

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Fort Lauderdale Division

Case Number: 04-60573-CIV-MORENO

SECURITIES AND EXCHANGE
COMMISSION et al.,

Plaintiff,

vs.

MUTUAL BENEFITS CORP. et al.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING TRUSTEE'S MOTION TO MODIFY TRUST AGREEMENT OR FOR
INSTRUCTIONS FROM THE COURT**

THE MATTER was referred to the Honorable Jared M. Strauss, United States Magistrate Judge, for a Report and Recommendation on Trustee's Motion to Modify Trust Agreement or for Instructions, filed on January 21, 2021. The Magistrate Judge filed a Report and Recommendation (D.E. 2912) on April 18, 2021. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the issues that the objections to the Magistrate Judge's Report and Recommendation present, and being otherwise fully advised in the premises, it is

ADJUDGED that United States Magistrate Judge Jared M. Strauss's Report and Recommendation is **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that motion to modify the trust is **DENIED** for the reasons stated in the Report and Recommendation. It is also

ADJUDGED that the Trustee is ordered to reimburse the Trust for the \$55,163 that is in escrow and the Trustee is ordered to conform his compensation to the \$395 per hour cap

limitation set forth in the Trust Agreement for the hours that he personally charged the Trust. The Court also orders the Trustee to reimburse the Trust for the appropriate amount that he has charged the Trust in excess of the \$395 per hour cap by no later than **October 19, 2021**.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th of July 2021.

A handwritten signature in black ink that reads "Federico A. Moreno". The signature is written in a cursive style and is underlined with a single horizontal line.

FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

United States Magistrate Judge Jared M. Strauss

Counsel of Record