

1 PRATHER LAW OFFICES
 2 EDWIN K. PRATHER (Bar # 190536)
 3 461 Bush Street, Suite 350
 4 San Francisco, California 94108
 Telephone: (415) 881-7774
edwin@pratherlawoffices.com

5 Richard J. Babnick Jr., *Pro Hac Vice*
 6 Sichenzia Ross Friedman Ference LLP
 7 61 Broadway, 32nd Floor
 New York, New York 10006
 Telephone: (212) 930-9700
 8 rbabnick@srff.com

9 Attorneys for Relief Defendant Michele J. Mazzola

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12
 13 SAN FRANCISCO DIVISION

14 SECURITIES AND EXCHANGE COMMISSION,

15 Plaintiff,

16 v.

17 JOHN V. BIVONA, SADDLE RIVER
 18 ADVISORS, LLC, SRA MANAGEMENT LLC,
 19 FRANK G. MAZZOLA,

20 Defendants, and

21 SRA I LLC, SRA II LLC, SRA III LLC,
 22 FELIX INVESTMENTS, LLC; MICHELE J.
 23 MAZZOLA, ANNE BIVONA, CLEAR
 24 SAILING GROUP IV LLC, CLEAR SAILING
 GROUP V LLC,

25 Relief Defendants.
 26

Case No. 3:16-cv-01386-EMC

**[PROPOSED] MODIFIED ORDER
 AND STIPULATION TO ALLOW
 MICHELE MAZZOLA
 TO USE A BANK ACCOUNT
 AT PNC BANK**

27 Whereas, to resolve, in part, Plaintiff's then-pending motion for a preliminary injunction,
 28 Plaintiff Securities and Exchange Commission and Relief Defendant Michele Mazzola had

1 stipulated and agreed to the entry of an Order for Michele Mazzola's use of a PNC Bank Account,
2 which had been So Ordered by the Court (Docket No. 92); and

3 Whereas, to facilitate the use of the aforementioned bank account for the deposit of payroll
4 earnings to be earned by Frank Mazzola for the use by Michele Mazzola for their family's
5 household necessities, the parties below agree to modify the prior Order as follows:

6
7 1. The terms of the Temporary Restraining Order entered by the Court on March 25,
8 2016, are adopted as the terms of the Preliminary Injunction with the modifications set forth below;

9 2. Michele Mazzola shall be allowed to utilize the checking account maintained at PNC
10 Bank, ending in No. 6017 captioned "MICHELE E MAZZOLA" (the "Bank Account") subject to
11 the terms and conditions set forth herein. The intent of this Order is to permit Michele Mazzola to
12 use 'untained' funds for household necessities;

13
14 3. The existing monies in the Bank Account, namely, \$3,220.94, shall remain
15 restrained, and Michele Mazzola shall only be able to disburse monies deposited therein such that
16 the balance of the Bank Account shall never fall below \$3,220.94;

17
18 4. Michele Mazzola consents to PNC Bank providing a duplicate copy of the monthly
19 account statement for the Bank Account, including copies of cancelled checks, to the Securities and
20 Exchange Commission to allow the Securities and Exchange Commission to monitor the activity in
21 the Bank Account, and Ms. Mazzola will instruct PNC Bank to provide the Commission with these
22 monthly statements and canceled checks, and will ensure that they are delivered to the Commission,
23 directed to the attention of the counsel for the Commission in the signature block below;

24
25 5. For any funds deposited into the Bank Account, the depositor of said funds shall
26 provide a Declaration sworn under oath identifying the specific amount of the deposit, the source of
27 the funds deposited (i.e., retirement funds, savings, or earnings), and attest that the funds did not
28 originate from Frank Mazzola, Michele Mazzola, John Bivona, Anne Bivona, Saddle River

1 Advisors LLC, SRA Management Associates LLC, SRA I LLC, SRA II, LLC, SRA III LLC, Felix
2 Investments LLC, Clear Sailing Group IV LLC, or Clear Sailing Group V LLC; however, if the
3 source of the funds deposited into the Bank Account is from a payroll check issued to Frank
4 Mazzola for current wages and/or earnings, then, rather than provide a Declaration, Michele
5 Mazzola shall provide a copy (front and back) of the check deposited to the Securities and
6 Exchange Commission.
7

8 6. The aforementioned Declaration or copy of the payroll check deposited shall be
9 provided to the Securities and Exchange Commission three days before any check may be issued or
10 any funds withdrawn from the Bank Account to expend such deposited funds;
11

12 7. Michele Mazzola shall create and maintain a check register for the Bank Account
13 that identifies the payor and/or use of the funds withdrawn, and the Securities and Exchange
14 Commission retains the right to request a copy of the check ledger or specific expenditure
15 information concerning any cash withdrawal(s) in a two week period that amount to more than
16 \$500.00.
17

18 8. The Parties may petition the Court to modify the terms of the Preliminary Injunction.

19 SO STIPULATED.

SECURITIES AND EXCHANGE COMMISSION

20 DATED: September 21, 2016

By: //s// By permission (Civ. L. R. 5-1(i))
MARC D. KATZ

22 Attorneys for Plaintiff

23 DATED: September 21, 2016

SICHENZIA ROSS FRIEDMAN FERENCE LLP

24 By: [Signature]
25 RICHARD J. BABNICK JR.,
26 *Pro Hac Vice*
27

28 Attorneys for Relief Defendant Michele Mazzola

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

DATED: September 21 2016

EDWARD
United Sta

