

1 KEVIN V. RYAN, CA NO. 118321  
 United States Attorney  
 2 JOANN M. SWANSON, CA NO. 88143  
 Chief, Civil Division  
 3 EDWIN L. JOE, CA NO. 112328  
 Special Assistant U.S. Attorney  
 4

5 455 Market Street, Sixth Floor  
 6 San Francisco, CA 94105  
 Telephone: (415) 744-8494  
 7 Facsimile: (415) 744-6812  
 8 [edwin.joe@sba.gov](mailto:edwin.joe@sba.gov)

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

12 UNITED STATES OF AMERICA, )	E-Filing
13 )	
14 Plaintiff, )	Case No: C 04-4351 SBA
15 )	HON. SAUNDRA BROWN ARMSTRONG
16 v. )	Date: Oct. 31, 2006
17 )	Time: 1:00 PM
18 PROSPERO VENTURES, L.P. )	Room: Ctrm 3, 1301 Clay St., Oakland
19 )	
20 Defendant. )	
21 )	

22 **ORDER APPROVING THE RECEIVER’S NOTICE AND**  
 23 **DETERMINATION OF CLAIMS**

24 This matter comes before the Court on the Motion of the U.S. Small Business  
 Administration (“SBA”) as Receiver (“Receiver”) for Prospero Ventures, L.P. (“Prospero”)  
 25 (f/k/a Dotcom Ventures, L.P., f/k/a ASCII Ventures, L.P.) for Entry of an Order Approving the  
 26 Receiver’s Notice and Determination of Claims, Memorandum in Support of Motion, and  
 27 Receiver’s Notice and Determination of Claims Received in Response to the Claims Bar Date.

28 After reviewing the pleadings, and this Court being duly advised as to the merits,  
**C 04-4351 SBA - ORDER APPROVING THE RECEIVER’S NOTICE AND**  
**DETERMINATION OF CLAIMS**

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 HEREBY ORDERED THAT:

1. The Receiver's Motions (1) to reopen this case and (2) to consider entry of an Order Approving the Receiver's Notice and Determination of Claims are both **GRANTED**; and

2. The Receiver's Notice and Determination of Claims Received in Response to the Claims Bar Date, and of Prospero's debt due to the SBA, and the Receiver's recommendations therein are **APPROVED**; and

3. The withdrawal of the claim filed by the Krishnan Shah Family Limited Partnership, LP ("Shah") is **APPROVED**; and

4. The Receiver is authorized to pay the following claims in the following order of priority, to the extent of available receivership assets, and the following claims are hereby **APPROVED**:

a) First, any and all administrative expenses of the receivership estate as they are presented and become due;

b) Second, any outstanding Receiver's Certificates, should the Receiver make such borrowings from the SBA in the future, plus accrued interest;

c) Third, the general unsecured claim filed by Cooley Godward LLP ("Cooley") in the amount of \$42,959.22, and the general unsecured claim filed by Pepper Hamilton LLP ("Pepper") in the amount of \$11,890.35;

d) Fourth, the general unsecured debt of Prospero to the U.S. Small Business Administration ("SBA"), in the principal amount of \$8,984,885, which is the total principal amount of the 15 Participating Securities purchased by SBA from Prospero;

e) Fifth, to the Limited Partners of Prospero in accordance with the provisions contained in the Amended and Restated Limited Partnership Agreement dated

1 September 10, 1999, as amended, provided that the Limited Partner has paid or satisfied its  
2 capital commitment to Prospero in full; and

3 5. The Receiver is authorized to make immediate payment in the amount of  
4 \$42,959.22 to Cooley in full satisfaction of its claim, and in the amount of \$11,890.35 to Pepper  
5 in full satisfaction of its claim, and may make partial payments from receivership funds to the  
6 SBA in partial repayment of the total principal of \$8,984,885 of its 15 Participating Securities, in  
7 such amounts and at such times as the Receiver deems appropriate, without further prior order of  
8 this Court; and  
9

10 6. All persons who failed to file claims pursuant to the terms of the Court's Order  
11 entered February 8, 2006 establishing the Claims Bar Date, shall be forever barred and shall be  
12 permanently enjoined from asserting, pursuing or prosecuting any pre-receivership claim (i.e.,  
13 arising before October 20, 2004) against Prospero, the Receiver, their successors or assigns, or  
14 against assets or funds in the possession of the Receiver.  
15

16 7. In accordance with the Court Order granting the Receiver's Motion to Reopen this  
17 case and to consider entry of an Order Approving and Confirming the Receiver's Notice and  
18 Determination of Claims received in response to the Claims Bar Date, this case is now  
19

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 administratively closed. The Receiver may move to re-open the case for appropriate post-  
2 judgment relief at a later time. The Clerk shall close the file and terminate any pending matters.  
3

4  
5 SO ORDERED: This 31st day of October, 2006, in Oakland, California.

6  
7 

8 HON. SAUNDRA BROWN ARMSTRONG  
9 United States District Judge

10 Copies To:

11 Edwin L. Joe  
12 Special Assistant United States Attorney  
13 455 Market Street, Sixth Floor  
14 San Francisco, CA 094105  
15 Telephone: (415) 744-8494  
16 Facsimile: (415) 744-6812

17 Arlene P. Messinger  
18 Assistant General Counsel for SBIC Enforcement  
19 U.S. Small Business Administration  
20 Receiver for Prospero Ventures, L.P.  
21 409 Third Street, S.W., 7<sup>th</sup> Floor  
22 Washington, DC 20416  
23 Telephone: (202) 205-6857  
24 Facsimile: (202) 481-0325

25 Brian S. Stern  
26 Principal Agent for the Receiver  
27 SBA, Receiver for Prospero Ventures, L.P.  
28 666 11th Street, N.W., Suite 200  
Washington, D.C. 20001-4542  
Telephone: (202) 272-3604  
Facsimile: ( 202) 504-2247