

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

UNITED STATES COMMODITY FUTURES)	
TRADING COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:12-cv-07127
)	
NIKOLAI SIMON BATTOO; BC CAPITAL)	Hon. Edmond E. Chang
GROUP S.A.; BC CAPITAL GROUP)	
INTERNATIONAL LIMITED a/k/a BC CAPITAL)	
GROUP LIMITED a/k/a BC CAPITAL GROUP)	
GLOBAL; AND BC CAPITAL GROUP)	
HOLDINGS S.A.,)	
)	
Defendants.)	

**ORDER APPROVING PROCEDURES FOR NOTICING THE RECEIVER’S
PROPOSED PLAN OF DISTRIBUTION AND SETTING DEADLINES TO OBJECT**

This matter coming to the Court on the Receiver’s Motion to Approve Procedures for Noticing Its Proposed Plan of Distribution and to Set Deadlines to Object [Dkt. #617] (the “Motion”); the Court having reviewed the Motion; all parties in interest having due notice; and the Court being otherwise fully advised in the premises;

It is hereby ORDERED:

1. The Motion is granted;
2. The Receiver shall provide notice of its Motion to Approve Its Plan of Distribution and Treatment of Claims [Dkt. #614] (the “Distribution Motion”) as follows:
 - (a) The Receiver shall serve each party to the case and their counsel with a copy of the Distribution Motion as provided by the Federal Rules of Civil Procedure.

(b) The Receiver shall send a notice of the Distribution Motion by one of the means described below to all claimants as identified in Exhibit B to the Distribution Motion, including all persons or entities who submitted claims (collectively, the “Claimants”).

(c) The Receiver may provide notice to Claimants by emailing a summary notice substantially in the form of Exhibit A (the “Summary Notice”) to the Claimants. In providing notice via email, the Receiver shall use the email address, if any, reflected in the records of the receivership entities, or such other email address that the Claimant has used to correspond with the Receiver regarding their claim.

(d) For persons or entities whom the Receiver does not provide notice via email, the Receiver shall deliver a copy of the Summary Notice via U.S. mail or other commercial carrier for delivery within seven days.

(e) For persons or entities who have contacted the Receiver through a representative, e.g., attorney, accountant, investment advisor, or family member, the Receiver shall direct notice to that representative and such notice shall be deemed sufficient and proper.

(f) Within five business days of receiving any actual notice that delivery of the Summary Notice via email failed, the Receiver shall attempt to: (i) send the Summary Notice to any alternative email address of which the Receiver is aware; or (ii) send a physical copy of the Summary Notice as provided in subparagraph (e) above.

(g) Additionally, the Receiver shall post a copy of the Distribution Motion on its website so that it is accessible to the public without charge.

3. The Receiver shall send all notices required under this order no later than October 5, 2018.

4. Any objections to the Distribution Motion must be in writing and filed with the Clerk of Court no later than November 5, 2018, with copies served on the Receiver as described in the Summary Notice.

5. The hearing on whether to approve the Distribution Motion is set for November 16, 2018, at 1:30 p.m., at which time the Court may grant the Distribution Motion or otherwise continue the hearing as necessary. If no objections are filed, or if the only objections that are filed can be resolved at the hearing, then the hearing will proceed as the final approval hearing on the distribution plan.

ENTERED:

s/Edmond E. Chang
Honorable Edmond E. Chang
United States District Judge

DATE: September 12, 2018

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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UNITED STATES COMMODITY FUTURES)	
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Plaintiff,)	
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v.)	Case No. 1:12-cv-07127
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INTERNATIONAL LIMITED a/k/a BC CAPITAL)	
GROUP LIMITED a/k/a BC CAPITAL GROUP)	
GLOBAL; AND BC CAPITAL GROUP)	
HOLDINGS S.A.,)	
)	
Defendants.)	

**NOTICE OF RECEIVER’S MOTION TO APPROVE
PLAN OF DISTRIBUTION AND TREATMENT OF CLAIMS
(Deadline to File Written Response: November 5, 2018)**

To: *[Insert Claimant’s Name]*

Robb Evans & Associates LLC (the “Receiver”) is the court-appointed receiver over the assets of Nikolai Battoo, and several companies he controlled, including BC Capital Group, S.A. You are receiving this notice because you submitted a claim to the Receiver or the Receiver otherwise identified you as an investor in one of the funds controlled by Battoo or BC Capital.

PLEASE TAKE NOTICE that the Receiver has filed a motion with the United States District Court for the Northern District of Illinois seeking final approval of the Receiver’s plan of distribution and treatment of claims (the “Distribution Motion”). You can obtain a complete copy of the Distribution Motion at no cost here:

[Insert URL Address]

The Receiver has assigned all claims that it received a claim identification number or “Claim ID.” Your Claim ID is _____. You may confirm the amount of your claim by looking up your Claim ID on the schedule of approved claims attached as Exhibit B to the Distribution Motion.

Keep in mind that the amount of your claim, if any, is not the amount you will receive. Instead, the Receiver is proposing to distribute receivership assets to each claimant *pro rata* based on the amount of their approved claim multiplied by the ratio of available funds to total approved claims. If the Receiver’s Distribution Motion is granted, the Receiver expects that claimants will

receive somewhere between 7 and 8 percent of their approved claim. Such estimate is subject to change. For more detailed information, you may review the Distribution Motion available through the Receiver's website as described above.

RESPONSE DEADLINE. IF YOU WISH TO OBJECT TO THE RECEIVER'S PLAN OF DISTRIBUTION AND TREATMENT OF CLAIMS, YOU MUST FILE A WRITTEN RESPONSE WITH THE COURT NO LATER THAN **NOVEMBER 5 AT 5:00 PM** (CST). YOU MUST INCLUDE THE FOLLOWING LANGUAGE AT THE TOP OF YOUR OBJECTION: "CFTC V. BATTOO, CASE NUMBER 12-CV-07127."

TO FILE YOUR RESPONSE, YOU MUST SEND IT VIA U.S. MAIL, OVERNIGHT COURIER OR HAND DELIVERY SO THAT THE CLERK OF THE COURT RECEIVES IT ON OR BEFORE THE DEADLINE AT THE FOLLOWING ADDRESS:

Clerk of the United States District Court
for the Northern District of Illinois
219 S. Dearborn
Chicago, Illinois 60604

With copies to the following:

Robb Evans and Associates LLC
Attn: BC Capital / Battoo Receiver
11450 Sheldon Street
Sun Valley, California 91352-1121

or via email to BCCapital@robbevans.com

or via fax to +1 (818) 768-8802

The Court shall hold a hearing on whether to approve the Distribution Motion on November 16, 2018, at 1:30 p.m. at the United States District Court for the Northern District of Illinois, Courtroom 2119, 219 S. Dearborn Street, Chicago, Illinois 60604, at which time the Court may grant the Distribution Motion or otherwise continue the hearing as necessary.

Any response you send will become part of the official court record and may become accessible by the public. You should redact or omit any sensitive information, including account numbers and social security numbers.

If you have any questions or need additional information, you are invited to contact the Receiver who will do its best to respond to your questions if it can. However, to have any objection to the Distribution Motion considered by the Court you must file it in writing as described above.