Filed August 16, 2021					
COB	\$230,164.50	\$184,131.60	\$7,431.85	\$5,945.48	Approved 9/10/21 (ECF No. 121)
Accountant	\$396,202.50	\$316,962.00	\$4,574.34	\$3,659.47	
Fifth Interim Fee Application for the Period July 1, 2021 through September 30, 2021 (ECF No. 137), Filed November 24, 2021					
COB	\$170,406.50	\$136,325.20	\$551.38	\$441.10	Approved 2/22/22 (ECF No. 166)
Accountant	\$184,725.00	\$147,780.00	\$5,126.90	\$4,101.52	
Sixth Interim Fee Application for the Period October 1, 2021 through December 31, 2021 (ECF No. 174), Filed March 17, 2022					
COB	\$174,076.00	\$139,260.80	\$716.30	\$573.04	Approved 5/5/22 (ECF No. 193)
Accountant	\$239,300.00	\$191,440.00	\$3,236.60	\$2,589.28	
Seventh Interim Fee Application for the Period January 1, 2022 through March 31, 2022 (ECF No. 197), Filed June 2, 2022					
COB	\$152,256.00	\$121,804.80	\$1,401.86	\$1,121.49	Approved 6/15/22 (ECF No. 199)
Accountant	\$142,877.50	\$114,302.00	\$3,415.70	\$2,732.56	
Eighth Interim Fee Application for the Period April 1, 2022 through June 30, 2022 (ECF No. 209), Filed October 17, 2022					
COB	\$115,067.50	\$92,054.00	\$867.81	\$694.25	Approved 1/5/23 (ECF No. 217)
Advertising Expenses On Behalf of Estate⁷			\$6,119.78	\$6,119.78	
Accountant	\$73,652.50	\$58,922.00	\$2,135.40	\$1,708.32	
Ninth Interim Fee Application for the Period July 1, 2022 through September 30, 2022 (ECF No. 119), Filed February 8, 2023					
COB	\$53,462.00	\$42,769.60	\$408.15	\$326.52	Approved 4/27/23 (ECF No. 243)
Accountant	\$47,600.00	\$38,080.00	\$2,947.60	\$2,358.08	
Tenth Interim Fee Application for the Period October 1, 2022 through December 31, 2022 (ECF No. 247), Filed May 16, 2023					
Receiver	\$16,371.00	\$13,096.80	\$25.71	\$20.57	Approved 6/15/23 (ECF No. 250)
COB	\$44,164.00	\$35,331.20	\$177.21	\$141.77	
Accountant	\$76,845.00	\$61,476.00	\$1,955.50	\$1,564.40	

⁷ These represent reimbursement to Conrad O’Brien at a rate of 100% for Estate-related advertising expenses relating to publication of the Notice of Claims Procedure Bar Date in various states.

Eleventh Interim Fee Application for the Period January 1, 2023 through March 31, 2023 (ECF No. 251), Filed July 6, 2023					
Receiver	\$11,373.00	\$9,098.40	\$0.00	\$0.00	Approved 11/2/23 (ECF No. 277)
COB	\$21,399.00	\$17,119.20	\$64.00	\$51.20	
CH⁸	\$21,797.00	\$17,437.60	\$0.00	\$0.00	
Accountant	\$72,020.00	\$57,616.00	\$1,735.20	\$1,388.16	
Twelfth Interim Fee Application for the Period April 1, 2023 through June 30, 2023 (ECF No. 268), Filed September 19, 2023					
Receiver	\$8,568.00	\$6,854.40	\$0.00	\$0.00	Approved 11/2/23 (ECF No. 278)
CH	\$51,197.50	\$40,958.00	\$374.01	\$299.21	
Accountant	\$59,865.00	\$47,892.00	\$2,294.90	\$1,835.92	
Thirteenth Interim Fee Application for the Period July 1, 2023 through September 30, 2023 (ECF No. 285), Filed January 23, 2024					
Receiver	\$13,821.00	\$11,056.80	\$0.00	\$0.00	Approved 2/29/24 (ECF No. 301).
CH	\$69,213.00	\$55,370.40	\$86.50	\$69.20	
Accountant	\$184,987.50	\$147,990.00	\$2,853.90	\$2,283.12	
Fourteenth Interim Fee Application for the Period October 1, 2023 through December 31, 2023 (ECF No. 308), Filed April 26, 2024					
Receiver	\$8,109.00	\$6,487.20	\$0.00	\$0.00	Approved 7/25/24 (ECF No. 329).
CH	\$52,889.00	\$42,311.20	\$5,935.13	\$4,748.10	
Accountant	\$294,275.00	\$235,420.00	\$3,155.50	\$2,524.40	
Fifteenth Interim Fee Application for the Period January 1, 2024 through March 30, 2024 (ECF No. 316), Filed May 23, 2024					
Receiver	\$19,686.00	\$15,748.80	\$0.00	\$0.00	Approved 9/3/24 (ECF No. 336).
CH	\$110,076.50	\$88,061.20	\$4,362.47	\$3,489.98	
Accountant	\$161,181.50	\$128,945.20	\$2,443.80	\$1,955.04	
Sixteenth Interim Fee Application for the Period April 1, 2024 through June 30, 2024 (ECF No. 331), Filed July 29, 2024					
Receiver	\$13,719.00	\$10,975.20	\$0.00	\$0.00	Approved 9/23/24 (ECF No. 337).
CH	\$43,474.00	\$34,779.20	\$21.00	\$16.80	
Accountant	\$68,482.50	\$54,786.00	\$1,807.90	\$1,446.32	
Seventeenth Interim Fee Application for the Period July 1, 2024 through September 30, 2024 (ECF No. 341), Filed November 15, 2024					
Receiver	\$21,165.00	\$16,932.00	\$0.00	\$0.00	Approved 11/22/24 (ECF No. 345).
CH	\$104,670.50	\$83,736.40	\$22.71	\$18.17	
Accountant	\$29,330.00	\$23,464.00	\$1,919.20	\$1,535.36	
Eighteenth Interim Fee Application for the Period October 1, 2024 through December 31, 2024 (ECF No. 355), Filed February 4, 2025					

⁸ The abbreviation “CH” refers to Clark Hill PLC.

Receiver	\$6,477.00	\$5,181.60	\$0.00	\$0.00	Approved 5/20/25 (ECF No. 369).
CH	\$26,720.50	\$21,376.40	\$26.00	\$20.80	
Accountant	\$98,800.00	\$79,040.00	\$1,908.00	\$1,526.40	
Nineteenth Interim Fee Application for the Period January 1, 2025 through March 31, 2025 (ECF No. 366), Filed May 16, 2025					
Receiver	\$8,050.00	\$6,440.00	\$0.00	\$0.00	Approved 6/4/25 (ECF No. 370).
CH	\$45,368.00	\$36,294.40	\$0.00	\$0.00	
Accountant	\$220,398.00	\$176,318.40	\$2,791.49	\$2,233.19	
Twentieth Interim Fee Application for the Period April 1, 2025 through June 30, 2025 (ECF No. 376), Filed August 15, 2025					
Receiver	\$3,640.00	\$2,912.00	\$0.00	\$0.00	Pending
CH	\$37,520.00	\$30,016.00	\$0.00	\$0.00	
Accountant	\$162,917.00	\$130,333.60	\$2,380.10	\$1,904.08	

II. CASE STATUS

A. Cash on Hand, Administrative Expenses, and Unencumbered Funds

As of September 30, 2025, total cash on hand was \$5,325,699.01.⁹ During the twenty-first quarter, the Receivership Estate received (a) \$770,000.00 in settlement proceeds; (b) \$36,905.90 in interest earnings on the WSFS savings account;¹⁰ (c) \$20,200.13 from the Pennsylvania Department of Treasury in connection with the Receiver’s unclaimed property claim for CV Brokerage; and (d) \$352.32 from ICBCFS for residual balances held in two old Receivership Party accounts, reduced to \$320.32 due to fees associated with the transfers.

⁹ This figure excludes the \$32,043.09 balance in the Reserve Account.

¹⁰ Additionally, the Reserve Account earned \$1.71 in interest during the twenty-first quarter.

The Receiver anticipates that his ongoing pursuit of claims and litigation will result in financial benefit for the Receivership Estate through settlements or judgments. Additionally, there is \$479,431.85 funds being held with ICBC USA pursuant to the Second Stipulation Regarding Funds Held with ICBCFS (ECF No. 380), which are the subject of a disputed creditor claim asserted by ICBCFS.

Administrative expenses paid during this quarter total \$10,968.10 and include (a) \$359.10 in WSFS bank maintenance fees; (b) \$48.00 in WSFS wire-in fees;¹¹ (c) \$2,090.00 in Delaware state tax payments; and (d) \$8,471.00 in professional fees to the Walsh Pizzi O'Reilly Falanga LLP in connection with the Order Approving the Ancillary Receiver's Second Interim Fee Application for the Period October 1, 2024 through May 31, 2025 (ECF No. 378).

Finally, the Receiver began issuing distribution checks pursuant to Receiver's Motion to Approve First Proposed Plan of Interim Distribution (ECF No. 346) and the Order Approving the Receiver's First Interim Distribution Plan. (ECF No. 371). Distribution payments totaling \$3,154,520.41 cleared during the twenty-first quarter, consisting of distributions to Investor Nos. 7, 7a, 7b, 26, 29, and 38.¹²

¹¹ This figure excludes \$32.00 in wire-in fees associated with the transfers from ICBCFS reported above.

¹² As noted in Exhibit E to the Receiver's Motion to Approve First Proposed Plan of Interim Distribution (ECF No. 346-6), Investor No. 38 previously received \$258,776.99 of its distribution amount in conjunction with the Receiver's settlement resolving ownership of Taylor Trading, LLC account.

Additionally, pursuant to the Court's Order, the Receiver transferred the \$32,041.38 distribution to conditionally approved Investor No. 19 into the segregated Reserve Account, and will continue to hold those Reserved Funds in the Reserve Account, subject to further order from the Court. The Receiver will provide further updates regarding the status of distribution payments after the close of the next quarter.

For further detail, the Receiver has attached the Standardized Fund Accounting Report ("SFAR") for the twenty-first quarter as Exhibit "A" to this Application.

B. Administration of Case to Date

1. Litigation-Related Activities

a. Motions and Stipulations

On July 1, 2025, the Court approved the Receiver's First Proposed Plan of Interim Distribution. (ECF No. 371).

On September 25, 2025, the Receiver filed a Second Stipulation between the Receiver, Industrial and Commercial Bank of China Financial Services LLC ("ICBCFS") and the Securities and Exchange Commission Regarding Funds Held with ICBCFS. (ECF No. 379). The Court approved the stipulation on September 30, 2025. (ECF No. 380).

b. Lawsuits Filed on Behalf of the Receivership Estate

Caption	Status
<i>Kent v. Medical Consultants Instructional Training Center, et al.</i> , No. 2:21-cv-13104 (D.N.J.)	Settled; no additional payments anticipated due to bankruptcy.
<i>Kent v. Hooper, et al.</i> , No 2:22-cv-01876 (D.N.J.)	Settled; paid in full.
<i>Kent v. Bydalek, et al.</i> , No 2:22-cv-01811 (D.N.J.)	Settled; settlement payments ongoing.
<i>Kent v. Ellis, et al.</i> , No. 2:21-cv-20754 (D.N.J.)	Settled; settlement payments ongoing.
<p><i>Kent v. Galvin, et al.</i>, No. 2:21-cv-13105 (D.N.J.)</p> <p><i>Kent v. Galvin, et al.</i>, No. 2:25-cv-13732 (D.N.J.)</p>	<p>Settled. However, the defendants defaulted on their payment obligations.</p> <p>On July 25, 2025, the Receiver filed a Breach of Contract and Confession of Judgment action against Galvin and his entities, arising from their breach of the settlement agreement. (ECF No. 1). The Receiver is presently preparing to file a motion to confess judgment and/or a motion for default judgment against the defendants.</p>
<i>Kent v. Calcada</i> , No. 2:21-cv-18396 (D.N.J.)	Settled; settlement payments ongoing.
<i>Kent v. Emperor Global Enterprises LLP, et al.</i> , No. 2:21-cv-13099 (D.N.J.)	Settled; paid in full.
<i>Kent v. Britton, et al.</i> , No. 2:22-cv-02845 (D.N.J.)	Closed. Default judgment of \$1,739,863.50 obtained. The Receiver continues to explore options for executing and/or selling the judgment.
<p><i>Kent v. Iregui, et al.</i>, No. 2:21-cv-20691 (D.N.J.)</p> <p><i>Kent v. Iregui, et al.</i>, No. 25-2663 (3d Cir.)</p>	<p>Settled with Ulmer; paid in full. On 7/18/25, the Court granted the Receiver’s Motion for Default Judgment against the entity defendants. (ECF No. 92). On 7/29/25, the Court granted the Receiver’s Motion for Summary Judgment against Iregui in the amount of \$2,302,649. (ECF No. 93). On 8/15/25, the Receiver filed a Motion for Pre- and Post-Judgment Interest (ECF No. 94). On 8/29/25, Iregui filed a response in opposition to the Motion. (ECF No. 97). The Receiver filed a Reply on 9/10/25. (ECF No. 98).</p> <p>Iregui appealed to the Third Circuit on 8/27/25. The Receiver has sought to dismiss the appeal for lack of jurisdiction because the Receiver’s Motion for Imposition of Pre- and Post-Judgment Interest remains pending. (App. Doc. 6).</p>

<p><i>Kent v. Denise, et al.</i>, No. 2:22-cv-00388 (D.N.J.)</p>	<p>On 7/31/25, the Receiver filed a Motion for Summary Judgment against Jordan Denise (ECF No. 106) and a Motion for Default Judgment against the entity defendants. (ECF No. 108). Defendants did not respond to the motions.</p>
<p><i>Surefire Dividend Capture, LP and Kevin Dooley Kent, Esq., as Receiver v. The Nottingham Company, et al.</i>, No. 19-CV-04088 (E.D. Pa.)</p>	<p>The parties continued to work towards memorializing and finalizing the precise terms of the settlement, with the Court’s assistance and supervision. The parties are currently participating in regular status conferences with the Court to assist with these negotiations. If the parties are unable to finalize the settlement terms, the case will need to be re-listed for trial.</p>
<p><i>Kent v. Hightower, et al.</i>, No. 2:22-cv-01195 (D.N.J.)</p>	<p>On 5/19/25, Magistrate Judge Stacey D. Adams issued a Report and Recommendation that the individual defendants’ Answer be stricken and a default entered against them (“R&R”). (ECF No. 110). On 9/5/25, the Court adopted the R&R and directed the Receiver to move for default and default judgment within 30 days. (ECF No. 111). On 9/10/25, the Receiver filed a Request for Entry of Default (ECF No. 112), and the Clerk entered a default against the individual defendants the next day. On 9/26/25, the Receiver filed a Motion for Default Judgment against all defendants. (ECF No. 113). Defendants did not respond to the Motion.</p>
<p><i>Kent v. Valdes, et al.</i> No. 2:23-cv-20475 (D.N.J.)</p>	<p>The Receiver produced the expert report of Michael R. Shanahan on 8/29/25. Additionally, due to various ongoing discovery disputes, the Receiver filed motions to compel and for sanctions against Defendants on 9/25/25. (ECF Nos. 56, 57). Expert discovery closes on 1/16/26. A status conference is scheduled for 1/23/26.</p>

2. Private Investments and Ownership Interests

The Receiver is close to finalizing a settlement relating to Smith’s potential interest in a gold mine as a result of payments made to Calais Management Corporation. The Receiver will submit a motion for approval at the appropriate time.

3. Investigation, Development, Pursuit and Settlement of Claims

The Receiver has filed a total of fourteen (14) lawsuits on behalf of the Receivership Estate and continues to negotiate with others.

In total, ten (10) pre-litigation settlements and eight (8) litigation settlements have been formally reached as of September 30, 2025, valued at roughly \$5.7 million. The Receivership Estate received \$770,000 in settlement funds during the twenty-first quarter, and an additional \$115,000 after the close of the twenty-first quarter. Based on existing settlements with extended payout schedules, the Receiver is entitled to receive an additional \$911,500.00¹³ in settlement funds through August 2028. Additionally, the Receiver is attempting to finalize, and formalize the terms of, two (2) additional tentative settlements, and will provide an update to the Court on those matters at the appropriate time.

4. Financial Account Reconstruction and Accounting Support

The Receiver's Accountants at Alvarez and Marsal continue to support the Receiver's efforts. The Accountants' financial account reconstruction allowed them to make determinations regarding investor capital account activity, and they prepared supporting documentation distributed to investors in connection with the

¹³ This figure includes the settlement reached in the Kent v. Galvin matter, which is presently the subject of a breach of contract and confession of judgment action. This also includes \$16,500 in interest added to one settlement in connection with an agreed extension for payment of the final settlement balance.

claims process. They also assisted the Receiver by preparing financial models in connection with the Receiver's Motion to Approve First Proposed Plan of Interim Distribution (ECF No. 346) and the Receiver's Reply in Support (ECF No. 357). The Accountants are also assisting the Receiver with his first interim distribution.

The Accountants have continued to support the Receivers' demands issued to, and negotiations with, third-party recipients of investor funds, and their work has allowed the Receiver to initiate and pursue litigation against various individuals and entities on behalf of the Receivership Estate. The Accountants are available to the Receiver to provide assistance with specific issues that may arise in connection with certain claims and/or lawsuits the Receiver is pursuing, and to provide necessary litigation and/or expert support. The Accountants have now issued seven (7) expert reports in connection with the Receiver's ancillary litigation—in the Calcada, Iregui, Denise, Emperor Global, Nottingham, Hightower, and Valdes matters. Michael Shanahan will likely testify as an expert if any of those cases proceed to trial.

5. Unclaimed Property

The Pennsylvania Department of Treasury approved the Receiver's unclaimed property claim for CV Brokerage, Inc. during the twentieth quarter, in connection with unclaimed accounts held at Credit Suisse Securities LLC and JHUSA valued at \$20,200.13. The Receiver deposited these funds into the Receivership Account during the twenty-first quarter. The Receiver is still awaiting

a response regarding additional claims he submitted on behalf of (1) BA Smith & Associates LLC with the Pennsylvania Department of Treasury and (2) CV Brokerage, Inc. with the New Jersey Unclaimed Property Administration.

6. Receivership Taxes

The Receiver reached an agreement with the IRS regarding the claim it has asserted against the Receivership Estate. (ECF No. 322). The Court approved that agreement on November 22, 2024. (ECF No. 343).

Meanwhile, Alvarez and Marsal continues to provide tax-related services to the Receivership Estate. They prepared and filed the Receivership Estate's 2024 Qualified Settlement Fund Return (Form 1120). They will also be preparing a plan for the ultimate dissolution of most, if not all, of the Receivership Parties.

7. Anticipated Closure of Case

Given the Receiver's continued investigation and pursuit of litigation, the extended payout schedules associated with certain settlement agreements, the Receiver's ongoing negotiations, and that the Receiver anticipates making additional distributions in the future, the Receiver does not have a specific projected date by which he expects the Receivership to close. The Receiver is in the process of analyzing actions to consider taking in order to facilitate a winddown once several outstanding lawsuits and any future proposed distributions are resolved.

C. Summary of Creditor Claims Proceedings

On July 1, 2025, the Court approved the Receiver's First Proposed Plan of Interim Distribution. (ECF No. 371). After confirming that no appeals were filed, the Receiver reached out to all investors receiving a distribution to confirm the method and location of payment and recipient information. The Receiver continues to work with certain investors who were invested through IRA accounts which have since been closed, to ensure payment is issued to the appropriate recipient and that proper documentation is obtained, in consultation with his accountants. The Receiver has advised all distribution check recipients to discuss the proper handling and tax treatment of their distribution checks with their financial advisor(s) and/or tax professional(s) immediately upon receipt.

The total amount of confirmed Investor Creditor claims is \$54,988,769.53. The total amount of disputed Investor Creditor claims remains at \$14,300,000.00, with another \$300,000.00 claim only conditionally approved. The Receiver is in the process of making his first interim distribution payments pursuant to the Order Approving the Receiver's First Interim Distribution Plan. (ECF Nos. 346, 371).

The total amount of confirmed Non-Investor Creditor claims remains at \$1,289,533.68.¹⁴ The total amount of disputed Non-Investor Creditor claims is

¹⁴ The confirmed Non-Investor Creditors are Southern Minerals Group, LLC (\$160,000.00), Thomas J. McCabe (\$37,620.50), Alan S. MacKenzie, Jr.

currently \$6,075,511.96.¹⁵ The disputed Non-Investor Creditor claims that remain are the following:

- Liquidated and unliquidated indemnification claims asserted by ICBCFS totaling \$4,084,752.28 as of March 12, 2024, which is increased from the \$1,429,174.00 submitted in ICBCFS' original claim submission. The Receiver's First Omnibus Motion as to this claim was denied without prejudice as premature, and the parties may raise arguments regarding the validity, amount, reasonableness, creditor status, and priority of the ICBCFS claims in the future. (ECF No. 305).¹⁶
- \$1,990,759.68 in claims asserted by two related entities which are also associated with the remaining disputed investor claim. These claims may be the subject of a second, future motion if they cannot be resolved.

Pursuant to the Court's Order on the Receiver's Motion to Approve First Proposed Plan of Interim Distribution (ECF No. 346), these Non-Investor Creditors are not participating in the Receiver's first interim distribution. (ECF No. 371).

(\$100,000.00), Joshua B. Parker (\$100,000.00), Instinet, LLC (\$375,929.18), and the Internal Revenue Service (\$515,984.00).

¹⁵ As previously reported, the claims of the Estate of William McCormack (\$1,336,307.95), Scott Koppenheffer (\$141,052.56), CMCC Development Group, LLC (\$7,900,000.00), and Richard Galvin/Galvin Investment Company (\$50 + million) have been withdrawn.

¹⁶ In ICBCFS' response in opposition to the Receiver's First Proposed Plan of Interim Distribution, it reported that its claim had increased by nearly 2.5 million in under ten (10) months to \$6,466,490.97, without providing any support for this purported increase. (ECF No. 351).

D. Receivership Assets

1. Receivership Bank Accounts

As of the close of twenty-first quarter, the balance in the WSFS Receivership Accounts was \$5,325,699.01, broken down as follows: \$4,995,871.55 in the Trust/Savings Account and \$329,827.46 in the Checking Account. Additionally, the balance of the WSFS Reserve Account was \$32,043.09.

2. Settlements

The Receiver received three settlement payments during the twenty-first quarter: two payments totaling \$725,000.00 in connection with his settlement in the Kent v. Ellis matter, and \$40,000.00 in connection with his settlement in the Calcada matter. The Court previously approved these settlements.

The Receiver received an additional \$115,000 in settlement payments in connection with the Kent v. Ellis settlement after the close of the twenty-first quarter. Based on settlements with extended payout schedules in connection with the Kent v. Bydalek, Kent v. Ellis, Kent v. Galvin, and Kent v. Calcada Matters, an additional \$911,500.00¹⁷ in settlement funds is owed to the Receiver through August 2028. The Receiver is actively negotiating potential settlements with several other individuals

¹⁷ This figure includes the settlement reached in the Kent v. Galvin matter, which is presently the subject of a breach of contract and confession of judgment action. This also includes \$16,500 in interest added to the Kent v. Ellis settlement in connection with an agreed extension for payment of the final settlement balance.

and entities. Many of these potential claims are either already in suit or are subject to tolling agreements.

3. Judgments

The Receiver obtained a default judgment against Edward C. Britton and Natural Impact Health and Fitness LP in the amount of \$1,739,863.50, inclusive of pre-judgment interest and partial post-judgment interest. Meanwhile, post-judgment interest continues to accrue pursuant to 28 U.S.C. § 1961. The Receiver is continuing to explore options for the collection and/or sale of this judgment.

On July 18, 2025, the Receiver obtained default judgment against the Entity Defendants in the Kent v. Iregui matter in the following amounts: (1) Iregui LLC - \$1,109,745; (2) Orbit Global Media S.L. - \$400,000; and (3) Swiss Allied Trust & Estate Services, Inc. - \$200,000. (ECF No. 92). On July 29, 2025, the Receiver obtained summary judgment against Iregui personally, for a total judgment amount of \$2,302,649. (ECF No. 93). Of that amount, Iregui is jointly and severally liable with Iregui LLC for \$1,109,700 and with Orbit Global Media S.L. for \$400,000, and is solely liable for the remainder. (*Id.*). Iregui has initiated an appeal of the judgment against him to the Third Circuit.

4. Cryptocurrency

The Receiver has learned that at least some cryptocurrency was distributed to an investor, purportedly as a partial in-kind redemption. The Receiver will report on any further developments involving the cryptocurrency in future reports.

5. Private Investments

The Receiver is close to finalizing a settlement relating to Smith's interest in the Calais Gold Mine, and anticipates seeking Court approval of that settlement in the near future. Smith continues to hold one (1) share in CMCC Development Corp.

6. Additional Bank Accounts and Funds

ICBCFS is holding \$479,431.85 in funds at ICBC USA pursuant to the Second Stipulation Regarding Funds Held with ICBCFS (ECF No. 380), which are the subject of a disputed creditor claim asserted by ICBCFS. The Receiver addressed ICBCFS' claimed security and priority interest in these funds in his First Omnibus Claims Motion (ECF Nos. 254, 256, 258) and anticipates that this will be the subject of future motion practice.

E. Liquidated and Unliquidated Claims

The Receiver has filed fourteen (14) lawsuits over the course of the Receivership. One of those lawsuits has been closed following the entry of a default judgment – *Kent v. Britton, et al.*, 2:22-cv-02845 (D.N.J.). Seven of those lawsuits settled– *Kent v. MCITC, et al.*, 2:21-cv-13104 (D.N.J.), *Kent v. Hooper, et al.*, No.

2:22-cv-01876 (D.N.J.), *Kent v. Bydalek, et al.*, 2:22-cv-01811 (D.N.J.), and *Kent v. Ellis, et al.*, 2:21-cv-20754 (D.N.J.), *Kent v. Galvin, et al.*, 2:21-cv-13105 (D.N.J.), and *Kent v. Calcada*, 2:21-cv-18396 (D.N.J.), and *Kent v. Emperor Global Enterprises, LLP, et al.*, 2:21-cv-13099 (D.N.J.).

However, two of the defendants in the MCITC case with whom the Receiver settled his claims filed for bankruptcy, and the Receiver only recovered a total of \$2,757.12 (on a \$100,000.00+ claim for breach of the settlement agreement) in connection with those bankruptcy proceedings.

Additionally, Galvin and his entities defaulted on their payment obligations pursuant to his settlement with the Receiver. The Receiver accelerated the balance of their payment obligations, and initiated a lawsuit against them for Confession of Judgment and Breach of Contract during the twenty-first quarter.

III. CURRENT AND PREVIOUS BILLINGS

The total fees and expenses incurred by the Receiver, Law Firm and Accountant for the period covered by this Application, which are subject to a twenty percent (20%) holdback pending completion of the case, are as follows:

	Receiver	Law Firm	Accountant
Total Fees	\$13,720.00	\$65,302.00	\$195,745.50
Fees Requested¹⁸	\$10,976.00	\$52,241.60	\$156,596.40
Total Expenses	\$0.00	\$58.84	\$1,530.00
Total Expenses Requested¹⁹	\$0.00	\$47.07	\$1,224.00

The Receiver’s prior fee applications setting forth the history of fees and expenses charged to the Receivership Estate, the amounts requested, and the status of the Court’s approval of those applications, are set forth in the table appearing at pages 5-8 of this fee application.

As evidence of the continued substantial time and effort the Receivership has required, and in support of the fee compensation and expense reimbursement sought herein, the Receiver will submit the following exhibits under seal for the Court’s review and consideration:

- Exhibit “B” – Summary of the Receiver’s time from July 1, 2025 through September 30, 2025;
- Exhibit “C” – Summary of Law Firm Professional & Paraprofessional Time from July 1, 2025 through September 30, 2025; and
- Exhibit “D” – Summary of Accounting Professional & Paraprofessional Time and Expenses from July 1, 2025 through September 30, 2025.

¹⁸ This amount applies a twenty percent (20%) holdback.

¹⁹ This amount applies a twenty percent (20%) holdback.

These exhibits,²⁰ as well as the narrative descriptions in this Application, evidence the time and labor employed in this matter.

The following includes a breakdown of the Receiver’s hours and fees during this quarter, as defined by the SEC’s billing guidelines:

Activity Category	Hours	Fee Amount
Asset Analysis and Recovery	0.7	\$490.00
Case Administration	19.1	\$13,230.00
Totals	19.8	\$13,720.00

The following includes a breakdown of the Law Firm’s hours and fees during this quarter, as defined by the SEC’s billing guidelines:

Activity Category	Hours	Fee Amount
Asset Analysis and Recovery	119.8	\$47,989.00
Asset Disposition	24.5	\$6,615.00
Case Administration	7.4	\$3,148.00
Claims Administration and Objections	15.1	\$7,550.00
Totals	166.8	\$65,302.00

The following includes a breakdown of the Accountant’s hours and fees during this quarter, as defined by the SEC’s billing guidelines:

Activity Category	Hours	Fee Amount
Data Analysis	6.2	\$3,909.00
Litigation Consulting – Iregui	25.8	\$14,145.00
Litigation Consulting – Bluwater	313.0	\$162,146.50
Status Reports	3.3	\$1,717.50
Claims Administration & Objections	9.0	\$6,975.00
Tax Issues	9.5	\$6,852.50
Totals	366.8	\$195,745.50

²⁰ These exhibits are being filed under seal pursuant to Paragraph 73 of the Receivership Order.

The following is a breakdown of the Receiver’s hours and fees for this quarter:

Name/Position	Hourly Rate	Hours	Fee Amount
Kevin Dooley Kent, Receiver	\$700.00	19.8 (0.2 billed at \$0)	\$13,720.00

The following is a breakdown of the Law Firm’s hours and fees, broken down by biller for this quarter:

Name/Position	Hourly Rate	Hours	Fee Amount
Robin S. Weiss, Lead Counsel; Member/Partner	\$500.00	56.6	\$28,300.00
Vanessa L. Huber, Associate	\$390.00	60.4	\$23,556.00
Justin Russell, Paralegal	\$270.00	47.8	\$12,906.00
Ching Chew, Paraprofessional	\$270.00	2.0	\$540.00
TOTALS		166.8	\$65,302.00

The following includes a breakdown of the Accountant’s hours and fees, broken down by biller for this quarter:

Name/Position	Hourly Rate	Hours	Fee Amount
Forensic Analysis Team			
Michael Shanahan (Managing Director)	\$775.00	63.9	\$49,522.50
Allison Cox (Manager)	\$515.00	80.1	\$41,251.50
Amee Mehta (Senior Associate)	\$475.00	161.3	\$76,617.50
Annie Tran (Senior Associate)	\$475.00	21.7	\$10,307.50
Ian Kim (Paraprofessional)	\$200.00	20.7	\$4,140.00

Forensic Analysis Team Sub-Total		347.7	\$181,839.00
Data Analysis Team			
Bradley Koehler (Managing Director)	\$775.00	3.0	\$2,325.00
Curtis Stecke (Manager)	\$515.00	1.6	\$824.00
Cassie Cater (Senior Associate)	\$475.00	1.6	\$760.00
Data Analysis Team Sub-Total		6.2	\$3,909.00
Tax Services Team			
Kim Barr (Senior Advisor)	\$855.00	0.4	\$350.00
Sean Menendez (Managing Director)	\$875.00	6.5	\$5,687.50
Jennifer Palacios (Senior Director)	\$660.00	6.0	\$3,960.00
Tax Services Team Sub-Total		12.9	\$9,997.50
OVERALL TOTALS		366.8	\$195,745.50

The fees and expenses included herein were incurred in the best interests of the Receivership Estate. With the exception of the Billing Instructions and the proposed Contingency Fee Agreement for the pursuit of litigation which was submitted under seal in support of the Receiver’s Second, Third and Fourth Motions for Permission to Initiate Litigation, (ECF Nos. 98, 99, 147, 148, 220, 242), the Receiver has not entered into any other agreements concerning the amount of compensation paid or to be paid from the Receivership Estate, or any sharing thereof.

Significantly, in accordance with the Contingency Fee Agreement, the significant amount of work the Receiver and his Counsel have performed in

connection with the lawsuits the Receiver sought permission to file in his Second, Third and Fourth Motions to Initiate Litigation have not been, and will not be, billed to the Receivership on an hourly basis.²¹ Rather, the Receiver and his Counsel will only receive payment in connection with those lawsuits if and when a settlement or judgment is obtained, pursuant to the terms set forth in the Contingency Fee Agreements.

IV. REQUEST FOR COMPENSATION FOR FEES AND EXPENSES

This Court has the power to appoint a receiver and to award the receiver fees for his services and for expenses incurred by the Receiver in the performance of his duties. *See Donovan v. Robbins*, 588 F. Supp. 1268, 1272 (N.D. Ill. 1984) (“[T]he receiver diligently and successfully discharged the responsibilities placed upon him by the Court and is entitled to reasonable compensation for his efforts.”); *see also Securities & Exch. Comm’n v. Elliot*, 953 F. Supp. 1560 (11th Cir. 1992) (noting that the receiver is entitled to compensation for faithful performance of his duties). The case law on equity receiverships sets forth the standards for approving receiver compensation and the fees and expenses for the receiver’s counsel. The District Court has discretion to determine compensation to be awarded to a court-appointed

²¹ This does not include the lawsuit filed against Nottingham and Kip Meadows as well as against Jordan Denise and her entities, as these lawsuits were the subject of the Receiver’s First Motion for Permission to Initiate Litigation and are not subject to a contingency fee agreement (ECF No. 49).

equity receiver and his counsel and “may consider all of the factors involved in a particular receivership in determining the appropriate fee.” *Gaskill v. Gordon*, 27 F.3d 248, 253 (7th Cir. 1994). Many authorities provide “convenient guidelines,” but in the final analysis, “the unique fact situation renders direct reliance on precedent impossible.” *Securities & Exch. Comm’n v. W.L. Moody & Co.*, 374 F. Supp. 465, 480 (S.D. Tex. 1974), *aff’d*, 519 F. 2d 1087 (5th Cir. 1975).

In allowing counsel fees in Securities Act receiverships, “[t]he court will consider . . . the complexity of problems faced, the benefit to the receivership estate, the quality of work performed, and the time records presented.” *Securities & Exch. Comm’n v. Fifth Ave. Coach Lines, Inc.*, 364 F. Supp. 1220, 1222 (S.D.N.Y. 1973); *see also United States v. Code Prods.*, 362 F.2d 669, 673 (3d Cir. 1966) (noting that court should consider the time, labor and skill required—but not necessarily expended—the fair value of such time, labor and skill, the degree of activity, the dispatch with which the work is conducted and the result obtained). “[R]esults are always relevant.” *Securities & Exch. Comm’n v. Elliot*, 953 F.2d 1560, 1577 (11th Cir. 1992) (*quoting Moody*, 374 F. Supp. at 480). However, a good result may take a form other than a bare increase in monetary value. *See id.* (“Even though a receiver may not have increased, or prevented a decrease in, the value of the collateral, if a receiver reasonably and diligently discharges his duties, he is entitled to compensation.”).

Another “basic consideration is the nature and complexity of the legal problems confronted and the skill necessary to resolve them.” *Moody*, 374 F. Supp. at 485. Moreover, “[t]ime spent cannot be ignored.” *Id.* at 483. The Receiver and his Accountants have continued to address issues relating to the creditor claims process and the first interim distribution.

The Receiver is also in the process of pursuing numerous affirmative lawsuits against recipients of many millions of dollars in Receivership Assets, with the assistance of his Accountants, who are providing expert support when/as needed. Many of these cases involve fraudulent/voidable transfer claims where the recipients claim to have provided “services” or other things of purported value in exchange for the transfers—in other words, the majority of defendants are asserting that reasonably equivalent value was provided in exchange. The issues involved are complex and involve bizarre business ventures (including *inter alia* purported investments in mineral mining and extraction and efforts to trade and/or monetize potentially/likely fraudulent and/or falsified bonds and other financial instruments through highly suspect means and methods). These cases have required the expenditure of significant time and efforts on the part of the Receiver and his Counsel (which is not being billed to the Receivership Estate on an hourly basis due to the contingency fee arrangement applicable to most of these claims, with the exception of the Nottingham and Jordan Denise litigation), along with the

Accountants as they provide necessary forensic and expert support to enable the Receiver to support and pursue his claims. While the Receiver continues his efforts to resolve lawsuits for reasonable sums when the opportunity arises, the Receiver anticipates that these lawsuits may result in increased fees over the coming quarters as cases proceed through discovery, dispositive motion practice, and trial. During the twenty-first quarter in particular, the Receiver has continued to engage in complicated settlement negotiations in connection with the lawsuit against Kip Meadows and The Nottingham Company, which remain ongoing. Additionally, the Receiver's Accountant expended considerable time preparing and finalizing an expert report in the Kent v. Valdes matter in the twenty-first quarter, and providing support to the Receiver in connection with his Petition for Pre- and Post-Judgment interest in the Kent v. Iregui matter, which involved multiple judgments against different parties in varying amounts, requiring a significant amount of accounting support.

The pursuit of claims is important to the Receiver's efforts to recover Receivership Assets on behalf of the Estate. Following numerous bizarre transactions involving restaurants, property development projects, mineral mining, extraction and transport endeavors, and overseas companies—most of which caused material losses to the Receivership Parties—as well as what appear to be substantial “gifts” to friends and/or colleagues of Smith without any known benefit to the

Receivership Parties, the Estate was left with few assets still in the Receivership Parties' possession. The Receiver remains optimistic that additional material funds can be recovered on behalf of the Receivership Estate, primarily through litigation, or pre-litigation settlement of claims.

Under the above standards, the Receiver has adequately demonstrated that the amount of fees requested is appropriate. The Receiver, his Counsel and Accountants acted quickly to take control of the Receivership Entities and to prevent the further dissipation of assets. The liquid cash on hand has increased significantly since the inception of the Receivership, when the existence of any material valuable assets was in serious question. The amounts at issue in this case are substantial, where the investment scheme involved approximately \$100 million during its operation, at least \$1.5 billion of financial transactions occurred in accounts controlled by Smith over its last several years, and it is currently estimated that investors are still owed approximately \$60 million in principal.

This Court has already found that the rates charged by the Receiver and his Counsel and Accountants are reasonable for the experience of the individuals performing the work and in light of the complexity of the work performed, and are consistent with the rates charged for similarly complex work done by other, similarly experienced professionals in this geographic region. (ECF No. 362). The Receiver and his Law Firm are currently performing this work at an average discount rate of

approximately twenty-five percent (25%), while the Accountants are performing their work at an average discount rate of thirty-three percent (33%).

The Receiver has attempted to maximize cost savings and administer the Estate as efficiently as possible, by, for example, assigning professionals and paraprofessionals with the lowest billable rate appropriate for the task at issue, which the Accountant has likewise done. The Receiver and his Counsel have extensively utilized non-billing administrative personnel where appropriate. Most significantly, the Receiver and his Law Firm's willingness to pursue litigation under a contingency fee arrangement as set forth in his Second, Third, and Fourth Motions for Permission to Initiate Litigation on Behalf of the Receivership Estate is resulting in significant cost savings for the Estate.

The Receiver and his Retained Professionals' compensation in this matter is subject to the final approval of this Court, with a twenty-percent (20%) holdback which the Receiver and his Retained Personnel will not receive until the close of the Receivership, subject to this Court's discretion and approval. The Court should consider that the Receiver as well as his attorneys and accountants have assumed the risk of non-payment and/or substantial delay in payment in accepting the Court appointment, particularly with so little initially known regarding the amount and availability of Receivership Assets. The risk is even greater with regard to the pursuit of litigation on behalf of the Receivership Estate on a contingency fee basis, in

connection with which the Receiver and his Law Firm risk non-payment entirely if the claims are unsuccessful and/or the prospective defendants are judgment-proof.

Based on the foregoing, the Receiver respectfully submits that the compensation sought by the Receiver and his team is wholly warranted.

WHEREFORE, the Receiver respectfully requests that the Court grant the Receiver's Motion for Approval of the Twenty-First Interim Fee Application for the Period July 1, 2025 through September 30, 2025, and thereby authorize the following:

1. Payment to Clark Hill PLC in the amount of \$10,976.00 as compensation for the Receiver's services performed from July 1, 2025 through September 30, 2025, such payment representing eighty percent (80%) of the Receiver's fees for this quarter;

2. Payment to Clark Hill PLC in the amount of \$52,241.60 as compensation for services performed by the Receiver's Counsel from July 1, 2025 through September 30, 2025, such payment representing eighty percent (80%) of its fees for this quarter;

3. Payment to Alvarez & Marsal Disputes and Investigations, LLC in the amount of \$156,596.40 as compensation for services performed from July 1, 2025 through September 30, 2025, such payment representing eighty percent (80%) of its fees for this quarter;

4. Payment to Alvarez & Marsal Disputes and Investigations, LLC, in the amount of \$1,224.00 for expenses incurred from July 1, 2025 through September 30, 2025, representing eighty percent (80%) of its expenses for this quarter.

Respectfully submitted,

Date: 10/30/2025

s/ Robin S. Weiss

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EXHIBIT “A”

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STANDARDIZED FUND ACCOUNTING REPORT

CIVIL – RECEIVERSHIP FUND

Brenda Smith, Broad Reach Capital, LP, Broad Reach Partners,
LLC, and Bristol Advisors, LLC
Civil Action No.: 2:19-cv-17213-MCA-SDA

REPORTING PERIOD 07/01/2025 TO 09/30/2025

STANDARDIZED FUND ACCOUNTING REPORT for Consolidated Broad Reach Capital Recevlership Entities - Cash Basis
 Recevlership; Civil Court Docket No. 2:19-CV-17213-MCA-SDA
 REPORTING PERIOD 07/01/2025 TO 09/30/2025

FUND ACCOUNTING (See Instructions):		Current Reporting Period - 07/01/25 to 09/30/25			06/29/2020 - 09/30/2025
		Detail	Subtotal	Period Total	Case to Date
Line 1	Beginning Balance (As of 07/01/25):			\$ 7,695,802.55	\$ -
	<i>Increases in Fund Balance:</i>				
Line 2	Business Income			-	-
Line 3	Cash and Securities			320.32	8,333,775.12
Line 4	Interest/Dividend Income			36,907.61	488,574.11
Line 5	Business Asset Liquidation			-	700.00
Line 6	Personal Asset Liquidation			-	566,581.41
Line 7	Third-Party Litigation Income			770,000.00	4,262,747.29
Line 8	Miscellaneous - Other			20,200.13	20,335.13
	Total Funds Available (Lines 1 -- 8):			\$ 8,523,230.61	\$ 13,672,713.06
	<i>Decreases in Fund Balance:</i>				
Line 9	Disbursements to Investors/Claimants			3,154,520.41	3,413,297.40
Line 10	Disbursements for Recevlership Operations			10,968.10	4,882,853.78
Line 10a	Disbursements to Receiver or Other Professionals			8,471.00	
Line 10b	Business Asset Expenses			-	
Line 10c	Personal Asset Expenses			-	
Line 10d	Investment Expenses			407.10	
Line 10e	Third-Party Litigation Expenses				
	1. Attorney Fees			-	
	2. Litigation Expenses			-	
	Total Third-Party Litigation Expenses			-	
Line 10f	Tax Administrator Fees and Bonds			-	
Line 10g	Federal and State Tax Payments			2,090.00	
	Total Disbursements for Recevlership Operations			\$ 3,165,488.51	\$ 8,296,151.18
Line 11	Disbursements for Distribution Expenses Paid by the Fund:			-	18,819.78
Line 11a	Distribution Plan Development Expenses:				
	1. Fees:				
	Fund Administrator			-	
	Independent Distribution Consultant (IDC)			-	
	Distribution Agent			-	
	Consultants			-	
	Legal Advisers			-	
	Tax Advisers			-	
	2. Administrative Expenses			-	
	3. Miscellaneous			-	
	Total Plan Development Expenses			-	
Line 11b	Distribution Plan Implementation Expenses:				
	1. Fees:				
	Fund Administrator			-	
	IDC			-	
	Distribution Agent			-	
	Consultants			-	
	Legal Advisers			-	
	Tax Advisers			-	
	2. Administrative Expenses			-	
	3. Investor Identification:				
	Notice/Publishing Approved Plan			-	
	Claimant Identification			-	
	Claims Processing			-	
	Web Site Maintenance/Call Center			-	
	4. Fund Administrator Bond			-	
	5. Miscellaneous			-	
	6. Federal Account for Investor Restitution (FAIR)			-	
	Reporting Expenses			-	
	Total Plan Implementation Expenses			-	
	Total Disbursements for Distribution Expenses Paid by the Fund			\$ -	\$ 18,819.78
Line 12	Disbursements to Court/Other:			-	-
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			-	
Line 12b	Federal Tax Payments			-	
	Total Disbursements to Court/Other			\$ -	\$ -
	Total Funds Disbursed (Lines 9 -- 11):			\$ 3,165,488.51	\$ 8,314,970.96
Line 13	Ending Balance (As of 09/30/25):			\$ 5,357,742.10	\$ 5,357,742.10
Line 14	Ending Balance of Fund - Net Assets:				
Line 14a	Cash & Cash Equivalents			5,357,742.10	5,357,742.10
Line 14b	Investments			-	
Line 14c	Other Assets or Uncleared Funds			-	
	Total Ending Balance of Fund - Net Assets			\$ 5,357,742.10	\$ 5,357,742.10

[1]

[2]

STANDARDIZED FUND ACCOUNTING REPORT for Consolidated Broad Reach Capital Receivership Entities - Cash Basis
 Receivership; Civil Court Docket No. 2:19-CV-17213-MCA-SDA
 REPORTING PERIOD 07/01/2025 TO 09/30/2025

OTHER SUPPLEMENTAL INFORMATION:		Current Reporting Period - 07/01/25 to 09/30/25			06/29/2020 - 09/30/2025
		Detail	Subtotal	Period Total	Case to Date
Line 15	Report of Items NOT To Be Paid by the Fund:				
	Disbursements for Plan Administration Expenses Not Paid by the Fund:			\$ -	\$ -
Line 15a	Plan Development Expenses Not Paid by the Fund:				
	1. Fees:				
	Fund Administrator			-	
	IDC			-	
	Distribution Agent			-	
	Consultants			-	
	Legal Advisers			-	
	Tax Advisers			-	
	2. Administrative Expenses			-	
	3. Miscellaneous			-	
	Total Plan Development Expenses Not Paid by the Fund			\$ -	
Line 15b	Plan Implementation Expenses Not Paid by the Fund:				
	1. Fees:				
	Fund Administrator			-	
	IDC			-	
	Distribution Agent			-	
	Consultants			-	
	Legal Advisers			-	
	Tax Advisers			-	
	2. Administrative Expenses			-	
	3. Investor Identification:				
	Notice/Publishing Approved Plan			-	
	Claimant Identification			-	
	Claims Processing			-	
	Web Site Maintenance/Call Center			-	
	4. Fund Administrator Bond			-	
	5. Miscellaneous			-	
	6. FAIR Reporting Expenses			-	
	Total Plan Implementation Expenses Not Paid by the Fund			\$ -	
Line 15c	Tax Administrator Fees & Bonds Not Paid by the Fund			-	
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			-	-
Line 16	Disbursements to Court/Other Not Paid by the Fund:				
Line 16a	Investment Expenses/CRIS Fees			-	
Line 16b	Federal Tax Payments			-	
	Total Disbursements to Court/Other Not Paid by the Fund:			-	-
Line 17	DC & State Tax Payments			\$ -	\$ -
Line 18	No. of Claims:				
Line 18a	# of Claims Received This Reporting Period				-
Line 18b	# of Claims Received Since Inception of Fund				52
Line 19	No. of Claimants/Investors:				
Line 19a	# of Claimants/Investors Paid This Reporting Period				6 [1]
Line 19b	# of Claimants/Investors Paid Since Inception of Fund				6 [1]

Notes

[1] The Order Approving the Receiver's First Proposed Plan of Interim Distribution in the amount of \$4 million was granted on July 1, 2025 (ECF No. 371). The Receiver is in the process of making the approved distributions.

[2] Includes amounts held in reserve in accordance with the First Proposed Plan of the Interim Distribution Notice of Motion filed December 2, 2024 (ECF No. 346). See Order Approving the Receiver's First Proposed Plan of Interim Distribution which directs the funds to be held back in a separate, segregated account subject to further order from the Court (ECF No. 371 at p. 8). See Table 1 of the Notes to the Standardized Fund Accounting Report for detail.

Receiver:

By: Kevin Dodey Kent, Receiver
 (signature)
Kevin Dodey Kent, Receiver
 (printed name)
Receiver
 (title)

Date: 29th October 2025

NOTES TO THE STANDARDIZED FUND ACCOUNTING REPORT

Receivership Cash Accounts

As of September 30, 2025, the Receiver’s cash balance of \$5,357,742.10 was maintained in checking, savings, and business money market accounts at WSFS Bank with the following balances:

Table 1: Receivership Cash Account Balances - September 30, 2025

Financial Institution	Account Type	Balance
Receivership Cash Accounts:		
WSFS Bank	Checking	\$ 329,827.46
WSFS Bank	Savings	4,995,871.55
Subtotal - Receivership Cash Balance		5,325,699.01
Funds Held in Reserve:		
WSFS Bank	Business Money Market	\$ 32,043.09
Total Receivership Cash Balance and Funds Held in Reserve		\$ 5,357,742.10

In accordance with the First Proposed Plan of the Interim Distribution Notice of Motion filed December 2, 2024 (See Dkt. 346), the WSFS Business Money Market account was opened to hold funds in reserve for distributions.

This Standardized Fund Accounting Report should be reviewed in conjunction with the Receiver’s Twenty First Quarterly Status Report.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	C. A. No. 2:19-cv-17213 (MCA)
v.	:	
	:	
	:	
BRENDA SMITH, BROAD REACH	:	
CAPITAL, LP, BROAD REACH	:	
PARTNERS, LLC, and BRISTOL	:	
ADVISORS, LLC,	:	
	:	
Defendants.	:	

CERTIFICATION OF RECEIVER, KEVIN DOOLEY KENT

Pursuant to 28 U.S.C. § 1746, I hereby certify as follows:

1. I, Kevin Dooley Kent (“Receiver” or “Applicant”), in support of the Motion of Receiver, Kevin Dooley Kent, Esquire, for Approval of Twenty-First Interim Fee Application for the Period July 1, 2025 through September 30, 2025 (“the Application”), hereby certify as follows:

- (a) I have read the Twenty-First Interim Fee Application for the Period July 1, 2025 through September 30, 2025;
- (b) To the best of my knowledge, information and belief formed after reasonable inquiry, the Application and all fees and expenses therein are true and accurate and comply with the Billing Instructions;

- (c) All fees contained in the Application are based on the rates listed in the Applicant's fee schedule attached hereto and such fees are reasonable, necessary and commensurate with the skill and experience for the activity performed;
- (d) I have not included in the amount for which reimbursement is sought the amortization of the cost of any investment, equipment, or capital outlay (except to the extent that any such amortization is included within the permitted allowable amounts set forth herein for photocopies and facsimile transmission); and
- (e) In seeking reimbursement for a service which the Applicant justifiably purchased or contracted for from a third party (such as copying, imaging, bulk mail, messenger service, overnight courier, computerized research, or tile and lien searches), the Applicant requests reimbursement only for the amount billed to the Applicant by the third party vendor and paid by the Applicant to such vendor. With regard to such services performed by the Receiver or his staff, the Receiver certifies that he is not making a profit on such reimbursable service.

2. I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 29th day of October, 2025.

Kevin Dooley Kent, Receiver
Kevin Dooley Kent

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**BRENDA SMITH, BROAD REACH
CAPITAL, LP, BROAD REACH
PARTNERS, LLC, and BRISTOL
ADVISORS, LLC,**

Defendants.

C. A. No. 2:19-cv-17213 (MCA)

STATEMENT IN LIEU OF BRIEF PURSUANT TO L.CIV.R. 7.1(d)(4)

Pursuant to Local Civil Rule 7.1(d)(4), the undersigned, on behalf of the Receiver, Kevin Dooley Kent, hereby submits this Statement in lieu of the submission of a formal brief in support of the Motion for Approval of Twenty-First Interim Fee Application for the Period July 1, 2025 through September 1, 2025. Inasmuch as the attached Interim Fee Application complies with the Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and Exchange Commission and otherwise satisfies the requirements for Interim Fee Applications as set forth in this Court's June 29, 2020 Order Appointing Receiver, and contains all information and documentation required by the SEC as well as legal argument in support of the Interim Fee Application, and until any opposition to the Motion is filed, it is respectfully

suggested that any additional, formal brief in support of the Motion and attached Application would be duplicative and unnecessary at this time.

Respectfully submitted,

Dated: 10/30/2025

s/ Robin S. Weiss
Robin S. Weiss, Esquire
Clark Hill PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19102
Phone: 215-864-8086
Fax: 215-640-8501
rswiss@clarkhill.com
*Attorneys for Receiver, Kevin Dooley
Kent*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**BRENDA SMITH, BROAD REACH
CAPITAL, LP, BROAD REACH
PARTNERS, LLC, and BRISTOL
ADVISORS, LLC,**

Defendants.

C. A. No. 2:19-cv-17213 (MCA)

**ORDER APPROVING THE RECEIVER, KEVIN DOOLEY KENT'S
TWENTY-FIRST INTERIM FEE APPLICATION FOR THE PERIOD
JULY 1, 2025 THROUGH SEPTEMBER 1, 2025**

THIS MATTER having come before this Court upon the Motion of Receiver, Kevin Dooley Kent for Approval of Twenty-First Interim Fee Application for the Period July 1, 2025 through September 30, 2025;

It is on this _____ day of _____, 2025,

ORDERED that the Receiver's Twenty-First Interim Fee Application is APPROVED; and it is

FURTHER ORDERED that Payment to Clark Hill PLC ("Clark Hill") in the amount of \$10,976.00 for the Receiver's services from July 1, 2025 through September

30, 2025, representing eighty percent (80%) of the Receiver's total fee of \$13,720.00 for this quarter, is APPROVED and may be paid by the Receiver at this time; and it is

FURTHER ORDERED that Payment to Clark Hill ("Law Firm") in the amount of \$52,241.60 for the Law Firm's legal services provided from July 1, 2025 through September 30, 2025, representing eighty percent (80%) of the Law Firm's total counsel fees of \$65,302.00 for this quarter, is APPROVED and may be paid by the Receiver at this time; and it is

FURTHER ORDERED that payment to Alvarez & Marsal Disputes and Investigations, LLC ("Accountant") in the amount of \$156,596.40 for services performed from July 1, 2025 through September 30, 2025, representing eighty percent (80%) of the Accountant's total fee of \$195,745.50 for this quarter, is APPROVED and may be paid by the Receiver at this time; and it is

FURTHER ORDERED that payment to Alvarez & Marsal Disputes and Investigations, LLC in the amount of \$1,224.00 for expenses incurred from July 1, 2025 through September 30, 2025, representing eighty percent (80%) of the Accountant's total expenses of \$1,530.00 for this quarter, is hereby APPROVED and may be paid by the Receiver at this time.

BY THE COURT:

HONORABLE MADELINE COX ARLEO
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**BRENDA SMITH, BROAD REACH
CAPITAL, LP, BROAD REACH
PARTNERS, LLC, and BRISTOL
ADVISORS, LLC,**

Defendants.

C. A. No. 2:19-cv-17213 (MCA)

**CERTIFICATE OF
SERVICE**

I hereby certify, this 30th day of October, 2025, that I caused to be served a true and correct copy of the Notice of Motion of Receiver, Kevin Dooley Kent for Approval of Twenty-First Interim Fee Application for the Period July 1, 2025 through September 30, 2025 upon Plaintiff, Securities and Exchange Commission, through counsel of record, and upon counsel of record for all other parties, by electronic filing pursuant to Fed.R.Civ.P. 5 (b), and upon Defendant, Brenda A. Smith, on behalf of all defendants, via first-class mail, postage prepaid, at her last known mailing address.

s/ Robin S. Weiss

Robin S. Weiss, Esq.

Attorney for Receiver, Kevin Dooley Kent