

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

| | | |
|---|---|-------------------------|
| UNITED STATES COMMODITY FUTURES |) | |
| TRADING COMMISSION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No.: 1:12-cv-07127 |
| v. |) | |
| |) | Hon. Edmond E. Chang |
| NIKOLAI SIMON BATTOO; BC CAPITAL 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. |) | |
| |) | |

NOTICE OF MOTION

PLEASE TAKE NOTICE that, on Tuesday, September 11, 2018, at 9:30 a.m., or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable Edmond E. Chang, United States District Court for the Northern District of Illinois, Eastern Division, or such other judge as may be sitting in his place in Courtroom 2119, 219 S. Dearborn Street, Chicago, Illinois 60604, and shall present the **Receiver's Motion for Leave to File Unredacted Schedule of Allowed Claims Under Seal**, a copy of which is hereby served upon you.

Dated: September 7, 2018

Respectfully submitted,
**ROBB EVANS & ASSOCIATES LLC,
RECEIVER**

By: /s/ Blair R. Zanzig
(One of Its Attorneys)

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*Counsel for Robb Evans & Associates LLC in
its capacity as Receiver*

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| UNITED STATES COMMODITY FUTURES |) | |
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| 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. |) | |

**RECEIVER’S MOTION FOR LEAVE TO FILE
UNREDACTED SCHEDULE OF ALLOWED CLAIMS UNDER SEAL**

Pursuant to Local Rule 26.2(c), Robb Evans & Associates LLC (the “Receiver”), the Court-appointed receiver of Defendants Nikolai Simon Battoo (“Battoo”) and the BC Common Enterprise¹, hereby moves for leave to file under seal an unredacted copy of the Allowed Claims schedule containing the names of all receivership claimants, which is Exhibit B to the Receiver’s concurrently filed Motion to Approve Its Plan of Distribution and Treatment of Claims (the “Distribution Motion”). In further support of its motion, the Receiver states:

1. In support of its Distribution Motion, the Receiver attached as Exhibit B a schedule containing the names of all claimants and the corresponding amounts of their Allowed Claims, if any (the “Allowed Claims Schedule”). Most of the individuals appearing on the list

¹ As defined in the Preliminary Injunction, the “BC Common Enterprise” consists of BC Capital 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.

are investors – often retirees – who fell prey to Battoo’s scheme. To keep their identities confidential and, among other things, preclude such a list from being misused by others, the Receiver redacted all claimants’ names from the publicly-filed version of its Distribution Motion and provisionally filed an unredacted version of the Allowed Claims Schedule under seal.

2. Under Local Rule 26.2, the Court may grant leave to file a portion of a document under seal for good cause shown. Granting the Receiver leave to file the Allowed Claims Schedule under seal on a final basis appropriately balances the need for transparency while also protecting Battoo’s victims from becoming possible targets for future scams and therefore constitutes good cause here.

WHEREFORE, the Receiver requests the Court enter an order granting it leave to file an unredacted copy of Exhibit B to its Distribution Motion under seal and grant such other relief as the Court deems just and appropriate.

Dated: September 7, 2018

Respectfully submitted,

ROBB EVANS & ASSOCIATES LLC, Receiver
for Nikolai Simon Battoo, BC Capital 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.

By: /s/ Blair R. Zanzig
(One of Its Attorneys)

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