

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

CASE NO.: 16-CV-24678

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,  
NEXT U VENTURES LLC, and  
PROGRESSIVE POWER LLC,

Relief Defendants.

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

You are receiving this Notice in accordance with a settlement between Melanie Damian, as Receiver (“Receiver”) of Onix Capital, LLC (“Onix”), Deep Ocean LLC, Next Cab Ventures LLC, Next Call Ventures LLC, Next Chat Ventures LLC, Next Pay Ventures LLC, Next Track Ventures LLC, Next U Ventures LLC, and Progressive Power LLC (the “Relief Defendants,” and collectively with Onix, the “Receivership Entities”) and Marcus Wide and Mark McDonald, the joint liquidators (“BVI Liquidators”) of Deep Ocean Offshore Inc., First Millennium Corp., G. Private Investments Inc., Grupo Arcano, Inc., Next Cab Ventures Offshore Inc., Next Call Ventures Offshore Inc., Next Chat Ventures Offshore Inc., Next Pay Ventures Offshore Inc., Progressive Power Offshore Inc., and Trackingfield Development Inc. (collectively, the “BVI Entities”). You have previously been provided notice of the opportunity to file 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  
NEXT U VENTURES LLC  
PROGRESSIVE POWER LLC

Pursuant to the settlement between the Receiver and the BVI Liquidators, this Notice describes how you can submit a Proof of Claim in the above captioned matter in lieu of any claim in the liquidation case of the BVI Entities. 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 February 27, 2019, and sent to:**

**Onix Capital, LLC Receiver  
c/o Farola Saint-Remy  
Kozyak Tropin & Throckmorton, LLP  
2525 Ponce de Leon Boulevard, 9<sup>th</sup> Floor  
Miami, FL 33134**

**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, Next U 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 February 23, 2018, the Court entered an Order approving the Claims Administration Process described in this Legal Notice. On March 9, 2018 (the “Notice Date”), the Receiver gave notice of the Claims Administration Process by sending a Notice and the Proof of Claim form (the “Claims Package”) as detailed in the “Notice to Claimants” described below.

As part of that claims process the BVI Liquidators filed claims on behalf of the BVI Entities. On January 18, 2019, the Court entered an Order authorizing the Receiver to enter into a Settlement Agreement with the BVI Liquidators. In accordance with the Settlement Agreement, the Receiver has agreed to provide notice to all known equity investors in the BVI Entities identified by the BVI Liquidators who did not previously submit claims in the Receivership Proceeding that they must submit a claim in this Receivership Proceeding in order to participate in any distribution therein, and that pursuant to the Settlement Agreement, the BVI Entities will not be participating in any distribution and relinquish any claim to the assets of the Receivership Entities.

**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 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.

In addition, pursuant to the Settlement Agreement, any holders of claims submitted pursuant to this Supplemental Notice must provide a waiver of any and all claims against the BVI Entities before their claims in the Receivership Proceeding may be allowed.

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

- a. **February 27, 2019 - Claims Bar Date**: Claimants have until Twenty (20) 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:

**Onix Capital, LLC Receiver**  
**c/o Farola Saint-Remy**  
**Kozyak Tropin & Throckmorton, LLP**  
**2525 Ponce de Leon Boulevard, 9<sup>th</sup> Floor**  
**Miami, FL 33134**

- 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 twenty (20) 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 fourteen (14) 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 fourteen (14) 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 potential claimants identified by the BVI Liquidators who did not previously submit claims in the Receivership Proceeding 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.

If you have questions regarding the completion of the Proof of Claim form, please contact:

Farola Saint-Remy  
[fsr@kttlaw.com](mailto:fsr@kttlaw.com)  
Kozyak Tropin & Throckmorton, LLP  
2525 Ponce de Leon Boulevard, 9<sup>th</sup> Floor  
Miami, FL 33134  
305-372-1800