

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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

JOINT STATUS REPORT

The undersigned counsel for the Receiver, for certain of the Institutional Lenders, for certain of the Investor Lenders, and for the SEC submit the following joint status report to the Court concerning the availability of the EquityBuild documents.

The project of creating the database and then providing access to the EquityBuild documents took more time to get started than anticipated, largely due to personnel turnover at CloudNine, the vendor who will be creating and hosting the database, and related delays negotiating the agreement with CloudNine. The vendor agreement has been fully executed. The Receiver delivered the documents to the vendor on April 15, 2021.

Although the vendor has loaded in excess of 4TB of the data provided, the vendor had difficulty obtaining useful access to certain of the documents that were in control of third parties DocuSign and The Mortgage Office (“TMO”) because (1) EquityBuild’s contract with DocuSign did not permit the bulk downloading of documents and (2) TMO was initially demanding payment of more than \$5,000 for alleged past due sums and an annual contract in order to allow access to the documents. The Receiver has since upgraded the DocuSign contract at a cost of \$8,220.00, which has been allocated to, and is being paid by, the Receiver and the Institutional Lenders. The Receiver also has arranged for access to the TMO documents for no charge.

Consequently, the vendor did not gain full access to both the DocuSign and TMO EquityBuild documents until May 16, 2021. The vendor is in the process of loading these documents onto its early case assessment system, and contemplates providing sample documents and a mapping of the data to the Receiver and the Institutional Lenders between May 18-21, 2021. Thereafter, counsel will need to cull the documents with the assistance of the vendor in order to determine which documents will be promoted to the review platform that can be accessed by the parties in order to make the volume of documents more manageable and reduce the cost of their maintenance.

Based on a conference call with the vendor on May 17, 2021, and taking into account the Memorial Day holiday, counsel for the Institutional Lenders and the

Receiver believe that it is reasonable to expect the document culling process to be completed by June 18, 2021.

The claims process for the first group of claimants currently is scheduled to begin on June 1, 2021. So that the EquityBuild documents (which are estimated to be available to all parties on an accessible platform not earlier than June 18, 2021) can be available to all parties as of the commencement of the claims process, counsel for the undersigned certain Investor Lenders and the Institutional Lenders request that the commencement date for claims process for that group be moved to July 6, 2021. At the same time, counsel for the parties in the first group are discussing further adjustments to the schedule between them to begin certain aspects (e.g., parties' responses to the standard discovery requests) of the schedule before that date. Because these discussions have not been completed, counsel for those parties request the opportunity to file a further status report in 7 days providing a proposed schedule for the first group.

Undersigned counsel for the Receiver does not object to the limited extension requests in light of the circumstances explained by the Institutional Lenders and certain Investor Lenders. The Receiver will participate in discussions with respect to any proposed schedule changes for the upcoming group that will be part of the next status report, and particularly as to changes that will implicate changes to the schedule in relation to the process previously approved by this Court.

In light of the agreement between certain investors and the Institutional Lenders, the SEC does not object to a limited extension to the claims process schedule,

premised on the delays associated with the EquityBuild documents. However, given the repeated delays to starting the claims process, the SEC objects to any extension beyond the one requested above.

Dated: May 18, 2021

Respectfully submitted,

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/s/ Max A. Stein

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*Holder of UBS Commercial Mortgage Trust
2017-C1, Commercial Mortgage Pass-
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Mortgage Pass-Through Certificates, Series
2018-SB48; Federal National Mortgage
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Holders of J.P. Morgan Chase Commercial
Mortgage Securities Corp., Multifamily
Mortgage Pass-Through Certificates, Series
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Securities Corp., Multifamily Mortgage
Pass-Through Certificates, Series 2018-
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Morgan Chase Commercial Mortgage
Securities Corp., Multifamily Mortgage
Pass-Through Certificates, Series 2017-
SB30 Sabal TL1 LLC; Midland Loan
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Finance 2017-1 Trust Mortgage Pass-
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Corevest American Finance 2017-2 Trust,
Mortgage Pass-Through Certificates, Series
2017-2; BC57, LLC; UBS AG*