

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,  
Plaintiff,**

v. Case No. **09-cv-3333 (MJD/FLN)**

**TREVOR G. COOK, et al.,  
Defendants,**

**R.J. ZAYED,  
Receiver.**

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**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,  
Plaintiff,**

v. Case No. **11-cv-574 (MJD/FLN)**

**JASON BO-ALAN BECKMAN, et al.,  
Defendants,**

**R.J. ZAYED,  
Receiver.**

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**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S  
MOTION TO DISMISS CLAIMS AGAINST CERTAIN RELIEF DEFENDANTS  
AND MEMORANDUM IN SUPPORT**

Plaintiff United States Securities and Exchange Commission ("SEC") respectfully submits this motion and memorandum in support, pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, asking the Court to dismiss its claims against Relief Defendants Hollie Beckman, Clifford Berg, and Ellen Berg, with prejudice. These Relief Defendants consent to the SEC's motion.

Dismissal of the SEC's claims against Hollie Beckman and the Bergs, together with the relief sought in the two other motions filed simultaneously herewith, would completely resolve all outstanding claims in the SEC's two companion cases, *SEC v. Trevor Cook, et al.*, 09-cv-3333, and *SEC v. Jason Bo-Alan Beckman, et al.*, 11-cv-574. The only remaining issues would be the Receiver's ongoing collection and distribution efforts. In support of its motion, the SEC states:

### **DISCUSSION**

1. The SEC filed *SEC v. Trevor G. Cook, et al.*, 09-cv-3333, on November 23, 2009. The SEC's Complaint alleged that from at least July 2006 through July 2009, Cook, and others acting in concert with him, raised at least \$191 million from at least 1,000 investors through the fraudulent, unregistered offer and sale of investments in a purported foreign currency trading venture. The Complaint alleged that Cook and his associates misled investors about risks, returns, and the uses to be made of the investors' money. The SEC's Complaint also alleged *inter alia* that the Bergs, who were Cook's in-laws at the time, received almost a million dollars in ill-gotten gains from Cook. *SEC v. Cook*, Complaint, Doc. # 1, at ¶ 262. The Complaint did not charge the Bergs with violating the law. The Court entered a preliminary injunction, imposed an asset freeze, and appointed a Receiver.

2. After filing *SEC v. Cook*, the SEC continued to investigate the scheme; and on March 7, 2011, the SEC filed its complaint in *SEC v. Jason Bo-Alan Beckman, et al.*, 11-cv-574. The SEC's Complaint in that case charged Beckman and entities he controlled with participating in the same fraudulent scheme that underlay the allegations

in *SEC v. Cook*. The SEC's Complaint also alleged *inter alia* that Hollie Beckman, who was Beckman's wife, jointly held accounts which received at least \$7.8 million of ill-gotten gains. *SEC v. Beckman*, Complaint, Doc. # 1, at ¶¶ 214-216. The Complaint did not charge Hollie Beckman with violating the law. The Court entered a preliminary injunction, imposed an asset freeze, and appointed the same Receiver appointed in *SEC v. Cook*.

3. In its Complaints, the SEC sought disgorgement from Hollie Beckman and the Bergs of the ill-gotten gains they received, plus prejudgment interest. *SEC v. Cook*, Complaint, Doc. # 1, at p. 48, III; *SEC v. Beckman*, Complaint, Doc. # 1, at p. 42, III. The SEC sought no other relief from Hollie Beckman and the Bergs.

4. Since the SEC filed *SEC v. Cook*, the Bergs have paid back all of the ill-gotten gains they received, in the amount of \$935,348.36, plus interest of \$4,187.57, for a total of \$939,535.93. The SEC's claim against the Bergs has thus been satisfied.

5. After the SEC filed *SEC v. Beckman*, the Receiver identified all the known assets jointly held by the Beckmans, including several bank accounts and houses, as well as personal property and cash that Defendant Bo Beckman transferred to several of his relatives. The Receiver has marshalled and/or liquidated nearly all of these assets. No assets held in Hollie Beckman's name alone have been identified. As a result, no additional material benefit could be obtained for the public interest through continued litigation against Hollie Beckman.

**CONCLUSION**

WHEREFORE, the SEC requests that the Court grant this motion and dismiss its claims, with prejudice, against Relief Defendants Hollie Beckman, Clifford Berg, and Ellen Berg.

Dated: March 17, 2015

Respectfully submitted,

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