

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :	
:	
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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**RECEIVER’S SUPPLEMENTAL REPORT OF THE
MAY 23, 2025 RUBRIK SILO DISTRIBUTION**

Melanie L. Cyganowski, the receiver (the “**Receiver**”) for the Receivership Entities¹, hereby submits this supplemental report (the “**Supplemental Report**”) concerning the Receiver’s first distribution of the Rubrik Silo Component on May 23, 2025 in the amount of \$11,968,310.31 (the “**First Rubrik Silo Distribution**”).²

I. Introduction

The Receiver previously reported on about the First Rubrik Silo Distribution in the “Receiver’s Report of the Third Scopely Distribution and First Rubrik Silo Distribution” dated May 29, 2025 [Dkt. 505] (the “**First Rubrik Report**”). As explained in the First Rubrik Report, the Receivership Estate received cash proceeds (net of brokerage and related fees) from the sale

¹ 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, SP Ventures Fund 9.

² Capitalized terms used but not defined herein shall have the meanings ascribed in the Plan of Distribution approved by the Court by order dated November 26, 2024 [Dkt. 408] (the “**Plan**”).

of Rubrik shares in the amount of \$68,526,597.76 (the “**Total Rubrik Cash Proceeds**”). However, in accordance with the Plan, before distribution, the Receiver was required to deduct from the Total Rubrik Cash Proceeds the amount of \$35,687,818.74 for Reserves for (i) potential tax liabilities arising from the sale of the Rubrik shares, (ii) potential distribution on account of Disputed Interests and Disputed Claims once resolved and (iii) potential payment of administrative costs.

After deduction of the Reserves in the amount of \$35,687,818.74, the Total Rubrik Cash Proceeds available for distribution as of May 23, 2025 was \$32,838,779.02 (the “**Distributable Rubrik Cash**”) (\$68,526,597.76 minus \$35,687,818.74 = \$32,838,779.02). Under the Plan, the Distributable Rubrik Cash was divided between the Rubrik Silo Component (to be distributed to the “**Rubrik Silo Investors**”, i.e., those Investors that had earmarked their StraightPath investments toward Rubrik) and the Rubrik Pot Component (to be distributed to all Investors and Claimants).³ Based upon the calculation required under the Plan, the Rubrik Silo Component is approximately 42.7% of the Distributable Rubrik Cash and the Rubrik Pot Component is approximately 57.3% of the Distributable Rubrik Cash. The Reserve deductions are explained below.

EXHIBIT A ATTACHED HERETO SETS FORTH THE INFORMATION DISCUSSED IN THIS SUPPLEMENTAL REPORT IN CHART FORM. PLEASE REVIEW EXHIBIT A.

³ Nothing in this Supplemental Notice is intended to amend, modify or otherwise change the Plan or any of its provisions. Among other things, under the Plan only Investors and Claimants with Allowed Interests and Allowed Claims, respectively, are entitled to distributions *except for* such parties with subordinated Allowed Interests and/or subordinated Allowed Claims, which under the terms of the Plan only receive distributions after all other Allowed Interests and Allowed Claims are paid in full. All discussions in this Supplemental Notice, including regarding distributions, are subject to this footnote and all terms of the Plan, without exception.

II. The Reserve Deductions Explained

As summarized on **Exhibit A**, the Reserves in the amount of \$35,687,818.74 were deducted from the Total Rubrik Cash Proceeds to determine the Distributable Rubrik Cash, as follows:

A. Deducting the Rubrik Tax Reserve Amount

As previously reported, the StraightPath Receivership is treated for tax purposes as a qualified settlement fund (a “**QSF**”). As a QSF, the StraightPath Receivership realizes a “gain” for tax purposes if the value of the property on the date of sale (or the date of a distribution in-kind) is greater than the StraightPath Receivership’s tax basis in that property. As a QSF, the StraightPath Receivership pays tax on its modified gross income at the maximum trust rate, which for federal tax is currently 37%. The QSF also is subject to New York State tax at the approximate rate of 8%. Accordingly, under the Plan, the Receiver deducts from Total Rubrik Cash Proceeds an amount up to 45% of any “gain” ($37\% + 8\% = 45\%$).

A “gain” was recognized for tax purposes from the sale of the Rubrik shares. The total potential “gain” on the sale of the Rubrik Shares was calculated as \$54,981,242.36.⁴ Under the Plan, the Tax Reserve is an amount up to 45% of the potential “gain”, which in this case is \$24,741,559.06 ($\$54,981,242.36 \times 45\% = \$24,741,559.06$). Under the Plan, the Receiver is required to deduct the Tax Reserve of \$24,741,559.06 from Total Rubrik Cash Proceeds resulting in a balance of \$43,785,038.70 (the “**Balance After Tax Reserve**”) ($\$68,526,597.76$ minus $\$24,741,559.06 = \$43,785,038.70$).

⁴ The Receiver is considering if there are strategies permitted by law to reduce this amount.

B. Deducting the Rubrik Non-Tax Reserve Amount

Under the Plan, the Non-Tax Reserve is an amount up to 25% of the “Balance After Tax Reserve”, which in this case is \$10,946,259.68 ($\$43,785,038.70 \times 25\% = \$10,946,259.68$). That amount is divided between a Reserve for potential payment on account of Disputed Interests and Disputed Claims (\$7,662,381.78) and for potential costs associated with administering the Receivership Estate and carrying out the terms of the Plan (\$3,283,877.90). In accordance with the Plan, the Receiver deducted the Non-Tax Reserve Amount of \$10,946,259.68 from the Balance After Tax Reserve, resulting in Distributable Rubrik Cash of \$32,838,779.02 ($\$43,785,038.70$ minus $\$10,946,259.68 = \$32,838,779.02$).⁵

Under the Plan, the Receiver is authorized to distribute the Distributable Rubrik Cash of \$32,838,779.02, with a portion to be distributed through the Rubrik Silo Component and a portion to be distributed through the Rubrik Pot Component, as described below. As the First Rubrik Report describes, distributions already have started to occur through the Rubrik Silo Component and the Receiver is seeking to schedule distributions through the Rubrik Pot Component.

C. Dividing Distributable Rubrik Cash Between the Silo and Pot Components

As noted, the Distributable Rubrik Cash is divided between the Rubrik Silo Component and the Rubrik Pot Component. Under the Plan, the Silo Component is an amount equal to the aggregate amount that StraightPath paid to acquire the Silo Shares in issue, which for Rubrik was \$29,263,721.18. This amount makes up approximately 42.7% of the Total Rubrik Cash Proceeds and is allocated to the Rubrik Silo Component. The amount of cash proceeds in excess of the Silo Component constitutes the Pot Component, which for Rubrik was \$39,262,876.58. This amount

⁵ Distributable Rubrik Cash could potentially be increased depending on several factors including the calculation of the actual tax liabilities and the resolution of Disputed Interests and Disputed Claims, which possibly could lower the Reserve Amount.

makes up approximately 57.3% of the Total Rubrik Cash Proceeds and is allocated to the Rubrik Pot Component. Based on those percentages, Distributable Rubrik Cash of \$32,838,779.02 is allocated as follows:

to the Rubrik Silo Component: \$14,023,531.07.

to the Rubrik Pot Component: \$18,815,247.95.

III. Rubrik Distributions

A. The First Rubrik Silo Distribution

Each Rubrik Silo Investor is entitled to receive a distribution of 32.86% on account of the Investor's Allowed Rubrik Silo Interest within Class 3 of the Plan. This approximate percentage is derived by dividing the Rubrik Silo Component \$14,023,531.07 by Total Allowed Rubrik Silo Investor Interests of \$42,677,969.15.

As set forth in the Receiver's "Notice of Third Scopely Distribution and First Rubrik Distribution" dated April 24, 2025 [Dkt. 485], the Receiver advised that Rubrik Silo Investors that had delivered properly completed Forms W-9 or Forms W-8, as applicable, by May 9, 2025 (or such other deadline to which the Receiver agreed) would be sent their Silo Component distributions on or about May 23, 2025 on account of their Rubrik Silo Allowed Interests (the "**First Wave Rubrik Silo Investors**"). On or about May 23, 2025, the Receiver mailed checks or issued (or scheduled) wire transfers⁶ to the First Wave Rubrik Silo Investors in the total amount of \$11,968,310.31.

Accordingly, of the \$14,023,531.07 allocated to the Rubrik Silo Component from the Rubrik Distributable Cash, \$2,055,220.77 remains to be distributed to those applicable Rubrik Silo

⁶ The Receivership Team is awaiting wire instructions for certain transfers or it has been unable to confirm the wire instructions received from those investors.

Investors that have not yet received a Rubrik Silo Distribution (the “**Remaining Rubrik Silo Investors**”).

B. The Rubrik Pot Distribution – To Be Announced

As noted above, of Distributable Rubrik Cash, the amount of \$18,815,247.95 is allocated to the Rubrik Pot Component. All Plan Class 3 Investors (including Rubrik Silo Investors) and Plan Class 4 Claimants with Allowed Interests and Allowed Claims, respectively, are entitled to a *pro rata* distribution from the Rubrik Pot Component. The Receivership Team is calculating the potential distribution from the Rubrik Pot Component to each applicable Investor and Claimant, and once the calculations are concluded, the Receiver will schedule a *pro rata* distribution of the Rubrik Pot Component to those Investors and Claimants that have delivered properly completed Forms W-9 or Forms W-8, as applicable.

C. Forms W-9 and/or W-8 are Required

The Receiver seeks to make all Rubrik distributions as soon as possible. However, before the Receiver can make a distribution to an Investor or Claimant, the Investor or Claimant must first provide the Receiver with a properly completed Form W-9 and/or Form W-8, as applicable. Many of the Remaining Rubrik Silo Investors and other Investors have not provided the Receiver with properly completed Forms. **The Receiver urges all Investors and Claimants to promptly submit properly completed Forms W-9 or Forms W-8, as applicable.**

Dated: June 4, 2025
New York, New York

OTTERBOURG P.C.

By: /s/ Peter Feldman

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*Counsel for Melanie L. Cyganowski,
as Court-Appointed Receiver*

Exhibit A

Distributable Rubrik Cash and Rubrik Recovery Percentage as of May 23, 2025

Total Rubrik Cash Proceeds	\$ 68,526,597.76
Less:	
Tax Reserve Amount	(24,741,559.06)
Non-Tax Reserve Amount	
Administrative Reserve Sub-Fund	(3,283,877.90)
Disputed Interest/Claim Reserve Sub-Fund	(7,662,381.78)
Total Non-Tax Reserve Amount	<u>(10,946,259.68)</u>
Total Reserve Amount	<u>(35,687,818.74)</u>
Distributable Rubrik Cash	<u>\$ 32,838,779.02</u>
Multiply by:	
Silo Component Percentage [1]	42.7%
Rubrik Silo Component	<u>\$ 14,023,531.07</u>
 Rubrik Silo Investor Recovery Percentage	 <u>32.9%</u>

[1] The Silo Component Percentage is derived by dividing the aggregate cash amount that StraightPath paid to acquire the Rubrik Silo Shares by Total Rubrik Cash Proceeds.