



1 Kipperman and his rates for service and finds him to be qualified and the rates to be reasonable. As  
2 such, the Court hereby appoints Richard M. Kipperman as receiver. Per the Court's Order of June 23,  
3 2009, [Doc. No. 184], the receiver shall examine all of the answers and conduct the necessary discovery  
4 in the case to make a plan of recommended distribution of the Interpleaded Funds in accordance with the  
5 following:<sup>2</sup>

6 (1) All Defendants-in-Interpleader with directly traceable funds shall be compensated from the  
7 Interpleaded Funds, including a pro rata share of accrued interest;


8 (2) Excluded from presently participating in the receipt of Interpleaded Funds are Objectors and  
9 all other alleged wrongdoer defendants in the Canadian Action; and

10 (3) The balance of the Interpleaded Funds, after compensating innocent directly traceable fraud  
11 victims and the payment of administrative expenses, shall be paid to the registry of the Canadian  
12 Court for distribution in that action.

13 Pursuant to Civil Local Rule 66.1, the receiver shall provide, via facsimile, a status report to  
14 Judge Battaglia's chambers on or before November 1, 2009, and then every 90 days thereafter, or as  
15 otherwise directed, until all of the Interpleaded Funds are distributed in accordance with this Court's  
16 June 23, 2009 Order. [Doc. No. 184.]

17 IT IS SO ORDERED.

18  
19 DATED: September 30, 2009

20   
21 Hon. Anthony J. Battaglia  
22 U.S. Magistrate Judge  
23 United States District Court  
24  
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27 of liability. *Texas v. Florida*, 306 U.S. 398, 406-07 (1939).

28 <sup>2</sup> Here, there is no dispute amongst the parties appearing before this court that those  
defendants/claimants with directly traceable monies to the Interpleaded Funds are entitled to receive  
compensation for their losses. Similarly, there is no dispute that the balance of the Interpleaded Funds,  
after deducting the directly traceable claims, shall be forwarded to the Canadian court.