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AEQUITAS MANAGEMENT, LLC; AEQUITAS HOLDINGS,
LLC; AEQUITAS COMMERCIAL FINANCE, LLC; AEQUITAS
CAPITAL MANAGEMENT, INC.; AEQUITAS INVESTMENT
MANAGEMENT, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

AEQUITAS MANAGEMENT, LLC;
AEQUITAS HOLDINGS, LLC;
AEQUITAS COMMERCIAL
FINANCE, LLC; AEQUITAS
CAPITAL MANAGEMENT, INC.;
AEQUITAS INVESTMENT
MANAGEMENT, LLC; ROBERT J.
JESENIK, BRIAN A. OLIVER; and
N. SCOTT GILLIS,

Defendants.

No. 3:16-cv-00438-JR

[*PROPOSED*] ORDER GRANTING THE
RECEIVER’S MOTION TO ABANDON
ALL RIGHT, TITLE, AND INTEREST IN
CERTAIN TANGIBLE PERSONAL
PROPERTY OF MOTOLEASE
FINANCIAL, LLC



This matter having come before the Honorable Jolie A. Russo on the Receiver's Motion To Abandon All Right, Title, and Interest in Certain Tangible Personal Property of Motolease Financial, LLC ("Motolease Financial") [Dkt. 985] (the "Motion"), and the Court, being fully advised in the premises, now, therefore,

THE COURT FINDS as follows:

A. On March 10, 2016, the Securities and Exchange Commission ("SEC") filed a complaint in this Court against the Entity Defendants¹ and three individual defendants, Robert J. Jesenik, Brian A. Oliver, and N. Scott Gillis.

B. On March 16, 2016, pursuant to the Stipulated Interim Order Appointing Receiver, the Receiver was appointed as receiver for the Entity Defendants and 43 related entities on an interim basis (the "Interim Receivership Order"). On April 14, 2016, pursuant to the Final Receivership Order, the Receiver was appointed as receiver of the Entity Defendants and 43 related entities on a final basis.

C. Due, timely, and adequate notice of the Motion was given, and such notice was good, sufficient, and appropriate under the circumstances. No other or further notice of the Motion is or shall be required.

D. The Receiver discovered that a large number of motorcycles are still titled in the name of Motolease Financial notwithstanding that the motorcycles cannot be located and that there may also be other circumstances with additional motorcycles where Motolease Financial still appears on title, but where Motolease Financial should have been removed from the title.

E. Continued ownership of the Motolease Tangible Property is burdensome to the Receivership as certain of the Motolease Tangible Property continues to be assessed personal property taxes, even though it is unknown whether any Motolease Tangible Property is actually

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Motion.

located within the jurisdiction of those certain taxing authorities.

F. In the exercise of the Receiver's business judgment, it is in the best interests of the Receivership Entity, the Defrauded Investors and creditors to grant the Receiver's Motion To Abandon All Right, Title, and Interest in Certain Tangible Personal Property of Motolease Financial, LLC as the assets are burdensome to the estate, of inconsequential value, and provide no benefit to the Receivership Estate.

G. Abandonment retroactive to December 31, 2021 is necessary and reasonable under the circumstances as the Receivership did not receive any cash collections related to the underlying motorcycle contracts since at least December 31, 2020, such that the Receivership shall have no liability for taxes, penalties, interest, costs or attorneys' fees otherwise arising after December 31, 2021, based on the Receivership's ownership of the Motolease Tangible Property as the Motolease Tangible Property is of inconsequential value, burdensome to the estate, and provides no benefit to the Receivership Estate.

The Court having reviewed the Motion, and being duly advised,

IT IS HEREBY ORDERED AND DECREED as follows.

1. The Motion is granted in its entirety.
2. All right, title, and interest in that certain Motolease Tangible Property is deemed abandoned for all purposes retroactive to December 31, 2021.
3. The Receivership shall have no liability for taxes, penalties, interest, costs or attorneys' fees otherwise arising after December 31, 2021, based on the Receivership's ownership of the Motolease Tangible Property.

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4. Taxing authorities, motor vehicle departments, other governmental authorities, insurance companies, and all other private and public organizations shall accept this Order as sufficient documentation to remove and disassociate Motolease Financial as the owner of the Motolease Tangible Property.

Dated this _____ day of _____, 2022.

United States Magistrate Judge Jolie A. Russo

SUBMITTED BY:

SCHWABE, WILLIAMSON & WYATT, P.C.

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