

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

FRANCISCO ILLARRAMENDI, HIGHVIEW
POINT PARTNERS, LLC and MICHAEL
KENWOOD CAPITAL MANAGEMENT, LLC,

Defendants,

and

HIGHVIEW POINT MASTER FUND, LTD.,
HIGHVIEW POINT OFFSHORE, LTD.,
HIGHVIEW POINT LP, MICHAEL
KENWOOD ASSET MANAGEMENT, LLC,
MK ENERGY AND INFRASTRUCTURE, LLC,
and MKEI SOLAR, LP,

Relief Defendants.

11-CV-00078 (JBA)

ECF CASE

MOTION

**RECEIVER'S EMERGENCY MOTION FOR AN ORDER FREEZING ASSETS, FOR
AN ACCOUNTING, FOR A SUMMARY PROCEEDING, AND FOR CONTEMPT
SANCTIONS**

John J. Carney, Esq. (the "Receiver"), as Receiver for the Michael Kenwood Group, LLC
("MKG"), Highview Point Partners, LLC and certain affiliated entities¹ in the above captioned

¹ To date, the following entities have been placed into the Receivership: MKG; Michael Kenwood Capital Management, LLC; Michael Kenwood Asset Management, LLC; MK Energy and Infrastructure, LLC; MKEI Solar, LP; MK Automotive, LLC; MK Technology, LLC; Michael Kenwood Consulting, LLC; MK International Advisory Services, LLC; MKG-Atlantic Investment, LLC; Michael Kenwood Nuclear Energy, LLC; MyTcart, LLC; TUOL, LLC; MKCM Merger Sub, LLC; MK Special Opportunity Fund; MK Venezuela, Ltd.; Short Term Liquidity Fund, I, Ltd.; Highview Point Partners, LLC; MK Master Investments LP; MK Investments, Ltd., and MK Oil Ventures LLC (collectively, "the Receivership").

matter, by and through his undersigned counsel respectfully moves pursuant to paragraphs 14 and 47 of the January 4, 2012 Amended Order Appointing Receiver (Dkt. No. 423) (the “Amended Receiver Order”) for an Order (1) freezing assets transferred by defendant Francisco Illarramendi to third parties (the “Transferred Funds”) in violation of the Amended Receiver Order and the February 2, 2011 Modified Temporary Order Freezing Assets (“Asset Freeze Order”), (2) directing an accounting by Illarramendi of all funds he has received and transferred since the implementation of the Asset Freeze Order, (3) setting a summary proceeding to determine whether the Transferred Funds were wrongfully transferred and are in fact Receivership Property, requiring them to be placed in constructive trust and turned over to the Receivership Estate, and (4) finding Illarramendi in contempt. As set forth in the accompanying memorandum of law and factual declarations, Illarramendi has improperly transferred Receivership Property, as that term is defined in the Amended Order, to benefit himself, his family and his friends, and has also interfered with the Receiver’s efforts to identify, marshal and preserve Receivership Property in violation of paragraphs 33 and 34 of the Amended Receiver Order.

The Receiver requests that this motion be decided on an expedited basis. As further discussed in the accompanying memorandum of law, Illarramendi has been actively violating the existing Asset Freeze Order and Amended Receiver Order, and Receivership Property has been wrongfully transferred from Illarramendi’s control to others. Absent emergency relief, Receivership Property may be irrevocably lost, and the costs to the Receivership of collection will rise, to the detriment of the claimants. For these reasons, the Receiver respectfully requests that this Motion for an Order Freezing Assets, for an Accounting, for a Summary Proceeding, and for Contempt Sanctions be considered on July 31, 2012, or on such expedited basis as is practicable.

The Securities and Exchange Commission has indicated that it will join in the motion to have Illarramendi found in contempt and has no objection to the relief requested.

For the reasons set forth in the accompanying memorandum of law, for those provided in any further pleadings or hearings on this Motion, and based upon the Declaration of Dennis O. Cohen and the Declaration of Brian Ong submitted herewith and incorporated by reference herein, the Receiver respectfully requests that this motion be GRANTED.

Respectfully submitted this 23rd day of July, 2012.

/s/Jonathan B. New

Jonathan R. Barr

Jonathan B. New

Ona T. Wang

Dennis O. Cohen

BAKER & HOSTETLER LLP

45 Rockefeller Plaza, 11th Floor

New York, NY 10111

jbarr@bakerlaw.com

jnew@bakerlaw.com

owang@bakerlaw.com

dcohen@bakerlaw.com

Tel: (212) 589-4200

Fax: (212) 589-4201

Attorneys for Receiver John J. Carney