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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SOUTHERN DIVISION**

11 COMMODITY FUTURES TRADING
12 COMMISSION,

13 Plaintiff,

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15 v.

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17 MONEX DEPOSIT COMPANY,
18 MONEX CREDIT COMPANY,
19 NEWPORT SERVICE
CORPORATION, MICHAEL
CARABINI, AND LOUIS CARABINI,

20 Defendants.
21

Case No. 8:17-cv-01868-JVS-DFM

**ORDER (A) APPROVING
MONITOR'S FINAL ACCOUNTING
AND REPORT, (B) APPROVING
FINAL PAYMENTS TO MONITOR
AND PROFESSIONALS, AND
(C) DISCHARGING MONITOR [448]**

Ctrm: 10C
Judge Hon. James V. Selna

22 The Court having considered the Motion of Krista L. Freitag ("Monitor"), the
23 Court-appointed Substitute Monitor for the Monex Restitution Fund, for Order
24 (A) Approving Monitor's Final Accounting and Report, (B) Approving Final
25 Payments to Monitor and Professionals, and (C) Discharging Monitor ("Motion"),
26 the motion being unopposed (Docket No. 449), and good cause appearing therefor,

27 **IT IS HEREBY ORDERED** that:

28 1. The Monitor's Final Accounting and Report is approved;

2. All past expenditures and payments made as reported in the Monitor's Final Accounting and Report are approved;
3. The monitors have fully acted within the scope of the Court's delegated authorities in this case, and the duties and responsibilities of the monitors have been satisfactorily completed;
4. The Monitorship is terminated and the Monitor is discharged from all further duties and responsibilities relating to the Monitorship without further liability or obligation, the Monitor being entitled to those immunities and liability protections traditionally accorded to court-appointed fiduciaries who have acted within the scope of the Court's delegated authorities;
5. Without first obtaining leave from this Court based on a prima facie showing of gross negligence or willful misconduct, all persons and entities are enjoined and restrained from commencing or prosecuting any action or proceeding against the monitors on account of their actions; the monitors and their staff, employees, contractors, attorneys and professionals retained by the monitors are discharged and released from any and all claims that were or could have been asserted in connection with the monitorship estate, and, unless gross negligence or willful misconduct is first shown, shall have no personal liability of any nature for any act, omission, or matter pertaining to the monitorship;
6. The monitors shall not be liable to any person or entity in any manner for any actions taken or for any outstanding obligations, liabilities or debts of the parties to this action, known or unknown, including any debts, obligations or liabilities owed to the any taxing authorities, and this Court reserves exclusive jurisdiction over any claim or claims that may be asserted against the monitors or their professionals for all

1 matters relating to the subject matter of the receivership, or that may
2 have arisen or arise therefrom;

3 7. The payment of the Monitor's fees and expenses incurred but not yet
4 paid in the amount of \$43,310.00 is approved;

5 8. The payment of the Monitor's Counsel's fees and expenses incurred but
6 not yet paid in the amount of \$10,319.20 (\$7,819.20 through July 31,
7 2025, plus up to \$2,500 in fees for August 2025 forward to wrap-up the
8 monitorship) is approved;

9 9. The Monitor's payment of the remaining funds in the Monitorship as
10 detailed in the Final Disposition of Funds in the Motion is approved;
11 and

12 10. **After a waiting period of sixty (60) days after** the entry of an order
13 granting the Monitor's discharge, the Monitor is authorized to destroy
14 all of the documents and records.

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18 Dated: September 24, 2025



Hon. James V. Selna
United States District Judge