

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 16-CV-24678-COOKE/TORRES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ONIX CAPITAL LLC, and  
ALBERTO CHANG-RAJII,

Defendants, and

DEEP OCEAN LLC, et al.,  
NEXT CAB VENTURES, LLC,  
NEXT CALL VENTURES LLC,  
NEXT CHAT VENTURES LLC,  
NEXT PAY VENTURES LLC  
NEXT TRACK VENTURES LLC, and  
PROGRESSIVE POWER LLC,

Relief Defendants.

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**NOTICE OF FILING OF EXHIBITS TO MOTION TO  
APPROVE CLAIMS ADMINISTRATIVE PROCESS**

Melanie Damian, Esq., as Receiver ("Receiver") for Defendant Onix Capital, LLC ("Onix") and Relief Defendants Deep Ocean LLC, Next Cab Ventures LLC, Next Call Ventures LLC, Next Chat Ventures LLC, Next Pay Ventures LLC, Next Track Ventures LLC, and Progressive Power LLC (collectively, the "Relief Defendants," and with Onix, the "Receivership Entities"), gives notice of the filing of the attached proposed Court-Ordered Legal Notice and Proof of Claims forms, which are the Exhibits "A" and "B" referenced in the Receiver's Motion to Approve Claims Administration Process [DE133] filed September 20, 2017. Please note that

the attached Court-Ordered Legal Notice has modified and extended the proposed timeline, as referenced in the Motion, for requesting reconsideration of the Receiver's Initial Determination, for the Receiver's Final Determination, for the Claimant's Appeal of the Receiver's Final Determination, and the Receiver's Response thereto.

Dated: October 2, 2017

Respectfully submitted,

**KOZYAK TROPIN & THROCKMORTON, LLP**

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true copy of the foregoing has been served via transmission of Notices of Electronic Filing generated by CM/ECF on October 2, 2017 as filed with the Clerk of the Court using CM/ECF.

By: /s/ David L. Rosendorf

David L. Rosendorf

# EXHIBIT A

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NEXT CHAT VENTURES LLC,  
NEXT PAY VENTURES LLC  
NEXT TRACK VENTURES LLC, and  
PROGRESSIVE POWER LLC,

Relief Defendants.

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**COURT-ORDERED LEGAL NOTICE  
REGARDING CLAIMS ADMINISTRATION PROCESS**

You are receiving this Notice because you may have a claim against one or more of the following entities:

ONIX CAPITAL LLC  
DEEP OCEAN LLC  
NEXT CAB VENTURES LLC  
NEXT CALL VENTURES LLC  
NEXT CHAT VENTURES LLC  
NEXT PAY VENTURES LLC  
NEXT TRACK VENTURES LLC  
PROGRESSIVE POWER LLC

This Notice describes how you can submit a Proof of Claim, and the related deadlines and processes. Please read this Notice and all instructions before filling out and submitting the Proof of Claim form.

**Proofs of Claim must be submitted no later than [date], and sent to:**

**[address]**

## **BACKGROUND**

On November 8, 2016, the Securities and Exchange Commission ("SEC") initiated an action in the United States District Court for the Southern District of Florida ("Court") against Onix Capital LLC ("Onix"), Alberto Chang-Rajii ("Chang"), Deep Ocean LLC, Next Cab Ventures LLC, Next Call Ventures LLC, Next Chat Ventures LLC, Next Pay Ventures LLC, Next Track Ventures LLC, and Progressive Power LLC (the "Relief Defendants," and collectively with Onix, the "Receivership Entities"). The SEC alleged that Onix and Chang violated the anti-fraud provisions of the federal securities laws by fraudulently raising funds from investors based on material misrepresentations (the "Onix Fraud").

On April 4, 2017, the Court entered an Order (the "Receivership Order") appointing Melanie Damian, Esq. as Receiver to exercise full power and control over the Receivership Entities, including all of their assets within the United States, and tasked the Receiver to marshal and safeguard all such assets and take whatever actions necessary for the protection of any investors of the Receivership Entities, and to investigate the assets, documents and other items to ascertain the identity of any additional investors, debtholders or other persons located within the United States and having any connection to these proceedings.

Since her appointment, the Receiver has been engaged in the process of marshaling and liquidating the Receivership Entities' assets, and anticipates ultimately proposing a plan for the distribution of the proceeds of the Receivership Entities to all persons and entities who hold valid claims against the Receivership Entities.

In furtherance of the Receiver's duties, the Receiver requested that the Court approve a claims administration process (the "Claims Administration Process" for all victims and other creditors of the Receivership Entities ("Claimants") to identify and assert all claims they may hold against the Receivership Entities and the basis for such claims. The intended purpose of the Claims Administration Process is to identify all parties who provided funds to the Receivership Entities and suffered a loss as a result, provided goods or services to the Receivership Entities for which they have not been paid, or otherwise have a legally enforceable obligation due to them from the Receivership Entities.

On [date], the Court entered an Order approving the Claims Administration Process described in this Legal Notice. On [date] (the "Notice Date"), the Receiver gave notice of the Claims Administration Process by sending this Notice and the Proof of Claim form (the "Claims Package") as detailed in the "Notice to Claimants" described below.

## **REQUIRED CLAIM DOCUMENTATION**

Any party asserting a claim against the Receivership Entities must establish its claim to the satisfaction of the Receiver through documentation and/or sworn statements, among other things:

- (i) that such Claimant transferred funds, or provided goods or services directly to any Receivership Entity, or otherwise possesses a legally enforceable obligation payable by the Receivership Entities;
- (ii) that such Claimant (a) was not a family member of Chang or an affiliate or insider of any Receivership Entity, any affiliate of any Receivership Entity, or the Onix Fraud, and (b) did not knowingly assist Chang, any Receivership Entity or affiliate of any Receivership Entity to effectuate, perpetuate or promote the Onix Fraud or have knowledge of its fraudulent nature at the time funds were transferred to, or a debt was incurred by, those entities; and
- (iii) that the total amount of funds that such Claimant transferred to the Receivership Entities or their affiliates exceeds the total amount of funds that the Receivership Entities and their affiliates transferred back to such Claimant, or that the total value of the goods or services that the Claimant provided to the Receivership Entities exceeds the total amount that the Receivership Entities paid to such Claimant for those goods and services.

If a Claimant cannot prove the foregoing factors (i), (ii) and (iii), Claimant's claim may be disallowed (subject to the procedures described herein) in the Receiver's discretion. However, the Receiver may consider other factors in determining whether a claim should be an allowed claim, and notwithstanding these the foregoing factors, the Receiver will analyze each claim individually and the circumstances surrounding each Claimant's transactions with and relationship to the Receivership Entities and/or their affiliates, and reserves the right to object to and seek to allow or disallow any claim, allow late-filed claims, or conduct further investigation into any particular claim.

Claimants shall be required to submit a Proof of Claim in the form attached to this Notice. The Claimant should attach to the Proof of Claim all documents that support the claim such as, proof of payment to or investment in any Receivership Entity, bank statements reflecting any transfers to or from any Receivership Entity, or other proof of transfer of funds to any Receivership Entity, promissory notes, investment agreements, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements and any and all documents demonstrating receipt of funds from any Receivership Entity Claimants should redact any information that is entitled to privacy on the Proof of Claim form or on any attached documents.

### **SEQUENCE AND TIMING OF CLAIMS PROCESS**

- a. [date] - Claims Bar Date: Claimants have until forty-five (45) days after the Notice Date (the "Claims Bar Date") to return the completed Proof of Claim to the Receiver with accompanying supporting documents. Any completed Proof of Claim not postmarked by the Claims Bar Date may be barred in the Receiver's discretion, subject to, for example, exceptions for good cause shown.

The completed and signed Proof of Claim form should be sent to:

[ADDRESS]

- b. Receiver's Initial Determination of Allowed Claims: The Receiver will have until forty-five (45) days after the Claims Bar Date ("Receiver's Initial Determination Date") to approve or reject, in whole or in part, all claims received. In the event that the Receiver rejects any claim, in whole or in part, the Receiver shall apprise the Claimant, via first class mail and/or email, of the rejection of the claim, the basis for that rejection, and the process for appealing such rejection;
- c. Claimant's Request for Reconsideration of Initial Determination: Any Claimant whose claim is rejected by the Receiver, in whole or in part, may request that the Receiver reconsider that denial by sending the Receiver a letter seeking a reconsideration, which must be postmarked within thirty (30) days after the Receiver's Initial Determination Date and which must state the basis of the claim and the Claimant's response to the Receiver's notice of rejection;
- d. Receiver's Final Determination: The Receiver shall have until twenty (20) days after receipt of a timely Request for Reconsideration to reconsider any request by any Claimant whose claim was initially rejected by the Receiver and to apprise the Claimant, via first class mail and/or email, of the reconsideration or rejection of the claim ("Receiver's Final Determination");
- e. Claimant's Appeal of Receiver's Final Determination: Any Claimant whose claim was finally rejected by the Receiver may appeal the Receiver's rejection of the claim to the Court by filing with the Receivership Court an Appeal of the Receiver's Final Determination, which must be postmarked no more than twenty(20) days after the Receiver's Final Determination Date (the "Appeal Deadline") and which must state the basis of the claim and the Claimant's response to the Receiver's Final Determination;

- f. Receiver's Response to Appeals: The Receiver's Response to all appeals filed with this Court shall be due within twenty (20) days after the Appeal Deadline. Following the time for the Receiver's response, the Court may make a final determination or may set the matter for hearing. A final determination by the Court is final for all purposes.

**NOTICE TO CLAIMANTS**

All Claimants presently identified by the Receiver will receive the Claims Package including this Legal Notice and a Proof of Claim form. The Receiver has used her best efforts to notify all potential Claimants by (i) sending Claims Packages by first class mail or Federal Express to their last known addresses, and by email to the extent email addresses are known, (ii) sending Claims Packages to all known counsel of record for any potential Claimants, by email and U.S. Mail, (iii) posting the notice and claim form on the websites of the Receivership ([www.onixcapitalreceivership.com](http://www.onixcapitalreceivership.com)), the Receiver's law firm ([www.dvllp.com](http://www.dvllp.com)) and her legal counsel for the Receivership ([www.kttlaw.com](http://www.kttlaw.com)), (iv) providing publication notice, and (v) filing them with the Court.

# EXHIBIT B

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 16-CV-24678-COOKE/TORRES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

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ALBERTO CHANG-RAJII,

Defendants, and

DEEP OCEAN LLC, et al.,  
NEXT CAB VENTURES LLC,  
NEXT CALL VENTURES LLC,  
NEXT CHAT VENTURES LLC,  
NEXT PAY VENTURES LLC  
NEXT TRACK VENTURES LLC, and  
PROGRESSIVE POWER LLC,

Relief Defendants.

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**PROOF OF CLAIM**

Read the Legal Notice and all instructions (accompanying this form) before filling out this form.

This form is for making a claim in the receivership of ONIX CAPITAL LLC, DEEP OCEAN LLC, NEXT CAB VENTURES LLC, NEXT CALL VENTURES LLC, NEXT CHAT VENTURES LLC, NEXT PAY VENTURES LLC, NEXT TRACK VENTURES LLC, and PROGRESSIVE POWER LLC (“Receivership Entities”).

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach to this completed and signed form redacted copies of any documents that support the claim, such as, proof of payment to or investment in any Receivership Entity, bank statements reflecting any transfers to or from any Receivership Entity, or other proof of transfer of funds to any Receivership Entity, promissory notes, investment agreements, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements and any and all documents demonstrating receipt of funds from any Receivership Entity. Claimants should redact any information that is entitled to privacy on the Proof of Claim form or on any attached documents.

Do not attach or submit with this form original documents; they may be destroyed after scanning.

If any supporting documents are not available, explain in an attachment to this completed and signed form.

Fill in all the information about the claim as of the date the Receivership Order was entered (April 4, 2017).

Return this completed and signed Proof of Claim form to:

[ADDRESS]

**Part 1: Identify the Claim**

**1. Who is the Claimant?**

\_\_\_\_\_  
Name of the Claimant (the person or entity to be paid for this claim)

\_\_\_\_\_  
Other names the Claimant used with the Receivership Entities

**2. Has this claim been acquired from someone else?**

- No.
- Yes. From whom? \_\_\_\_\_

**3. Where should notices and payments to the Claimant be sent?**

**Where should notices to the Claimant be sent?**

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Number Street  
\_\_\_\_\_  
City State ZIP Code  
\_\_\_\_\_  
Contract Phone Contact email

**Where should payments to the Claimant be sent? (if different)**

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Number Street  
\_\_\_\_\_  
City State ZIP Code  
\_\_\_\_\_  
Contract Phone Contact email

**4. Does this claim amend one already submitted?**

- No.
- Yes. Claim number (if known) \_\_\_\_\_ Filed on: \_\_\_\_\_  
MM / DD / YYYY

**5. Do you know if anyone else has submitted a Proof of Claim for this claim?**

- No.
- Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2: Give Information About the Claim**

**6. Do you have a number you use to identify the Receivership Entity against which your claim is asserted?**

- No.
- Yes. Account or any number you use to identify the Receivership Entity: \_\_\_\_\_

**7. How much is the claim? \$ \_\_\_\_\_**

Does this amount include interest or other charges?

- No.
- Yes. Attach statement itemizing interest, fees, expenses or other charges.

**8. What is the basis of the claim?**

Examples: money invested, money lent, fraudulent or tortious conduct, goods sold, services performed. Attach redacted copies of any documents supporting the claim, including the date and amount of any funds provided to the Receivership Entities.

\_\_\_\_\_

**9. Is all or part of the claim secured?**

- No.
- Yes. The claim is secured by a lien on property.

**Nature of property:**

- Real estate.
- Motor vehicle.
- Other. Describe: \_\_\_\_\_

**Basis for perfection of lien:**

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for instance, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded).

**Value of property:** \$ \_\_\_\_\_

**Amount of claim that is secured:** \$ \_\_\_\_\_

**Amount of claim that is unsecured:** \$ \_\_\_\_\_

(The sum of the secured and unsecured amounts should match the amount in line 7)

**Annual Interest Rate:** \_\_\_\_\_%

- Fixed
- Variable

**10. Have you received any funds, goods or services from any of the Receivership Entities?**

- No.
- Yes. Identify all funds, goods or services received by the Claimant from any of the Receivership Entities, including the date and amount:

\_\_\_\_\_

**Part 3: Verify the Claim**

The person completing this Proof of Claim form must sign and date it.

*Check the appropriate box:*

- I am the Claimant.
- I am the Claimant's attorney or authorized agent.

**I CERTIFY THAT:**

(i) the Claimant transferred funds, or provided goods or services directly to a Receivership Entity, or otherwise possesses a legally enforceable obligation payable by the Receivership Entities;

(ii) the Claimant (a) is not a family member of Alberto Chang-Rajji, or an affiliate or insider of any Receivership Entity, any affiliate of any Receivership Entity, or the Onix Fraud (as described in the Legal Notice), and (b) did not knowingly assist Chang, any Receivership Entity or affiliate of any Receivership Entity to effectuate, perpetrate or promote the Onix Fraud or have knowledge of its fraudulent nature at the time funds were transferred to, or a debt was incurred by, those entities; and

(iii) the total amount of funds that the Claimant transferred to the Receivership Entities or their affiliates exceeds the total amount of funds that the Receivership Entities and their affiliates transferred back to the Claimant, or the total value of the goods or services that the Claimant provided to the Receivership Entities exceeds the total amount that the Receivership Entities paid to the Claimant for those goods and services.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgement that when calculating the amount of the claim, the Claimant gave the Receivership Entity credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
**Signature**

Print the name of the person who is completing and signing this claim:

Name: \_\_\_\_\_  
First name Middle name Last name

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
Contact phone Email