

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION, :	
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Plaintiff, :	
:	
-v- :	No. 1:22-cv-03897-LAK
:	
STRAIGHTPATH VENTURE PARTNERS LLC, :	
STRAIGHTPATH MANAGEMENT LLC, :	
BRIAN K. MARTINSEN, :	
MICHAEL A. CASTILLERO, :	
FRANCINE A. LANAIA, and :	
ERIC D. LACHOW, :	
:	
Defendants. :	
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**NOTICE OF THIRD SCOPELY DISTRIBUTION AND FIRST RUBRIK  
DISTRIBUTION**

Melanie L. Cyganowski, the receiver (the “**Receiver**”) for the Receivership Entities<sup>1</sup>, hereby provides notice that in accordance with the Plan of Distribution (the “**Plan**”) [Dkt. No. 368-1]<sup>2</sup>, as approved by Court order dated November 26, 2024 (the “**Plan Order**”) [Dkt. No. 408], the Receiver anticipates making distributions on the dates set forth below to: (i) Scopely Silo Investors that did not receive any distribution pursuant to the two prior Scopely distributions and (ii) Rubrik Silo Investors, but in each instance only if the Silo Investors eligible for distributions have delivered to the Receiver’s Claim Agent properly completed Forms W-9 or

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<sup>1</sup> The “**Receivership Entities**” include, collectively, StraightPath Venture Partners LLC, StraightPath Management LLC, SP Ventures Fund LLC, SP Ventures Fund 2 LLC, SP Ventures Fund 3 LLC, SP Ventures Fund 4 LLC, SP Ventures Fund 5 LLC, SP Ventures Fund 6 LLC, SP Ventures Fund 7 LLC, SP Ventures Fund 8 LLC, and SP Ventures Fund 9.

<sup>2</sup> Nothing in this Notice is intended to or shall be deemed to change, amend, modify or limit any of the terms and conditions of the Plan. Capitalized terms not defined herein have the meanings ascribed to them in the Plan.

Forms W-8 (as applicable, the “***Tax Forms***”) by the deadlines set forth below in this Notice.<sup>3</sup>

Please see Section C below for instructions on submitting the necessary Tax Forms.

#### **A. The Third Scopely Distribution**

As previously reported, the Receivership received cash proceeds from the market-wide buyout of shares of Scopely Inc. (the “***Scopely Buyout***”). Under the Plan, only Scopely Silo Investors are entitled to a distribution from the Scopely Buyout. The Receiver has made two distributions to Scopely Silo Investors (the “***First and Second Scopely Distributions***”). See “Receiver’s Report of Second Scopely Distribution to Certain Investors” [Dkt. No. 482]. Through the First and Second Scopely Distributions, the Receiver has distributed approximately \$8,557,397 to approximately 200 Scopely Silo Investors.

There are certain Scopely Silo Investors that are eligible for a distribution on account of the Scopely Buyout that have not received a distribution. These are Scopely Silo Investors that did not provide properly completed Tax Forms to the Receiver’s Claim Agent on the dates required prior to the First and Second Scopely Distributions. Since then certain such Scopely Silo Investors have provided properly completed Tax Forms to the Receiver’s Claim Agent and while others have not, the Receiver is hopeful that they will promptly cure this omission.

The Receiver anticipates making a third distribution to eligible Scopely Silo Investors (the “***Third Scopely Distribution***”) on or about May 16, 2025 if (a) they did not previously receive a distribution as part of the First and Second Scopely Distributions and (b) they have

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<sup>3</sup> Distributions are subject to all terms and conditions of the Plan, including, without limitation, that Investors and Claimants are only eligible for distributions if they hold Allowed Interests or Allowed Claims, respectively, that are not subject to subordination. Investors and Claimants with Disputed Interests or Disputed Claims, respectively, or whose Allowed Interests or Allowed Claims are subject to subordination, are not eligible for distribution unless and to the extent that their Interests or Claims are Allowed and if subordinated, are entitled to distribution under the terms and conditions of the Plan. All statements in this Notice that refer to distributions are subject to this condition.

delivered properly completed Tax Forms to the Receiver's Claim Agent **on or before May 2, 2025** (or such later date as the Receiver may determine).

**B. The First Rubrik Distribution**

Rubrik Inc. ("**Rubrik**") "went public" on or about April 25, 2024, and commencing in December 2024 and continuing through January 2025, the Receiver sold the Rubrik shares held by the Receivership. Under the Plan, distributions from the sale of Rubrik shares will be made to eligible Rubrik Silo Investors through the Silo Component and to all eligible Investors and Claimants through the Pot Component.<sup>4</sup>

The Receiver anticipates making a distribution on account of the Rubrik shares (the "**First Rubrik Distribution**") on or about May 23, 2025. However, the following conditions apply:

1. **Rubrik Silo Investors Only:** The First Rubrik Distribution will be to eligible Rubrik Silo Investors *only*. This is because of the large number of Investors and Claimants that could receive distributions under the Rubrik Pot Component. The Receiver is in the process of determining the applicable pro rata distribution to all Investors and Claimants under the Rubrik Pot Component. The Receiver will in due course announce when she expects to make a distribution from the Rubrik Pot Component.
2. **Delivery of Tax Forms:** Rubrik Silo Investors must deliver properly completed Tax Forms to the Receiver's Claim Agent **on or before May 9, 2025** (or such later date as the Receiver may determine) to be eligible for the First Rubrik Distribution.

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<sup>4</sup> Distributions are subject to all terms and conditions of the Plan, including, without limitation, as discussed in in Footnote 3 above.

### C. Instructions for Delivery of Tax Forms

The Receiver urges all Investors and Claimants to submit properly completed Tax Forms to the Receiver's Claim Agent. Failure to submit the proper Tax Form may result in forfeiture of a distribution to which an Investor or Claimant may otherwise be entitled.<sup>5</sup> Information regarding the completion and delivery of the Tax Forms is set forth on the StraightPath Receivership website located at: <https://www.straightpathreceivership.com/>

Additionally, general guidance is below<sup>6</sup>:

1. Use the most up-to-date Tax Forms. For Form W-9, the most current version was revised in March 2024. Those using the online portal available through the StraightPath Receivership website will be using the most up-to-date version.
2. Complete the Tax Form according to the IRS guidance, which is attached to the Form. Form W-9 and the instructions on how to complete that Form can be obtained via this IRS website: <https://www.irs.gov/pub/irs-pdf/fw9.pdf?v=20240914011136>. Form W-8 and the instructions on how to complete that Form can be obtained via this IRS website: <https://www.irs.gov/pub/irs-prior/iw8--2022.pdf>.
3. Submit the completed Tax Form to the Receiver's Claim Agent via either option below:
  - a. Online portal <https://cases.stretto.com/StraightPathVentureW9>, or
  - b. U.S. Mail to: StraightPath Receivership c/o Stretto 410 Exchange, Suite 100, Irvine, CA 92602.
4. Each Tax Form must be completed for the person or entity that invested in StraightPath and must be signed in "Part II: Certification". *An unsigned Tax Form will not be valid.*
5. You should direct all questions relating to the submission of the Tax Forms to [straightpathreceivershipW9@stretto.com](mailto:straightpathreceivershipW9@stretto.com) or (877) 418-7976 and all general Receivership related questions to [straightpathreceivership@stout.com](mailto:straightpathreceivership@stout.com).

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<sup>5</sup> Nothing in this Notice guarantees a distribution to any Investor or Claimant. All distributions are subject to the terms and conditions of the Plan.

<sup>6</sup> This Section C is only intended to provide general information regarding the Tax Forms and solely for the purposes of the Plan. Nothing herein is intended as, and should not be construed as, tax advice. Neither the Receiver nor her retained professionals are able to provide tax advice to Investors and Claimants. The Receiver encourages all Investors and Claimants to consult with their personal tax advisors and/or financial custodians in completing the applicable Tax Forms.

**D. Form of Distribution**

All distributions will be made by check and mailed to the address on the party's Tax Form unless an Investor or Claimant requests to receive distributions by wire transfer, with the wire transfer cost to be borne entirely by the Investor or Claimant making the request through a deduction in the amount of the distribution otherwise payable. All requests for distribution by wire transfer must be (i) made in writing, (ii) signed by the Investor or Claimant making the request, (iii) mailed to: StraightPath Receivership c/o Stretto 410 Exchange, Suite 100, Irvine, CA 92602, and received by the Receiver prior to the date that a distribution check has been mailed to the Investor or Claimant making the request. The Receiver cannot comply with any request for a wire transfer that is not signed by the Investor or Claimant making the request or which is received after a distribution check has been mailed to such Investor or Claimant.

Dated: April 24, 2025  
New York, New York

**OTTERBOURG P.C.**

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as Court-Appointed Receiver*