

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

U.S. SECURITIES AND EXCHANGE COMMISSION,	)	
	)	
Plaintiff,	)	Civil Action No. 18-CV-5587
v.	)	
	)	Judge Hon. John Z. Lee
EQUITYBUILD, INC., EQUITYBUILD FINANCE, LLC, JEROME H. COHEN, and SHAUN D. COHEN,	)	Magistrate Judge Young B. Kim
	)	
Defendants,	)	
	)	

**DEFENDANTS OBJECTION TO THE RECEIVER’S MOTION NO. 589 TO APPOINT APPRAISERS, LIST PROPERTY FOR SALE, RETAIN A BROKER, AND APPROVE THE RATES TO BE CHARGED BY THE RECEIVER’S FLORIDA REAL ESTATE COUNSEL**

Jerome H. Cohen (“Defendant”) respectfully files this Objection (“Objection”) TO THE RECEIVER’S MOTION NO. 589 TO APPOINT APPRAISERS, LIST PROPERTY FOR SALE, RETAIN A BROKER, AND APPROVE THE RATES TO BE CHARGED BY THE RECEIVER’S FLORIDA REAL ESTATE COUNSEL.

**BACKGROUND**

In the Motion, Document No. 492, the Receiver states that he intends to sell the real property located at 1050 8th Avenue N, Naples, FL and then asks, in connection with the sale, that he receive court approval to appoint appraisers, confirm his retention of a real estate broker, approve the rates to be charged by his Florida real estate counsel, and list the property for sale. In

his defense he lists the powers vested in him as the Receiver with respect to the Receivership assets.

**RESPONSE**

To date, **THE HONORABLE JUDGE KIM'S MEMORANDUM REPORT AND RECOMMENDATION No. 492** has not been ruled on by the Honorable Judge Lee. Contained within Doc No. 492 was the recommendation for sanctions to be issued against the Defendant and those sanctions namely that the Defendant's "be sanctioned for failing to comply with this court's orders without good cause by finding that he has forfeited his opposition to the Receiver's motion and by construing the hearing evidence in the Receiver's favor."

The Defendant filed a response to No. 492, Doc. No. 587, which included the attachment of medical recordings conclusively demonstrating that the Defendant was, in fact, medically unable to comply with the court's order and was not disingenuous. Therefore, Judge Kim's recommendation for sanctions should be denied and the Defendant's submitted argument and evidence should be fully considered by Judge Lee on their merits as they demonstrate the Naples property was not purchased with Investor Monies and is not a Receivership asset.

Finally, being that No. 492 still needs to be ruled upon, the Receiver's motion No. 589 should be denied.

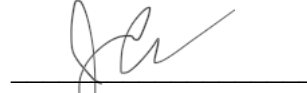
December 3<sup>rd</sup>, 2019

Respectfully submitted,

DEFENDANT JEROME H. COHEN

By:

Jerome H. Cohen

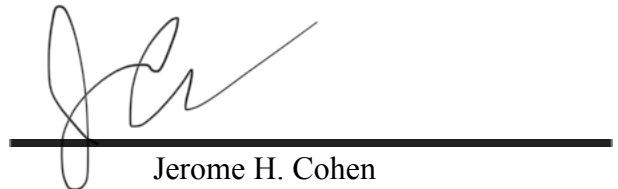


**CERTIFICATE OF SERVICE**

I hereby certify that on December 3<sup>rd</sup>, 2019, a copy of the foregoing **TO DEFENDANTS OBJECTION TO THE RECEIVER'S MOTION NO. 589 TO APPOINT APPRAISERS, LIST PROPERTY FOR SALE, RETAIN A BROKER, AND APPROVE THE RATES TO BE CHARGED BY THE RECEIVER'S FLORIDA REAL ESTATE COUNSEL** was served by filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.



Shaun D. Cohen



Jerome H. Cohen