

*Docket + File*

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UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

<p>In re THE RESERVE FUND SECURITIES AND DERIVATIVE LITIGATION</p>	<p>09 MD. 2011 (PGG)</p>
<p>SECURITIES AND EXCHANGE COMMISSION,  Plaintiff,  v.  RESERVE MANAGEMENT COMPANY, INC., RESRV PARTNERS, INC., BRUCE BENT SR., and BRUCE BENT II,  Defendants,  and  THE RESERVE PRIMARY FUND,  Relief Defendant.</p>	<p><b>ECF CASE</b>  <b><u>VERDICT FORM</u></b>  09 Civ. 4346 (PGG)</p>

**First Claim for Relief**

1. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II knowingly or recklessly violated Section 10(b) of the Securities Exchange Act and Rule 10b-5?
- a. RMCI:
 

Yes	_____	No	_____
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  - b. Resrv Partners:
 

Yes	_____	No	_____
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  - c. Bent II:
 

Yes	_____	No	_____
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If you answered "Yes" to any part of Question 1, please proceed to Question 2. If you answered "No" to all parts of Question 1, please proceed to Question 6.

2. Has the SEC proven by a preponderance of the evidence that Bent Sr. knowingly aided and abetted Bent II's, RMCI's, or Resrv Partners' violation of Section 10(b) and Rule 10b-5?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question 1 as to RMCI or Resrv Partners, please proceed to Question 3. If you answered "No" to Question 1 as to both RMCI and Resrv Partners, please proceed to Question 6.

3. Has the SEC proven by a preponderance of the evidence that Bent II knowingly aided and abetted RMCI's or Resrv Partners' violation of Section 10(b) and Rule 10b-5?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Second Claim for Relief**

If you answered "Yes" to Question 1 as to RMCI please proceed to Question 4. If you answered "No" to Question 1 as to RMCI, please proceed to Question 6.

4. Has the SEC proven by a preponderance of the evidence that Bent Sr. or Bent II were "control persons" of RMCI under Section 20(a) of the Securities Exchange Act and culpably participated in RMCI's violation of Section 10(b) and Rule 10b-5?

a. Bent Sr:

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Bent II:

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question 4 as to Bent Sr. or Bent II please proceed to Question 5. If you answered "No" to Question 4 as to both Bent Sr. and Bent II, please proceed to Question 6.

5. Has Bent Sr. or Bent II proven his good faith defense by a preponderance of the evidence under Section 20(a) of the Securities Exchange Act?

a. Bent Sr:

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Bent II:

Yes \_\_\_\_\_ No \_\_\_\_\_

**Third Claim for Relief**

**6. Has the SEC proven by a preponderance of the evidence that RMCI, Resrv Partners, or Bent II knowingly or recklessly violated Section 17(a)(1) of the Securities Act?**

a. RMCI:

Yes \_\_\_\_\_ No ✓

b. Resrv Partners:

Yes \_\_\_\_\_ No ✓

c. Bent II:

Yes \_\_\_\_\_ No ✓

**7. Has the SEC proven by a preponderance of the evidence that RMCI, Resrv Partners, or Bent II knowingly or recklessly violated Section 17(a)(2) or (3) of the Securities Act?**

a. RMCI:

Yes ✓ \_\_\_\_\_ No \_\_\_\_\_

b. Resrv Partners:

Yes ✓ \_\_\_\_\_ No \_\_\_\_\_

c. Bent II:

Yes \_\_\_\_\_ No ✓

**If you answered "Yes" to all parts of Question 7, please proceed to Question 9. If you answered "No" to any part of Question 7, please proceed to Question 8.**

8. Has the SEC proven by a preponderance of the evidence that RMCI, Resrv Partners, or Bent II negligently violated Section 17(a)(2) or (3) of the Securities Act?

a. RMCI:

Yes

\_\_\_\_\_

No

\_\_\_\_\_ ✓

b. Resrv Partners:

Yes

\_\_\_\_\_

No

\_\_\_\_\_ ✓

c. Bent II:

Yes

\_\_\_\_\_ ✓

No

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**Fourth Claim for Relief**

9. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II knowingly or recklessly violated Section 206(1) of the Investment Advisers Act?

a. RMCI:

Yes

\_\_\_\_\_

No

\_\_\_\_\_ ✓

b. Bent Sr.:

Yes

\_\_\_\_\_

No

\_\_\_\_\_ ✓

c. Bent II:

Yes

\_\_\_\_\_

No

\_\_\_\_\_ ✓

10. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II knowingly or recklessly violated Section 206(2) of the Investment Advisers Act?

a. RMCI:

Yes

\_\_\_\_\_

No

\_\_\_\_\_ ✓

b. Bent Sr.:

Yes

\_\_\_\_\_

No

\_\_\_\_\_ ✓

c. Bent II:  
Yes \_\_\_\_\_ No ✓

If you answered "Yes" to all parts of Question 10, please proceed to Question 12. If you answered "No" to any part of Question 10, please proceed to Question 11.

11. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II negligently violated Section 206(2) of the Investment Advisers Act?

a. RMCI:  
Yes ✓ No \_\_\_\_\_

b. Bent Sr.:  
Yes \_\_\_\_\_ No ✓

c. Bent II:  
Yes \_\_\_\_\_ No ✓

If you answered "Yes" to Question 10 or 11 as to RMCI, please proceed to Question 12. If you answered "No" to Question 10 and 11 as to RMCI please proceed to Question 13.

**Sixth Claim for Relief**

12. Has the SEC proven by a preponderance of the evidence that Bent Sr. or Bent II knowingly or recklessly aided and abetted RMCI's violation of Section 206(1) or (2) of the Investment Advisers Act?

a. Bent Sr.:  
Yes \_\_\_\_\_ No ✓

b. Bent II:  
Yes \_\_\_\_\_ No ✓

**Fifth Claim for Relief**

13. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II knowingly or recklessly violated Section 206(4) of the Investment Advisers Act and Rule 206(4)-8?

- a. RMCI:
 

Yes	<u>          </u> ✓	No	<u>          </u>
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- b. Bent Sr.:
 

Yes	<u>          </u>	No	<u>          </u> ✓
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- c. Bent II:
 

Yes	<u>          </u>	No	<u>          </u> ✓
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If you answered "Yes" to all parts of Question 13, please proceed to Question 15. If you answered "No" to any part of Question 13, please proceed to Question 14.

14. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II, negligently violated Section 206(4) of the Investment Advisers Act and Rule 206(4)-8?

- a. RMCI:
 

Yes	<u>          </u>	No	<u>          </u> ✓
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- b. Bent Sr.:
 

Yes	<u>          </u>	No	<u>          </u> ✓
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- c. Bent II:
 

Yes	<u>          </u>	No	<u>          </u> ✓
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If you answered "Yes" to Question 13 or 14 as to RMCI, please proceed to Question 15. If you answered "No" to Question 13 and 14 as to RMCI please proceed to sign and date this form.

**Seventh Claim for Relief**

15. Has the SEC proven by a preponderance of the evidence that Bent Sr. or Bent II knowingly or recklessly aided and abetted RMCI's violation of Section 206(4) of the Investment Advisers Act and Rule 206(4)-8?

- a. Bent Sr.:
 

Yes	<u>          </u>	No	<u>          </u> ✓
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b. Bent II:

Yes \_\_\_\_\_

No ✓

Kennya Jones  
Signature of Foreperson

November 12, 2012.