

Sally B. McMinimee (#5316)
Jared N. Parrish (#11743)
Jennifer R. Korb (#9147)
PRINCE, YEATES & GELDZAHLER
A Professional Corporation
City Centre I, Suite 900
175 East 400 South
Salt Lake City, UT 84111
Telephone: (801) 524-1000
sbm@princeyeates.com
jrp@princeyeates.com
jnp@princeyeates.com

Attorneys for Receiver Robert G. Wing

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

<p>SECURITIES AND EXCHANGE COMMISSION,</p> <p>Plaintiff,</p> <p>v.</p> <p>VESCOR CAPITAL CORP., et al.,</p> <p>Defendants.</p>	<p>RECEIVER'S STATUS REPORT (October 1, 2009)</p> <p>Case No. 1:08cv00012</p> <p>Judge Dee Benson</p>
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The Receiver submits this Report to apprise the Court of the status of the VesCor receivership. It is being filed in the *SEC v. VesCor* matter, Civil No. 1:08-cv-00012, and will be sent to counsel of record through the Court's electronic filing system. A copy is also being posted on the Receiver's website, www.vescorreceivership.com, so that investors and other interested parties have access to the information included.

The receivership was created on May 5, 2008. The Receiver filed the last status report in May of 2009. The Receiver has engaged in the following actions since his last report.

LITIGATION

The Receiver has filed approximately forty two (42) suits to recover assets that were transferred by VesCor. They are:

Case	Filed	Answer	Motions	Ruling	Scheduling Order	Status
<i>Wing v. Hammons</i> 2:08-cv-620*	08/15/08	06/01/09	Motion to Dismiss 01/28/2009 Appeal of 05/14/09 Ruling 06/11/09 Motion for Certificate of Appealability 6/26/09	Denied 05/14/09 Dismissed 09/21/09 Denied 08/8/09	Entered 09/03/2009 Trial set for 10/18/2010	Discovery underway pursuant to Scheduling Order entered 09/03/2009.
<i>Wing v. Southwick, et al</i> 2:08-cv-676*	09/08/08	12/12/08			Pending	Case on hold pending attorney conference after rulings on litigation filed in Main Case
<i>Wing v. Layton, et al</i> 2:08-cv-708	09/19/08 Amended 01/26/09	Craig 12/12/08 Layton 12/19/08 Plise 06/23/09 Malan 07/10/09	Layton Filed Counterclaim 12/19/08 Malan filed Motion to Change Venue 03/10/09 Malan filed Counterclaim 07/10/09 Motion to Consolidate <i>Wing v. Wahoo</i> 2:09- <i>cv-405</i> 06/04/09	Answer filed 01/16/09 Denied 05/14/09 Answer due 10/02/09 Hearing set 11/06/209	Pending	Initial Pretrial Conference scheduled for 10/14/09 Hearing re: Motion to Consolidate <i>Wing v.</i> <i>Wahoo</i> Set for 11/06/09 @ 11:00 a.m.

* Have also litigated in *SEC v. VesCor, et al.* Civil No. 1:08-cv-00012 (the "Main Case").

<i>Wing v. Jonathan Horne, et al.</i> 2:08-cv-717*	09/22/08	11/05/08	Motion for Summary Judgment 01/30/09 Motion to Recuse Judge Benson 02/13/09 Motion for Declaratory Judgment	Denied 09/04/09 Denied 05/14/09 Denied 09/04/09	Entered 12/18/09 Trial 01/04/2010	Case proceeding per Scheduling Order.
<i>Wing v. Dockstader</i> 2:08-cv-776	10/06/08	02/10/09	Motion for Summary Judgment filed by Receiver	Pending Hearing 11/06/09 @ 11:00 a.m.	Entered 03/24/09	Hearing on Receiver's Motion for Summary Judgment set for 11/06/09.
<i>Wing v. Brian Horne, et al.</i> 2:08-cv-780	Complaint 10/08/08 Amended 04/22/09	Horne 12/12/09 Kunz 12/15/09			Entered 01/27/09 Trial 02/16/2010	Case is currently on holding pending negotiations between parties.
<i>Wing v. Alvey, et al.</i> 2:08-cv-796	10/14/08	Alvey 01/15/09 Barben 04/01/09 Child 02/12/09 Dennis 12/05/08 Guter 12/18/08 C.Hansen 1/21/09 J.Hansen 11/17/08 Hevia 11/13/08 Hudak 2/12/09 Irwin 11/10/08 James 2/12/09 Pace 12/22/08 Romera 1/15/08 Stacey 1/15/08 Summers 1/15/08 VanAmen 1/5/08 Zockoll 1/29/09 Zimet 1/29/09	Motion to Dismiss 01/05/09 - Barben	Denied 05/14/09	Pretrial Conference scheduled 10/14/09	Pretrial Conference scheduled

<i>Wing v. Buchanan, et al.</i> 2:08-cv-803	10/16/08	02/13/09			Entered 07/06/09 Trial 07/19/2010	Case currently proceeding per scheduling Order.
<i>Wing v. Heritage, et al.</i> 2:08-cv-835 *	Complaint 10/30/08 Amended 05/04/09	12/26/08	Motion for Partial Summary Judgment filed by Receiver 07/13/09	Set for Hearing 11/06/09	Entered 02/05/09 Trial 04/27/2010	Summary Judgment Motion pending
<i>Wing v. Wharton, et al.</i> 2:08-cv-887	11/18/09	06/01/09	Motion to Dismiss filed 03/06/2009	Denied 05/14/09	Entered 07/22/09 Trial 05/02/2011	Case proceeding per Scheduling Order
<i>Wing v. Kendrick, et al.</i> 2:08-cv-1002	12/31/08	05/29/09	Motion to Dismiss filed 02/17/09 Motion to Reconsider 05/14/09 Order Denying Motion to Dismiss 06/09/09	Denied 04/20/09 Denied 08/08/09	Entered 09/11/09 Trial 08/01/2011	Case proceeding per Scheduling Order
<i>Wing v. Apex Holding et al.</i> 2:09-cv-22	01/13/09	05/15/09	Motion to Dismiss or Change Venue 03/02/09	Denied 08/27/09	Initial Pretrial Conference set for 10/14/09	Attorneys currently negotiating Attorney Planning Meeting Report and Scheduling Order
<i>Wing v. Nathenson, et al.</i> 2:09-cv-109	02/05/09	04/01/09	Motion for Partial Summary Judgment (Nathenson)		04/23/09 Trial 07/27/2010	The parties are discussing settlement
<i>Wing v. Bell, et al.</i> 2:09-cv-116	02/10/09					Case on hold pending settlement negotiations.
<i>Wing v. Winnick</i> 2:09-cv-117	02/10/09		Motion for Service by Publication 06/18/09 Motion for Default Judgment 09/11/09	Granted 06/23/09 Pending	None	Motion for Default Judgment Pending
<i>Wing v. Holder, et al.</i> 2:09-cv-118	02/10/09	08/22/09			Initial Pretrial Conference set for 11/4/09	Proposed Attorneys Planning Meeting and Scheduling Order sent to defendant 08/25/2009
<i>Wing v. Fulbright & Jaworski, et al.</i> 2:09-cv-200	03/05/09	Fulbright 05/15/09 Paul Hastings 08/03/09	Motion to Dismiss or More Definite Statement 05/15/09 (Paul Hastings)	Withdrawn 09/28/09	Entered 09/03/09	Case proceeding per Scheduling Order
<i>Wing v. Advanced Planning Advisory Group, et al.</i> 2:09-cv-247	03/19/09		Motion for Summary Judgment 06/03/09 (Dergance)			Attorneys in settlement negotiations with defendant Dergance, defendant Del Guercio is preparing an answer.

<i>Wing v. Stirland, et al.</i> 2:09-cv-304	04/08/09	09/22/09	Motion to Dismiss	Denied 08/28/09	Pending	Answer filed
<i>Wing v. Gillis</i> 2:09-cv-314	Complaint 04/09/09 Amended 06/15/09		Motion for Summary Judgment 05/29/09 (Gillis) Motion for Summary Judgment on Amended Complaint 07/02/09 (Gillis) Motion to Strike Portions of Affidavit of Bruce S. Gillis (Receiver)	Hearing set for all Motions 11/06/09	Pending outcome of 11/06/09	Motion for Summary Judgment Pending
<i>Wing v. Nelson, et al.</i> 2:09-cv-326	04/15/09					Settlement negotiations are pending regarding defendants Hochfilzer and Netconstructor. Counsel waiting for Answers from Nelson & Advisory Services Group
<i>Wing v. Prosperity Education Institute</i> 2:09-cv-341	04/20/09					Defendant served 08/26/09, waiting for Answer due 09/25/09
<i>Wing v. Horn</i> 2:09-cv-342	04/20/09		Motion to Dismiss 06/12/09	Denied 08/28/09	Initial Pretrial Conference 10/14/09	Attorneys negotiating Attorney Planning Meeting Report and final Scheduling Order
<i>Wing v. Kaye Scholer</i> 2:09-cv-371	04/28/09	06/19/09			Entered 09/16/09 Trial 10/25/2010	Case proceeding per Scheduling Order
<i>Wing v. Lee</i> 2:09-cv-377	04/29/09	05/26/09			Entered 07/09/09 Trial 07/26/2010	Counsel coordinating deposition of defendant in October 2009.
<i>Wing v. Lionel Sawyer & Collins</i> 2:09-cv-389*	04/30/09	06/30/09	Motion to Compel Arbitration & Stay Proceedings 06/30/09	Determined Moot 07/29/09		Case is stayed for stipulated arbitration
<i>Wing v. Titus, et al</i> 2:09-cv-390	Complaint 04/30/09 Amended 08/10/09		Motion to Dismiss or Transfer Venue 7/16/09 Motion to Dismiss or Transfer Venue First Amended Complaint 09/11/09			Receiver currently drafting response to Defendant Motions to Dismiss or Change Venue

<i>Wing v. Engberson</i> 2:09-cv-392	04/30/09					Settlement negotiations pending
<i>Wing v. Gamett & King, et al</i> 2:09-cv-393	4/30/09					Settlement Agreement reached w/ Defendants Bruce Gamett, Shawn King and Jared Shafer individually and approved by the Court 9/22/09; all other defendants voluntarily dismissed
<i>Wing v. Moore, et al.</i> 2:09-cv-394	05/01/09	06/29/09			Entered 08/10/09 Trial 12/15/2010	Case proceeding per Scheduling Order
<i>Wing v. American Express Company, et al.</i> 2:09-cv-396	5/04/09	AMEX 07/28/09 Capital One 07/07/09 Chase 06/19/09 Keybank 06/18/09			Pending approval of Scheduling Order submitted 09/14/09	Pending approval of Scheduling Order submitted 09/14/09
<i>Wing v. JC Compact, et al.</i> 2:09-cv-397	05/04/09	08/22/09			Report of Attorney Planning Meeting filed 09/21/09; Scheduling Order pending	Deposition of Defendant taken August 24, 2008.
<i>Wing v. Mather, et al.</i> 2:09cv-398	05/04/09	06/22/09	Counterclaim 06/22/09		Entered 07/22/09 Trial 09/07/2010	Case proceeding per Scheduling Order
<i>Wing v. Williams</i> 2:09-cv-399	05/04/09	05/26/09			Entered 07/20/09 Trial 08/16/2010	Case proceeding pre Scheduling Order
<i>Wing v. Oliver, et al.</i> 2:09-cv-401	05/04/09					Settlement negotiations pending
<i>Wing v. Woodbury & Kesler</i> 2:09-cv-402	05/04/09	07/23/09			Initial Pretrial Conference 10/14/09	Deposition set for 10/28/09; counsel working to finalize Attorneys Planning Meeting Report and Scheduling Order
<i>Wing v. Johnson Folsom & Assoc.</i> 2:09-cv-404	05/04/09	07/09/09			Entered 08/03/09 Trial 10/18/2010	Case proceeding per Scheduling Order
<i>Wing v. Wahoo Investment, LLC</i> 2:09-cv-405	05/04/09		Motion to Consolidate with <i>Wing v. Layton, et al.</i> filed in <i>Layton</i> 06/04/09	11/06/09		Pending Motion to Consolidate

<p><i>Wing v. Allen, et al</i> 2:09-cv-407</p>	<p>05/04/09</p>	<p>Barlow 08/18/09 Bunker 08/03/09 Drabing 08/11/09 Hunter 07/22/09 Kattleson 09/23/09 Murphy 08/30/09 Payne 08/07/09 Petersen 08/26/09 R.C. Hunter 07/22/09 Williams' 08/20/09 Wilson 08/06/09</p>				<p>The following defendants are deceased: Norm Fickett, Marcelo Flores, Marvin Freeman, Edward Hashimoto, Louise Helton and Vern Petersen.</p> <p>The following defendants were dismissed from the case 08/31/09: K&L Allred Investments, William T. Leck, Dorothea Leck and Michael Perkins.</p> <p>The following defendants will be dismissed: Maxine J. Flores, Kim C. Moore and Anita Northrop, William Northrop</p> <p>Defendant Okney Settled.</p> <p>The following Defendants have or will be served via publication: Steven W. Allen, DMHSC Limited Partnership, Diane S. Matthews, Ronald Whitlatch, Linda Whitlatch</p> <p>The following defendants were served but have not Answered: Gary A. Weaver, Claude Thacker and John Pritchard.</p>
<p><i>Wing v. Snow Christensen & Martineau</i> 2:09-cv-546</p>	<p>06/16/09</p>					<p>Settlement discussions ongoing</p>
<p><i>Wing v. Anderson</i> 2:09-cv-563</p>	<p>06/24/09</p>					<p>Settlement negotiations ongoing</p>

<i>Wing v. Grubb & Ellis Realty Investors</i> 2:09-cv-595*	07/06/09	08/05/09	Counterclaim 08/05/09		Initial Pretrial Conference set for 10/14/09	Proposed Attorneys Planning Meeting sent to Defendants' Counsel 09/11/09; waiting to finalize Scheduling Order
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The Receiver has also been litigating issues filed in the Main Case. Since

February of 2008, the following motions have been filed:

Motion	Movant	Date	Ruling
Motion to Stay Litigation	SEC	02/25/08	Granted 02/26/08
Motion for Joinder re: Motion to Stay Litigation	Val E. Southwick	03/03/08	Denied 04/11/08
Stipulated Motion to Appoint Receiver	SEC	05/02/08	Granted 05/05/08
Motion to Sell Property	Receiver	05/23/08	Granted 07/03/08
Motion for Relief and/or Modification of Stay	Oak Valley Investments, Jonathan H. Horne	06/24/08 07/08/08	Granted in part, denied in part 10/03/08, Order signed 11/17/08
Notice of Joinder	Val E. Southwick		
Motion to Clarify Order on Motion to Appoint Receiver	Ivan Cannon, Helen Cannon, William R. Koch., etc.	07/31/08	Withdrawn by Movants 09/05/08
Motion to Clarify Scope of/to Lift Stay on Order on Motion to Appoint Receiver	Heritage Capital Management, Covenant Bancorp, etc.	08/01/08	Denied 10/03/08
<i>Ex Parte</i> Motion to Take Control of Account and Transfer Receivership Funds	Receiver	08/25/08	Granted via 11/17/2008 Order Including Southwick Entities into Receivership
Motion for Joinder	Val E. Southwick	08/29/08	
First Declaration and Request to Appoint Professionals	Receiver	09/10/08	Granted 10/08/08
Motion for Settlement Approval with Church of Jesus Christ of Latter-day Saints	Receiver	09/25/08	Granted 10/01/08
Motion for Settlement Approval with Trustee of VesCor Bankruptcy	Receiver	10/08/08	Granted 12/05/08

Motion to Relinquish Interest in Real Property of the Estate (Apex Vegas Vista Lots 10&11)	Receiver	10/13/08	Granted 11/17/08
Motion for an Order Approving Claims Procedures	Receiver	10/30/08	Approved 11/03/08
Objection to form of 10/03/08 Order	Heritage Capital Management, Covenant Bancorp, etc.	11/06/08	Court Approved order as written 11/17/08
Motion to Transfer Personal Property to the Receivership (laptops)	Receiver	11/21/08	01/05/09 Order instructing Southwick to provide privilege log of laptop documents by 5:00 p.m. 01/12/09
Declaration and Report of Receiver	Receiver	12/10/08	Granted 12/11/08
Notice of Interlocutory Appeal of Order from 10/03/08 hearing Entered 11/17/08	Heritage Capital Management, Covenant Bancorp	12/16/08	Argument heard before 10 th Circuit 09/23/2009
Motion to Compel Inspection of Real Property	Receiver	01/02/09	Granted 01/15/09
Motion to Dedicate and Transfer Real Property of the Estate (Roadway within Apex Lot 23)	Receiver	01/08/09	Granted 01/15/09
Third Declaration and Report of Receiver	Receiver	01/29/09	Granted 02/03/09
Motion for Settlement Approval with Lavarr Webb & Webb Consulting, LLC	Receiver	03/03/09	Granted 03/04/09
Motion to approve Procedure for Sale of Real Property	Receiver	03/09/09	Granted 03/10/09
Motion for Order to Show Cause by Lionel, Sawyer & Collins Should Not be Held in Civil Contempt for Failure to Comply with Order Appointing Receiver	Receiver	03/18/09	Denied 4/20/09, Lionel Sawyer & Receiver to share cost of copying files, attorneys fees denied
Motion to Intervene	Apex Commercial Center North	03/19/09	
Motion to sell Real Property of the Estate (Apex Lot 23)	Receiver	03/26/09	Denied 4/20/09
Motion for Settlement Approval with Archie N. Stone, Sharon S. Stone & the Archie N. Stone and Sharon S. Stone Family Trust	Receiver	04/02/09	Granted 04/03/09

Motion to Amend/Correct Order from 10/03/08 Hearing and Motion for Return of Property	Marilyn Southwick, John D. Southwick, MMS Capital LLC	04/17/09	Granted in Part, denied in part 07/29/09, Order entered 09/17/09
Motion for Settlement Approval with Ernest B. Iseminger	Receiver	05/04/09	Granted 05/05/09
Motion for Settlement Approval with Ronald D. Wells	Receiver	05/04/09	Granted 05/05/09
Motion for Settlement Approval with Paul and Karen Beard	Receiver	05/04/09	Granted 05/05/09
Motion for Settlement Approval with Blair F. Hadley and BFH Consulting, Inc.	Receiver	05/04/09	Granted 5/12/09
Fourth Declaration of Robert G. Wing, Receiver	Receiver	05/05/09	Granted 05/09/09
Status Report	Receiver	05/05/09	
Motion for Declaratory Relief	Jonathan H. Horne, MD as Trustee for Jonathan H. Horne, M.D., P.C.	05/28/09	Moved to Adversary Proceeding 2:09-cv-717 and Denied 09/08/09
Motion to Lift or Clarify Stay Imposed by May 5, 2008 Order	William J. Hammons, Bilo 1989 Trust	06/01/09	Granted in part, denied in part – order pending
Motion for Settlement with Joan Wilkes Individually and as Trustee of the Donald F. Wilkes an Joan A. Wilkes Revocable Trust	Receiver	06/15/09	Granted 06/16/09
Motion for Settlement with Kaae Trust, Kenneth W. Kaae and Kathleen A. Jukes	Receiver	06/23/09	Granted 06/24/09
Motion for Settlement Approval with the Edward and Judith Okney Revocable Living Trust	Receiver	07/07/09	Granted 07/13/09
Motion for Settlement Approval with Gordon Stephanie Low	Receiver	07/10/09	Granted 07/13/09
Fifth Declaration and Report of Receiver	Receiver	07/15/09	Granted 07/17/09
Motion for Settlement approval with Renee Winward	Receiver	07/23/09	Granted 07/28/09
Motion to Deposit Funds, Cash Surrender Proceeds from Vale E. Southwick Life Insurance Policy	Receiver	07/28/09	Granted 09/04/02
Motion for Settlement Approval with Roger & Linda Jones	Receiver	08/04/09	Granted 08/05/09

Motion for and Order Authorizing Acceptance and Consideration of a Late Investor Claim	Receiver	08/11/09	Granted 09/02/09
Motion to Intervene	Heritage Capital Management, Covenant Bancorp, et al.	08/31/09	
Motion to Lift Stay	Dar First Family Limited Partnership	09/22/09	Pending response and hearing

Two appeals have been filed. One was dismissed (*Wing v. Hammons*) on jurisdictional grounds and the other (*Wing v. Covenant*) was argued before the Tenth Circuit Court of Appeals on September 23, 2009.

SETTLEMENT

The Receiver has settled claims with the following defendants for **a total of \$564,761.74**:

1. Ernest B. Iseminger
2. Blair F. Hadley and BFH Consulting, Inc.
3. Paul and Karen Beard
4. Ronald D. Wells
5. Lavarr Webb and Webb Consulting
6. Archie N. Stone, Sharon S. Stone and the Sharon S. Stone Family Trust
7. Joan Wilkes individually and as Trustee
8. Kaae Trus, Kenneth W. Kaae & Kathleen A. Jukes
9. Edward & Judith Okney Revocable Living Trust
10. Gordon and Stephanie Low

11. Renee Winward
12. Roger & Linda Jones
13. Gamett & King
14. The Church of Jesus Christ of Latter-day Saints

The Receiver is in negotiation with several other defendants and is in the process of scheduling some of the cases for alternative dispute resolution.

REAL ESTATE

The receivership has the following parcels of property:

1. Apex Industrial Property (Lots 1-6 & 23): VesCor has an interest in industrial and commercial real property located in Nevada. VesCor's industrial property is located within the Apex Industrial Park, which is situated approximately 15 miles north of Las Vegas along Interstate 15. Lots 1-6 total approximately 12.8 acres of industrial real estate. Lot 23 is approximately 10.6 acres in size.
2. Siena Office Park Building: VesCor's commercial property is located within the Siena Office Park in Henderson, Nevada. The receivership claims an interest in a commercial office building located at 871 Coronado Center Drive in the Siena Office Park. This claim is in litigation in this Court. *See* Case No. 2:08cv708, *Wing v. Christopher D. Layton, Douglas R. Malan, William W. Plise, Casey Craig, ATG Capital, LLC, Cromwell Property Management, LLC, D&J Properties, LLC, Icarus Holdings,*

Inc., Moriarty, LLC, Siena Office Park 2, LLC, Siena Office Park 3, LLC, Siena Vista, LLC, SOP 871, LLC, SOP Equity, LLC, 360M Investments, LLC.

3. Siena Office Park Undeveloped Land: The receivership also has an interest in undeveloped commercial real property within the Siena Office Park, which is located adjacent to the building at 871 Coronado Center Drive. This property consists of five parcels of undeveloped property zoned for office development. It is approximately 13 acres in size.

All of the Nevada real estate was earlier listed for sale with NAI. The listings were terminated, based in part on the Court's ruling on April 20, 2009 that the Las Vegas real estate market may improve. The Receiver has been contacted by several potential buyers and has had discussions with several brokers regarding the market conditions in Nevada.

4. Home in Layton, Utah: The Receiver located a home at 1697 West Davis Drive, Layton, Utah, that is titled in the name of Val Southwick. The home is unoccupied and is unencumbered. The Receiver intends to sell this property pursuant to the statute.

During the life of the receivership, the Receiver has paid \$399,439.66 in real property taxes, \$386,254.40 of that on Nevada real property taxes. Property taxes continue to accrue and the Receiver recently received Nevada property tax bills for 2009

showing \$60,973.57 due by October 5, 2009 and an additional \$51,187.86 due by the end of the year.

FORENSIC ACCOUNTING

Gil Miller and his colleagues at PricewaterhouseCoopers continue to analyze accounting records and provide support for the Receiver in the various lawsuits.

DATED this 1st day of October, 2009.

PRINCE, YEATES & GELDZAHLER

/s/ Robert G. Wing

Robert G. Wing

Receiver

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which sent notification of such filing to the following:

Peter W. Billings

pbillings@fabianlaw.com

William B. McKean

mckeanw@sec.gov

David K. Broadbent

dbroadbent@hollandhart.com

Thomas M Melton

meltont@sec.gov

Mona Lyman Burton

mburton@hollandhart.com

Rodney R. Parker

rparker@scmlaw.com

Mark L. Callister

mlc@cnmlaw.com

Todd W. Prall

tprall@hutchlegal.com

Matthew Q. Callister

mqc@callisterreynolds.com

Joseph H. Pugsley

jpugsley@atkinlawoffices.net

Timothy K. Clark

tclark@fabianlaw.com

Mark W. Pugsley

mpugsley@rqn.com

Clifford V. Dunn

cvdunn@dunnfirm.com

Jerome Romero

jromero@joneswaldo.com

Fred D. Gibson , III

pgibson@lionelsawyer.com

Greggory J. Savage

gsavage@rqn.com

Samuel S. Harkness

sh@scmlaw.com

Richard A. Van Wagoner

rvanwagoner@scmlaw.com

Karen L. Martinez

martinezk@sec.gov

Max D. Wheeler

intakeclerk@scmlaw.com

/s/ Michelle T. Henderson _____