

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. Securities and Exchange Commission Civ. 1:18-cv-05491-JGK

Plaintiff,

Hon. John G. Koeltl

v.

Santillo, et al,

Defendants.

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 2-5-20

STIPULATED RELEASE AND SETTLEMENT

WHEREAS, on June 19, 2018, the Securities and Exchange Commission ("Plaintiff") filed a Complaint alleging, that, since July 2012, Defendant Perry Santillo ("Santillo") and Defendant First Nationle Solution ("FNS") conducted a ponzi scheme to defraud investors;

WHEREAS, on June 27, 2018, the Hon. John G. Koeltl, upon application of the Plaintiff (ECF Doc. 6) issued an Order granting a Preliminary Injunction, an Asset Freeze, and Other Relief as to Defendants Santillo and FNS, which inter alia, froze all of the assets of Defendants Santillo and FNS (the "Asset Freeze Order") (ECF Doc. 15);

WHEREAS, on July 19, 2018, Intervenor Doris Olsen ("Intervenor"), a victim of the ^{alleged} ponzi scheme perpetrated by Defendants Santillo, FNS, and others, obtained a judgment against Defendant FNS in the amount of \$512,140.98;

WHEREAS, Intervenor subsequently obtained additional judgments against Defendants Santillo and FNS in the states of Michigan and New York;

WHEREAS, Intervenor took actions to perfect her judgments by obtaining liens against the property of Defendants FNS and Santillo, including the trust account for the benefit Defendant Santillo held by James Nobles, Esq., counsel for Defendant Santillo, pursuant to the Order of this Court (ECF Doc. 28);

WHEREAS, on October 8, 2019, the Hon. John G. Koeltl, upon application of the Intervenor (ECF Doc. 82) entered an Order granting Intervenor's Motion to Intervene in the present matter;

WHEREAS, on October 2, 2019, the United States of America filed a criminal action against Defendant Santillo in the United States District Court for the Western District of New York in case 6:19-cr-06135-FPG;

WHEREAS, in anticipation of the filing of the criminal case, Plaintiff and Defendant Santillo consented to allow the United States Marshals Service to seize property of Defendant Santillo subject to the Asset Freeze Order pursuant to an Order entered August 22, 2019 (ECF Doc. 81);

WHEREAS, to avoid the uncertainty of litigation and address Intervenor's lien interests in the criminal case, Intervenor and the United States of America entered into a certain settlement agreement entered by the United States District Court for the Western District of New York in case 6:19-cr-06135-FPG on December 16, 2019 (ECF Doc. 14) (the "Western District Settlement");

WHEREAS, Intervenor and Plaintiff wish to avoid any further uncertainty regarding the claims of Intervenor and to permit Intervenor to receive the funds agreed to within the Western District Settlement;

NOW THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned and on behalf of their respective clients, that

1. The Asset Freeze Order shall be modified to permit the payment of the funds to be paid to Intervenor by the United States of America pursuant to the Western District Settlement free and clear of any interest of Plaintiff or Defendants;
2. Intervenor agrees not to seek any further relief in this case;
3. Intervenor agrees to withdraw as a party from this case;
4. With the exception of the modification set forth in this Stipulation, the provisions of the Asset Freeze Order shall remain in full force and effect;
5. Nothing in this Order shall be deemed to prevent Intervenor from bringing any other claim against Defendants or to prevent Intervenor from receiving any distribution from the United States Securities and Exchange Commission or the United States of America.

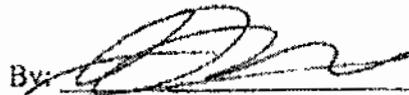
Dated: January 24, 2020

Securities and Exchange Commission



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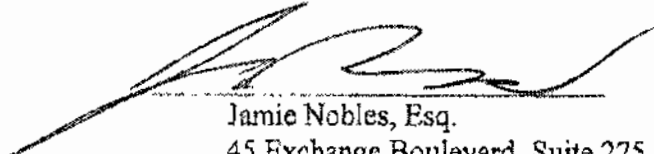
Mika Meyers PLC
Attorneys for Intervenor Doris Olsen

By: 

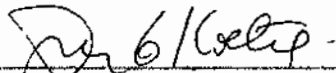
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GRANTED AND SO ORDERED:



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Hon. John G. Koeltl, U.S.D.J.
2/5/20