

## **DFRF DISTRIBUTION FUND NOTICE TO PRELIMINARY CLAIMANTS**

Encuentre este formulario de reclamo en español en [www.DFRFDistributionFund.com](http://www.DFRFDistributionFund.com).

Encontre este formulário de reclamação em português em [www.DFRFDistributionFund.com](http://www.DFRFDistributionFund.com).

On June 30, 2015, the United States Securities and Exchange Commission (the “Commission”) instituted administrative proceedings against Daniel Fernandes Rojo Filo; Romildo Da Cunha; Wanderly M. Dalman; Gaspar C. Jesus; Eduardo N. Da Silva; DFRF Enterprises LLC; Jeffrey A. Feldman; and Heriberto C. Perez Valdes (collectively, the “Defendants”) for regulatory violations that occurred in 2014 and 2015, as described below. In this action, the respondents were ordered to pay over \$38 million in combined monetary remedies. The Commission collected approximately \$2.9 million for the Distribution Fund for distribution to harmed investors.

### **PLAN NOTICE FOR THE DFRF DISTRIBUTION FUND**

TO: Persons, or their lawful successors, who were harmed by the Defendants’ fraudulent offering of memberships in DFRF from June 1, 2014, through June 30, 2015 (the “Relevant Period”).

If you purchased or acquired memberships in DFRF during the Relevant Period, you may be entitled to a recovery from the DFRF Distribution Fund (hereinafter you will be referred to as a “Preliminary Claimant”). To be eligible to recover from the DFRF Distribution Fund (the “Fund”), you must submit a claim form with the required documentation identified below (“Claim Form”) to Guidehouse, Inc., Baker & Hostetler LLP, and PACE Claims Services LLC (“GBP” or the “Distribution Agent”) either electronically at [www.DFRFDistributionFund.com](http://www.DFRFDistributionFund.com) or by U.S. First Class mail (or equivalent common carrier), **by December 19, 2025** (the “Claims Bar Date”).

**THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY. AMONG OTHER THINGS, FAILURE TO TIMELY SUBMIT A CLAIM FORM PURSUANT TO THE DIRECTIONS BELOW MAY CAUSE YOUR CLAIM TO BE REJECTED.**

#### **I. PURPOSE OF THIS PLAN NOTICE**

The purpose of this Plan Notice (the “Notice”) is to inform you that you may be entitled to share in the proceeds of DFRF Distribution Fund described herein. To be considered for eligibility to share in the DFRF Distribution Fund, you must submit a Claim Form in accordance with the steps set forth in this Notice and in the SEC approved Distribution Plan (the “Plan”).<sup>1</sup>

Copies of the Plan, this Notice, and all other relevant documents are available for download on the DFRF Distribution Fund website at [www.DFRFDistributionFund.com/Documents](http://www.DFRFDistributionFund.com/Documents) and on the SEC’s webpage for this matter: [www.sec.gov/enforce/dfrf-enterprises-llc](http://www.sec.gov/enforce/dfrf-enterprises-llc).

Certain persons are excluded from eligibility for distribution under the Plan, as summarized in section III of this Notice.

Please Note: Receipt of this Notice does not mean you are eligible to receive a Distribution Payment.

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<sup>1</sup> Capitalized terms used in this Notice but not defined herein are defined in the Plan.

## II. BACKGROUND

By complaint filed on June 30, 2015, the SEC alleged that, beginning in the summer of 2014, Filho orchestrated, and his co-Defendants promoted, a fraudulent offering of memberships in DFRF, raising more than \$15 million from more than 1,400 investors worldwide. ECF No. 2, ¶¶1-7. The SEC alleged that the Defendants solicited investments with, among other things, stories about lucrative gold mines, remarkable investment returns, charitable work, registered securities, access to a large credit line from a Swiss private bank; and they claimed that investments were fully guaranteed by a worldwide insurance company. *Id.* The SEC further alleged that virtually all the Defendants' public statements about DFRF were materially false and misleading: there were no gold mines and there was no credit line, charity work, or insurance. *Id.* Rather, investments were used to pay other investors in a Ponzi-scheme fashion and for Filho's personal benefit. *Id.* The SEC charged the Defendants with violations of Sections 5(a), 5(c) and 17(a) of the Securities Act of 1933 [15 U.S.C. §§77e(a) and (c) and 77q(a)(1)-(3)], and Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934 [15 U.S.C. §78j(b), 17 C.F.R. §240.10b-5].

In total, the Court ordered the Defendants to pay over \$38 million in combined monetary remedies. The SEC has collected approximately \$2.9 million pursuant to the final judgments (the "Distribution Fund") and holds these funds in an SEC-designated, interest-bearing account at the United States Department of the Treasury (the "Treasury"). Accrued interest is added to, and becomes a part of, the Distribution Fund.

The final judgments provide that the SEC may propose a plan to distribute the Distribution Fund subject to the Court's approval. The Distribution Fund currently holds approximately \$3 million.

On August 3, 2023, the Commission appointed Miller Kaplan Arase LLP as the Tax Administrator and Guidehouse Inc., Baker & Hostetler LLP, and PACE Claims Services LLC (collectively "GBP") as the Distribution Agent for the Distribution Fund.

## III. ELIGIBILITY CRITERIA AND ALLOCATION OF THE DISTRIBUTION FUND

Any Preliminary Claimant who suffered a Recognized Loss as defined in the Plan's Exhibit A - Plan of Allocation, and who is not an Excluded Party or an Unresponsive Preliminary Claimant, as defined in the Plan, will be eligible for a Distribution Payment ("Eligible Claimants").

Excluded Parties are:

- a. Daniel Fernandes Rojo Filho; Romildo Da Cunha; Wanderley M. Dalman; Gaspar C. Jesus; Eduardo N. Da Silva; DFRF Enterprises LLC; DFRF Enterprises, LLC; Jeffrey A. Feldman; Heriberto C. Perez Valdes (collectively, the "Defendants"), and the Defendants' advisers, agents, nominees, assigns, heirs, spouses, parents, children, or controlled entities;
- b. Guidehouse Inc., Baker & Hostetler LLP, and PACE Claims Services LLC (the Court-appointed Distribution Agent), their employees, and those Persons assisting the Distribution Agent in its role as the Distribution Agent;
- c. any purchaser or assignee of another Person's claim to a recovery from the Distribution Fund for value; provided, however, that this provision shall not be construed to exclude those Persons who obtained the claim by gift, inheritance, or devise; and
- d. any Person who is confirmed by the Distribution Agent to be subject to sanctions by the United States government, as determined by Executive Orders, the authority of the Department of the Treasury's Office of Foreign Asset Control ("OFAC"), or any other applicable laws of the United States.

The Claim Form will require claimants to certify they are not an Excluded Party. All Excluded Parties are ineligible to participate in the distribution of the Distribution Fund.

If the Net Available Distribution Fund is less than the sum of the Recognized Losses of all Eligible Claimants, each Eligible Claimant's distribution amount will equal his, her, or its "*Pro Rata Percent*" of the Net Available Distribution Fund. Only Eligible Claimants with a distribution amount that equals or exceeds the Minimum Distribution Amount of \$20.00 will receive a Distribution Payment.

#### IV. HOW TO SUBMIT A CLAIM FORM AND REQUIRED DOCUMENTATION

ONLINE SUBMISSIONS: Electronic Claim Form submission by all Preliminary Claimants is strongly recommended. Information on how to securely submit Claim Forms electronically, including brief step-by-step "How-To Videos", can be found at [www.DFRFDistributionFund.com](http://www.DFRFDistributionFund.com) Claim Forms completed online must be **submitted by 11:59pm Eastern Time on December 19, 2025.**

MAIL SUBMISSIONS: If you are unable to submit a Claim Form online, a paper Claim Form and all required documentation must be mailed to the address provided in the Claim Form, by U.S. First Class Mail (or equivalent common carrier) and **postmarked by December 19, 2025.**

If you fail to timely submit a completed Claim Form, your claim may be rejected. The Claim Form must be accompanied by appropriate supporting documents for each transaction for which you submit a claim.

#### V. CLAIMS DETERMINATION

The Distribution Agent will provide a Claim Status Notice to each Preliminary Claimant that submits a deficient Claim Form with the Distribution Agent. The Claim Status Notice will provide to each Preliminary Claimant whose claim is deficient, in whole or in part, the reason(s) for the deficiency. The Claim Status Notice will also notify the Preliminary Claimant of the opportunity to cure any deficiency, request reconsideration, or dispute the determination made by the Distribution Agent, and provide instructions regarding what is required to do so.

The Distribution Agent will complete all claims determinations and send a Determination Notice to all Preliminary Claimants who timely submit a Claim Form notifying the Preliminary Claimant of its eligibility determination. The Determination Notice will further provide each Preliminary Claimant that is determined to be an Eligible Claimant with his, her, or its calculated Recognized Loss. The Determination Notice will constitute the Distribution Agent's final ruling regarding the eligibility status of the claim.

#### VI. OTHER CLAIMS

Upon receipt and acceptance of a distribution from the Fund, you shall be deemed to have released any claims you may have against the Distribution Agent and its agents. The submission of a Claim Form and the receipt and acceptance of a Distribution Payment by an Eligible Claimant is not intended to be a release of rights and claims against any other party, including, but not limited to, the Defendants and DFRF's past and present directors, officers, advisors, and agents.

## **VII. CONTACT INFORMATION FOR THE DISTRIBUTION AGENT**

Additional DFRF Distribution Fund information may be found at [www.DFRFDistributionFund.com](http://www.DFRFDistributionFund.com), including answers to Frequently Asked Questions (FAQs), Important Documents, Important Dates, and “How-To Videos” that cover who should file and how to file a claim.

You can also contact the Distribution Agent at [Support@DFRFDistributionFund.com](mailto:Support@DFRFDistributionFund.com) or 833-373-3535.