

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

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|------------------------------|---|-------------------------------------|
| UNITED STATES SECURITIES |) | |
| AND EXCHANGE COMMISSION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:15-cv-659-JMS-MJD |
| |) | |
| VEROS PARTNERS, INC, |) | |
| MATTHEW D. HAAB, |) | |
| JEFFERY B. RISINGER, |) | |
| VEROS FARM LOAN HOLDING LLC, |) | |
| TOBIN J. SENEFELD, |) | |
| FARMGROWCAP LLC, |) | |
| PINCAP LLC, and |) | |
| |) | |
| Defendants, |) | |
| |) | |
| PIN FINANCIAL LLC, |) | |
| |) | |
| Relief Defendant. |) | |
| |) | |

**PLAINTIFF’S STATEMENT OF CLAIMS FOR TRIAL
AGAINST DEFENDANT TOBIN J. SENEFELD**

Plaintiff United States Securities and Exchange Commission (“the SEC”), pursuant to Rule 11(b) of the Federal Rules of Civil Procedure and Section II. D. of the parties’ proposed Amended Case Management Plan (Filing No. 237), submits the following statement of the claims it intends to prove at trial, and the legal theories on which those claims are based.

As described in the SEC’s Amended Complaint [Filing No. 57] and the parties’ June 29, 2015 Case Management Plan [Filing No. 67 at Section II. B.], the SEC will present evidence that, during 2013 and 2014, defendants raised at least \$15 million from at least 80 investors, who purchased securities in Veros Farm Loan Holding LLC and FarmGrowCap LLC. These

investors were told that the funds they invested would be used to make short-term operating loans to various farmers, and that they would be repaid with interest by a stated maturity date. However, defendants used a substantial amount of these investor funds to cover the farmers' prior debts, to pay investors in prior offerings, and to pay themselves undisclosed fees. Defendants also repeatedly misled investors about the risks, nature and performance of their investments and the underlying farm loans.

The SEC intends to prove at trial that Defendant Tobin Senefeld violated:

- (1) Section 10(b) of the Securities Exchange Act of 1934 ("the Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5(a) and (c); and
- (2) Sections 17(a)(1), (a)(2) and (a)(3) of the Securities Act of 1933 ("the Securities Act").

The factual and legal theories on which the SEC's claims against Senefeld are based are set forth in the SEC's Response to Senefeld's Motion for Summary Judgment and the Court's June 22, 2016 Order denying Senefeld's Motion for Summary Judgment. (*See* Filing No. 197 at pp. 25-33; Filing No. 229 at pp. 8-10)

The trial before a jury will establish whether Senefeld is liable for violating the foregoing provisions. However, the SEC's claims for injunctive and monetary relief will be resolved, as needed, by the Court after the jury's verdict. The Court will determine whether the resolution of any such claims requires an evidentiary hearing.

The foregoing statement is predicated upon the SEC's proposed settlements with Defendants Jeffery B. Risinger, Matthew D. Haab, and Veros Partners, Inc., which are subject to approval of the SEC's Commissioners, as well as the SEC's reasonable expectation that it will be

able to resolve, with the consent of the Receiver, its claims against the remaining entity Defendants that are controlled by the Receiver.

The SEC reserves the right to amend or supplement this statement, if for any reason the proposed settlements with Jeffery Risinger, Matthew Haab and Veros Partners, Inc. are not approved by the Commission.

Dated: July 7, 2016.

Respectfully submitted,

/s/Robert M. Moye

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SECURITIES AND EXCHANGE COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2016, I filed the foregoing Plaintiff's Statement of Claims for Trial against Defendant Tobin Senefeld via CM/ECF, which will notify all counsel of record.

/s/Robert M. Moya

Robert M. Moya