

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIVIL DIVISION

OFFICE OF THE ATTORNEY
GENERAL, DEPARTMENT OF LEGAL
AFFAIRS, STATE OF FLORIDA,

Plaintiff,

CASE NO.: 51-2010-CA-2912-WS/G

v.

BOTFLY L.L.C., DAVID R. LEWALSKI,
JON J. HAMMILL, and JON J. HAMMILL, P.A.,

Defendants.

**RECEIVER'S MOTION FOR ALLOWANCE OF COMPENSATION
FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES
INCURRED FROM OCTOBER 1, 2011 THROUGH MARCH 31, 2012**

Michael Moecker, as Receiver in the above-referenced case, by and through his undersigned counsel and pursuant to the Court's Order Appointing Receiver dated April 1, 2010 (the "**Order Appointing Receiver**"), files this interim application for the allowance of compensation and reimbursement of costs incurred from October 1, 2011 through March 31, 2012 (the "**Fee Period**").

I. Case Background and Status.

On April 1, 2010, this Court entered an order appointing Michael E. Moecker or his designee employed by Michael Moecker & Associates Inc. as Receiver for Defendants Botfly, L.L.C. ("**Botfly**"), David R. Lewalski ("**Lewalski**"), and Jon J. Hammill ("**Hammill**") and all other entities operated, controlled, or otherwise associated with the Defendants' activities (collectively referred to as the "**Receivership Entities**").¹ The Receiver has filed eight reports

¹ Michael E. Moecker and the individual employees of Michael Moecker & Associates, Inc., who performed services during the Fee Period, are collectively referred to herein as the "Receiver."

which contain the case background and status; and information regarding the recovery and disposition of assets. The Receiver incorporates these reports into this Motion.

This interim application is made by the Receiver, for an interim allowance of compensation in the amount of **\$33,872.50** for professional services rendered on behalf of the Receivership during the Fee Period, and for the reimbursement of actual and necessary expenses incurred during the Fee Period in the amount of **\$3,941.93**. The Receiver has not received any compensation for the services described in this application from the Receivership or any other person or entity. In addition, the Receiver has not received compensation for un-reimbursed out-of-pocket costs expended or incurred during the Fee Period although he has worked diligently on this matter and continues to do so.

During the Fee Period, 198.15 recorded hours were expended by Michael E. Moecker and other Moecker & Associates' personnel. The number of hours expended, the applicable hourly rate and total dollar amount charged for such services during the Fee Period, and the unreimbursed costs incurred during the Fee Period are detailed on invoice that is attached as Exhibit "A."

II. Services Performed by Moecker & Associates During the Fee Period

The Order Appointing Receiver provides for payment of fees to the Receiver or his designee employed by Moecker & Associates from the State of Florida or the Receivership estate's funds after a hearing upon notice to the parties and all counsel of record. This case has been time-intensive for Moecker & Associates because of the need to resolve many issues rapidly and efficiently. During the Fee Period, 198.15 recorded hours were expended by the Receiver and other Moecker & Associates personnel.

Through his appointment by the Court, the Receiver is charged with the responsibility for the efforts to locate and gather investors' money, the determination of investor and creditor claims and any ultimate payment of these claims. All of the services for which compensation is sought in connection with this case were rendered on behalf of the Receivership Entities and in furtherance of the duties of the Receiver, and in discharge of the Receiver's responsibilities under the Order Appointing Receiver. The Receiver and Moecker & Associates provided services and incurred expenses to investigate the affairs of the Receivership Entities, preserve the Receivership assets, and attempt to locate and recover additional assets. These services were incurred in connection with the administration of the Receivership estate and are for the benefit of aggrieved investors, creditors, and other interested parties of the Receivership Entities.

The efforts of the Receiver working with Moecker & Associates and his attorneys during the Fee Period resulted in deposit of approximately \$430,000 in the Receivership account resulting from the proceeds of the sale of assets recovered by the Receiver, payments from investors on demands for the repayment of false profits, and settlement payments made in litigation commenced by the Receiver for the recovery of false profits. In addition, during the Fee Period, the Receiver, made distributions totaling approximately \$3.5 million to the holders of allowed claims and commenced numerous actions for the recovery of additional funds for the Receivership estate.

The services rendered by Moecker & Associates have been performed by individuals with broad expertise and high-level skill in the areas in which they have provided services. A summary description of the background and experience of the Moecker & Associates' personnel who rendered services during the Fee Period is included on Exhibit "B." Their services have contributed to the efficient and expeditious manner in which this case has progressed. Upon

appointment, the Receiver unilaterally adjusted the hourly rates to be charged for services rendered in connection with this matter in recognition that the Receivership's assets will likely be the primary source for recovery for defrauded Botfly investors. Accordingly, the hourly rates reflected on Exhibit "A" have been reduced for some of the personnel performing services on this matter and are less than the hourly rates Moecker & Associates customarily charges for similar services. Thus, the Receiver's efforts to administer the Receivership as economically as reasonably possible began upon appointment. The Receiver has continued to endeavor to keep the costs of administration to a minimum consistent with efficiency and dispatch.

Receivers are entitled to reasonable compensation for their services and expenses. *Southeast Bank, N.A. v. Ingrassia*, 562 So. 718 (Fla. 3rd DCA 1990); *Lewis v. Gramil Corp.*, 94 So.2d 174, 176 (Fla. 1957). A court's appointment of a receiver creates an "implied understanding tht the court which appointed him and whose officer he is will protect his right to be paid for his services, to be reimbursed for his proper costs and expenses." *South County Sand & Gravel Co. v. Bituminous Pavers Co.*, 108 R.I. 239 (1971). The amount of awarded must constitute a fair and reasonable compensation for the services rendered and the monies expended in the case. *Lewis*, 94 So.2d at 176. Therefore, a receiver must be compensated where he reasonably and diligently discharges his duties, even though the receiver may not have achieved any increase in the value of the receivership's assets. *See SEC v. Elliot*, 953 F.2d 1560, 1577 (11th Cir. 1992).

The determination of a just award is governed by the particular circumstances of the case. *Hazen v. Stevens*, 60 Fla. 460, (1910). The court may consider the difficulty of administration, the amount of property involved, the nature and extent of the services rendered by the receiver,

and the beneficial results of the receiver's efforts. *Tampa Water Works Co. v. Hazard*, 127 Fla. 837 (1937); *Amos v. Taylor*, 106 Fla. 317, 350 (1932).

In this case, the services provided and the costs incurred were essential to the fulfillment of the Receiver's duties. The services covered six months during which the Receiver has made quarterly reports to the Court that detail the Receiver's actions. The services provided have required and will continue to require an expenditure of substantial time and effort. The Receiver anticipates that additional funds will be obtained his continued efforts in this case.

This Court appointed the Receiver. Upon appointing the Receiver, the Court provided that the Receiver would be paid for his efforts. Order Appointing Receiver, ¶ 10. Throughout the Fee Period and pursuant to the duties imposed by the appointment, the Receiver has acted as an officer of the court to conduct the Receivership for the purpose of conserving, protecting, managing and recovering the Receivership Entities assets for the benefit of their creditors. The work of the Receiver and the costs incurred by him during the Fee Period were performed to discharge his responsibilities to the Court pursuant to the Order Appointing Receiver and served to benefit the Receivership estate.

In light of the substantial benefits the Receiver has conferred on the Receivership Estate, the Receiver submits that the compensation requested for the Fee Period is more than reasonable, and should be allowed in full.

CONCLUSION

Under the terms and conditions of the Order Appointing Receiver, the Receiver, among other things, is authorized, empowered, and directed to engage professionals to assist him in carrying out his duties and obligations. The Order further provides that he apply to the Court for authority to pay Moecker & Associates for services rendered and costs incurred. In exercising his

duties, the Receiver has determined that the services rendered and their attendant fees and costs were reasonable, necessary, advisable, and in the best interest of the Receivership.

WHEREFORE, Michael E. Moecker, the Court-appointed Receiver, respectfully requests that this Court award payment of **\$37,814.53** to Michael Moecker & Associates, Inc., and direct that payment be made from the Receivership's assets.

BUSH, ROSS, P.A.
Post Office Box 3913
Tampa, FL 33601-3913
(813) 224-9255
(813) 223-9620 (telecopy)
Counsel for the Receiver

BY: Karen Cox
Jeffrey W. Warren, Esquire
Florida Bar No. 150024
Karen Cox, Esquire
Florida Bar No. 456667

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of May, 2012, a true and correct copy of this Receiver's Motion for Allowance of Compensation for Services Rendered and Reimbursement of Expenses Incurred from October 1, 2011 Through March 31, 2012 has been furnished via e-mail to the following:

Gregory S. Slempp, Esq.
Greg.Slempp@myfloridalegal.com

Gabriel Mazzeo, Esquire
Gmazzeo11@gmail.com

Karen Cox


Karen Cox, Esq.

RECEIVER'S CERTIFICATION

I have reviewed this Receiver's Motion for Allowance of Compensation for Services Rendered and Reimbursement of Expenses Incurred from October 1, 2011 Through March 31, 2012 (the "**Motion**"). To the best of my knowledge, information, and belief formed after reasonable inquiry, the Motion and all fees and expenses herein are true and accurate.

All fees contained in the Motion are reasonable, necessary, and commensurate with (if not below the hourly rate that is commensurate with) the skill and experience required for the activity performed.

To the extent the Motion seeks reimbursement for any service which Michael Moecker & Associates, Inc., justifiably purchased or contracted for from a third party (such as copying, imaging, bulk mail, messenger service, overnight courier, computerized research, or title and lien searches), the Motion seeks reimbursement only for the amount billed to Michael Moecker & Associates, Inc. by the third-party vendor and/or paid to such vendor. Michael Moecker & Associates, Inc. is not making a profit on such reimbursable service.



Michael E. Moecker, as Receiver

EXHIBIT A

Michael Moecker & Associates, Inc.

3613 North 29th Avenue
Hollywood, FL 33020

Invoice submitted to:
Botfly, LLC

April 30, 2012

Invoice #10440

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
10/03/2011	MM Receiver Prepare September billing	0.50 300.00/hr	150.00
10/17/2011	MM Conference Prepare for conference call and conference call with K. Cox office	2.50 300.00/hr	750.00
10/19/2011	MM Receiver Hammill settlement; Minutes of conference call	1.00 300.00/hr	300.00
10/25/2011	MM Preparation Preparation for Meeting with Cox	1.00 300.00/hr	300.00
	MM Meeting Meeting with Cox & Associates regarding Clawbacks	2.50 300.00/hr	750.00
10/26/2011	WR Phone calls Phone call with investor regarding demand letter, referred to Karen Cox.	0.15 150.00/hr	22.50
11/02/2011	MM Receiver Discussion of partial distribution and timing; prepare and review six month billing	2.00 300.00/hr	600.00
11/04/2011	MM Review Review minutes from meeting and changes	0.50 300.00/hr	150.00

		<u>Hrs/Rate</u>	<u>Amount</u>
11/05/2011	MM Review Review Clawback claims	0.50 300.00/hr	150.00
	MM Receiver Legal issues regarding Clawback and options	0.50 300.00/hr	150.00
11/16/2011	MM Receiver Emails and calls to Cox	0.50 300.00/hr	150.00
	JD Liquidation Took pictures and catalog all items	2.00 25.00/hr	50.00
11/17/2011	JD Liquidation Took pictures and catalog all items	5.00 25.00/hr	125.00
11/18/2011	MM Receiver Porsche issues; Call with E. Rubin and emails	0.50 300.00/hr	150.00
	JD Liquidation Took pictures and catalog all items	6.00 25.00/hr	150.00
11/21/2011	JD Liquidation Took pictures and catalog all items	7.00 25.00/hr	175.00
11/23/2011	MM Phone calls Call to K. Cox regarding issues for December hearing	0.50 300.00/hr	150.00
11/26/2011	DD Auction Co. Administration Auction for Boat	3.00 150.00/hr	450.00
11/28/2011	RW Case Administrator Started listing Botfly property on Ebay	4.75 150.00/hr	712.50
11/29/2011	MM Meeting Meeting with K. Cox and emails	1.00 300.00/hr	300.00

		<u>Hrs/Rate</u>	<u>Amount</u>
11/29/2011	RW Case Administrator Intermittently checked Ebay throughout the day to see posting status of Botfly items	1.00 150.00/hr	150.00
12/01/2011	RW Case Administrator Posting new items for Botfly on Ebay	4.00 150.00/hr	600.00
	MM Meeting Emails and calls to E. Rubin and K. Cox	1.00 300.00/hr	300.00
12/02/2011	LR Auction Co. Administration Monitor, answer questions and add listing for Ebay account	4.00 100.00/hr	400.00
12/04/2011	MM Review Review and approve Receiver report and payment application	1.50 300.00/hr	450.00
12/05/2011	RW Case Administrator Posted new items on Ebay and answered questions from potential buyers	6.00 150.00/hr	900.00
	MM Receiver Hammill result of December hearing and emails	1.00 300.00/hr	300.00
12/06/2011	RW Case Administrator Posted new items on Ebay and answered questions from potential buyers	3.00 150.00/hr	450.00
12/07/2011	ER Auction Co. Administration Ebay	2.00 150.00/hr	300.00
	RW Case Administrator Monitor items posted, answered questions and tried to post additional items	1.00 150.00/hr	150.00
12/08/2011	ER Auction Co. Administration Ebay	3.00 150.00/hr	450.00

		<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
12/08/2011	RW Case Administrator Check for availability to post items, monitor auction, help Eric with preparing items for shipping	3.25	150.00/hr	487.50
	LR Auction Co. Administration Monitor, answer questions and add listing for Ebay account	3.00	100.00/hr	300.00
12/09/2011	ER Auction Co. Administration Ebay	3.00	150.00/hr	450.00
	LR Auction Co. Administration Monitor, answer questions and add listing for Ebay account	3.00	100.00/hr	300.00
12/12/2011	RW Auction Co. Administration Monitor Auction results, answer email questions from Ebay buyers	0.50	150.00/hr	75.00
12/14/2011	MM Phone calls Phone call with K. Cox on various matters	0.50	300.00/hr	150.00
	RW Auction Co. Administration Review sold and unsold items, update spread sheet with items sold and shipped, package sold items for shipment with Laly, answer email questions and provide feedback for sellers	3.75	150.00/hr	562.50
12/15/2011	RW Auction Co. Administration Prepare paid items for shipping, update spreadsheet, review Ebay account for additional paid items, view pay pal information and payment information	1.75	150.00/hr	262.50
12/16/2011	MM Meeting Meeting with E. Rubin regarding inventory	0.50	300.00/hr	150.00
	MM Meeting Meeting with N. Joseph regarding claims	1.00	300.00/hr	300.00
	RW Auction Co. Administration Check payment status of sold items, review new feedback	0.50	150.00/hr	75.00

		<u>Hrs/Rate</u>	<u>Amount</u>
12/19/2011	RW Auction Co. Administration Check payment status of unpaid EBay items, package and ship one item	0.75 150.00/hr	112.50
12/21/2011	MM Meeting Meeting with K. Cox in Tampa	1.00 300.00/hr	300.00
	RW Auction Co. Administration Intermittently check EBay for final payment from buyer	0.25 150.00/hr	37.50
12/27/2011	RW Auction Co. Administration Package and send items from Ebay sale	0.50 150.00/hr	75.00
12/28/2011	RW Auction Co. Administration Answer emails for Ebay customers concerning botfly merchandise, research shipment to Russian Embassy in Maryland with Laly for customs information for buyer	0.75 150.00/hr	112.50
01/03/2012	LR Auction, Set up List lots on Ebay	3.00 100.00/hr	300.00
	RW Auction Co. Administration List additional items on Ebay with Laly, arrange items for sale in holding area, take measurements on specific items and add additional information in description	6.50 150.00/hr	975.00
	MM Meeting Botfly Status Meeting; Pickup Diamond	3.00 300.00/hr	900.00
01/04/2012	MM Receiver Calls and Emails	0.50 300.00/hr	150.00
01/09/2012	RW Auction Co. Administration Check ebay listings for progress and questions. Laly answered majority of questions.	1.00 150.00/hr	150.00
01/10/2012	RW Auction Co. Administration Monitor Auction results on and off throughout day and answer questions on ebay items; Ship items to winning bidders	3.75 150.00/hr	562.50

		<u>Hrs/Rate</u>	<u>Amount</u>
01/11/2012	RW Auction Co. Administration Package and ship paid items from Ebay auction, monitor website for additional payments, gather packaging material from warehouse	3.50 150.00/hr	525.00
01/12/2012	MM Receiver Bike theft, jewelry, disputed claims	1.50 300.00/hr	450.00
01/16/2012	MM Receiver Review of case and pending issues	1.00 300.00/hr	300.00
01/19/2012	MM Review Review of potential Bank of America lawsuit	2.00 300.00/hr	600.00
01/20/2012	MM Receiver Discussion and plan for interim distribution	1.00 300.00/hr	300.00
01/28/2012	DD Auction Co. Administration Auction for Porsche	4.00 150.00/hr	600.00
01/30/2012	MM Meeting Meeting with Green and Bash regarding Bank of America litigation	1.50 300.00/hr	450.00
2/1/2012	MM Receiver Meeting with Cox, Calls to S. Berger, call to Baker Hostetler	2.00 300.00/hr	600.00
	GD Meeting Meeting with attorney and Viking Media; Analysis for distribution	2.00 200.00/hr	400.00
2/3/2012	GD Case Administrator Analysis of documents on Viking Media, emails and phone calls	3.00 200.00/hr	600.00
2/6/2012	GD Review Review of Viking minutes	2.00 200.00/hr	400.00
2/8/2012	GD Case Administrator Talk with attorney, questions on Viking, Paul contact info	1.00 200.00/hr	200.00
	MM Receiver Call with E. Rubin and emails regarding jewelry sale	1.50 300.00/hr	450.00
	ER Phone calls Phone calls with Receiver on jewelry sale	1.00 150.00/hr	150.00
2/9/2012	MM Review Review building	0.50 300.00/hr	150.00

		Hrs/Rate	Amount
2/10/2012 LR	Auction Co. Administration List items to Ebay.com	3.00 100.00/hr	300.00
	GD Case Administrator Phone conference with Paul; Analysis	2.00 200.00/hr	400.00
2/13/2012 GD	Report Report on Viking	4.00 200.00/hr	800.00
	LR Auction Co. Administration Answering questions, adding items to ebay.com	3.00 100.00/hr	300.00
2/14/2012 LR	Auction Co. Administration Answering auction questions	1.00 100.00/hr	100.00
2/15/2012 DD	Case Administrator Case Administrator	8.00 150.00/hr	1,200.00
2/16/2012 MM	Review Review settlement with K. Cox	1.00 300.00/hr	300.00
2/17/2012 RW	Auction Co. Administration Answer buyer questions on ebay and view auction results	0.75 150.00/hr	112.50
2/27/2012 MM	Receiver Discuss car issue with E. Rubin	0.50 300.00/hr	150.00
	ER Phone calls Phone calls with Receiver on car issue	0.50 150.00/hr	75.00
2/28/2012 MM	Review Review and approve five settlements; Fedex information	1.50 300.00/hr	450.00
2/29/2012 ER	Research Research for 04 Porsche	0.50 150.00/hr	75.00

		Hrs/Rate	Amount
3/12/2012 LR	Auction Co. Administration Pack and ship lots	2.00 100.00/hr	200.00
ER	Auction, Set up Auction Preparation and assembly of and registration for Porsche selling at Mecum Auctions	4.00 150.00/hr	600.00
MM	Receiver Phone calls and emails to E. Rubin and K. Cox regarding new plan to sell Porsche and contract	1.75 300.00/hr	525.00
3/20/2012 RW	Auction Co. Administration Begin listing new items on Ebay	2.00 150.00/hr	300.00
MM	Receiver Research issues raised by Gabe; Emails to K. Cox and M. Phelan regarding bank	1.00 300.00/hr	300.00
3/21/2012 RW	Auction Co. Administration List new items for sale on Ebay; check items for material, length and style for listing; answer buyer email questions, photograph and upload at buyer request	3.50 150.00/hr	525.00
3/22/2012 RW	Auction Co. Administration Continue listing Botfly items, answer email questions from buyers, ship items purchased, monitor site	6.00 150.00/hr	900.00
3/26/2012 RW	Auction Co. Administration Answer buyer questions; take measurements and check for flaws	1.50 150.00/hr	225.00
3/27/2012 RW	Auction Co. Administration Answer buyer questions and check ending auction items	0.50 150.00/hr	75.00
RW	Auction Co. Administration Answer buyer questions and check ending auction items	0.50 150.00/hr	75.00
For professional services rendered		198.15	\$33,872.50

Additional Charges :

		<u>Qty/Price</u>	<u>Amount</u>
10/03/2011 FE	FedEx	1	19.45
	FedEx	19.45	
10/14/2011 MMA	FedEx	1	27.58
	Fedex	27.58	
10/31/2011 MMA	Postage, Fax & Xerox	1	2.64
	Postage	2.64	
11/01/2011 MM	Auto Expense	262	145.41
	Mileage	0.56	
11/10/2011 MMA	FedEx	1	22.89
	FedEx	22.89	
11/26/2011 DD	Auto Expense	60	33.30
	Mileage	0.56	
	DD Auto Expense	60	33.30
	Auction for Boat	0.56	
11/30/2011 MMA	Postage, Fax & Xerox	1	3.75
	Postage	3.75	
12/01/2011 MMA	FedEx	1	18.71
	FedEx	18.71	
12/05/2011 MMA	FedEx	1	12.21
	FedEx	12.21	
	MMA FedEx	1	14.77
	FedEx	14.77	
12/09/2011 MMA	FedEx	1	19.37
	FedEx	19.37	
	MMA FedEx	1	17.37
	FedEx	17.37	
	MMA FedEx	1	11.81
	FedEx	11.81	
12/22/2011 FE	FedEx	1	11.83
	FedEx	11.83	

	<u>Qty/Price</u>	<u>Amount</u>
12/28/2011 MMA FedEx FedEx	1 14.77	14.77
12/31/2011 MMA Postage, Fax & Xerox Postage	1 14.95	14.95
01/03/2012 MMA FedEx FedEx	1 43.75	43.75
MM Auto Expense Mileage	239 0.56	132.65
01/12/2012 MMA FedEx FedEx	1 15.40	15.40
01/17/2012 MMA FedEx FedEx	1 14.95	14.95
01/30/2012 MM Auto Expense Mileage	46 0.56	25.53
01/31/2012 MMA Postage, Fax & Xerox Postage	1 1.00	1.00

	<u>Qty/Price</u>	<u>Amount</u>
1/31/2012 MMA Bank Analysis Fee Bank Analysis Fee	1 209.71	209.71
2/1/2012 MM Auto Expense Mileage	47 0.56	26.09
2/6/2012 DD Auto Expense Mileage	60 0.56	33.30
MMA FedEx FedEx	1 14.75	14.75
MMA FedEx FedEx	1 14.75	14.75
2/7/2012 MMA FedEx FedEx	1 16.48	16.48
2/15/2012 DD Auto Expense Fix hood latch on porsche	60 0.56	33.30
2/24/2012 MMA FedEx FedEx	1 66.92	66.92
2/27/2012 MMA FedEx FedEx	1 14.75	14.75
2/28/2012 MM Auto Expense Mileage for the month of February	121 0.56	67.16
2/29/2012 MMA Postage, Fax & Xerox Postage	1 1,634.55	1,634.55
3/1/2012 MMA Storage Thunderboat Marine Service boat rental	1 196.10	196.10

	<u>Qty/Price</u>	<u>Amount</u>
3/5/2012 MMA FedEx FedEx	1 14.95	14.95
3/9/2012 MMA Professional Services Mecum Auction Inc. Inv # 46985 Entry Fee for truck	1 750.00	750.00
3/12/2012 MMA FedEx FedEx	1 22.17	22.17
3/15/2012 MMA FedEx FedEx	1 14.95	14.95
3/27/2012 MMA FedEx FedEx	1 14.95	14.95
3/30/2012 MMA Postage, Fax & Xerox Postage	1 14.95	14.95
3/31/2012 MM Auto Expense Mileage for March	1 6.00	6.00
	241 0.56	133.76
Total additional charges		<u>\$3,941.93</u>
Total amount of this bill		\$37,814.43
Balance due		<u><u>\$37,814.53</u></u>

EXHIBIT B

Michael Moecker (MM) brings over thirty years of management experience to his position as Chairman and CEO of Michael Moecker & Associates, Inc. Prior to founding Michael Moecker & Associates, he was the President and member of the board of directors of the National Association of Credit Management of Florida, Inc. Michael is a seasoned executive who has served as an assignee, a court appointed receiver, and Secretary to Creditor's Committee in Bankruptcy and informal workouts. He frequently oversees the interim management of businesses and also serves as a Bankruptcy Liquidating Trustee. Michael has been an assignee for a number of high profile cases, always ensuring their swift resolution. Rate: \$300.00

Michael Phelan (MP), a Harvard MBA, joined the company in 1999. He serves as the President and COO and is responsible for overseeing every aspect of company operations. Michael has spent the majority of his career as a business consultant helping small and mid-sized companies through the hurdles of planning, marketing and financing. In addition, he brings to MMA extensive experience in stabilizing companies facing financial difficulties as a result of his background in turnaround management. Michael has managed highly complex cases in his role as President of MMA, as he is versed in asset management, the valuation of assets and liquidations for banks and financial institutions. Michael is involved in all aspects of MMA operations and serves as an assignee, administers receiverships, is a liquidating trustee, handles out of court workout agreements and oversees the company's subsidiaries. Rate: \$250.00

Phil von Kahle (PVK), Executive V.P., has been with the company since 2003 and is involved in the day-to-day management of all company functions. He handles Assignment for the Benefit of Creditors as an assignee and executes workout agreements. He also serves as a court appointed receiver, a liquidating trustee and a court examiner. Philip has been a turnaround manager at several firms and he knows what it takes to quickly bring order to a distressed company. Rate: \$250.00

Maynard "Mike" Luetgert (ML), Director/Receiver of Michael Moecker & Associates, heads the Tampa, Florida office and is involved in the day-to-day management of its operations. He has been appointed as a Receiver in various Florida Circuit Court districts and approved as a Trustee in the Federal Court for Chapter 11 matters in the Middle District of Florida. This employment occasionally requires functioning as the Chief Executive Officer and/or Chief Operating Officer of each company. Rate: \$200.00

Mike Lattas (MLS) is a Case Manager with Michael Moecker & Associates' Hollywood office. Working generally on Receiverships and Assignments for the Benefit of Creditors, Mike handles operational and financial day to day activities relating to the cases. Mike, also prepares court mandated reports, coordinates and completes site visits, and communicates with clients, debtors and attorneys about issues relating to cases. Rate: \$175.00

Greg Dyer is a Director/Case Manager with Michael Moecker & Associates' Tampa office. Working generally on Receiverships and Assignments for the Benefit of Creditors, Greg handles many of the day to day issues relating to the cases. Among numerous functions, Greg performs banking and accounting duties, prepares Court mandated reports, coordinates and completes site visits, and communicates with clients and attorneys about issues relating to cases. Rate: \$200.00

Kerry McGucken (KM) is a Case Administrator with Michael Moecker & Associates' Tampa office. Working generally on Receiverships and Assignments for the Benefit of Creditors, Kerry handles many of the day to day issues relating to the cases. Among numerous functions, Kerry performs banking and accounting duties, prepares Court mandated reports, coordinates and completes site visits, and

communicates with clients and attorneys about issues relating to cases. Also, she provides assistance to the Director of the Tampa office and performs various duties in that role. Rate: \$150.00

Robin Williams (RW) is a Case Administrator and Personal Property Appraiser with Michael Moecker & Associates' Hollywood office. Working generally on Receiverships and Assignments for the Benefit of Creditors, Robin handles operational and financial day to day activities relating to the cases. Robin, also prepares court mandated reports, coordinates and completes site visits, and communicates with clients, debtors and attorneys about issues relating to cases. Serve as liaison between Trustee and Business Owner/Client during business transitions i.e. ABC (Assignment for the Benefit of Creditors), sale of assets, consolidation and reorganization. Set up and manage liquidations and auctions. Rate: \$150.00

Steve Zuckerman (RW) is a Case Administrator with Michael Moecker & Associates' Hollywood office. Working generally on Receiverships and Assignments for the Benefit of Creditors, Steve handles operational and financial day to day activities relating to the cases. Steve, also prepares court mandated reports, coordinates and completes site visits, and communicates with clients, debtors and attorneys about issues relating to cases. Rate: \$150.00

Terry Keller (TK) is a Case Administrator with Michael Moecker & Associates' Hollywood office. Working generally on Receiverships and Assignments for the Benefit of Creditors, Terry handles operational and financial day to day activities relating to cases. Terry usually takes complex calls relating to various cases and communicates with clients, debtors and attorneys about issues relating to cases. Rate: \$150.00

Will Reynoso (WR) is a Case Administrator with Michael Moecker & Associates' Hollywood office. Working generally on Receiverships and Assignments for the Benefit of Creditors, Will handles financial day to day activities as well as the billing and invoicing of several cases. Rate: \$150.00

Christopher Mayer (CM) was a Case Administrator with Michael Moecker & Associates' Hollywood office. Working generally on Receiverships and Assignments for the Benefit of Creditors, Chris handled financial day to day activities as well as the billing and invoicing of several cases. Rate: \$150.00

John Tucker (JT) is a retired Postal Inspector and assists in investigative and security related duties to ensure that the assets and cases managed by MMA remain safe. He is involved in investigating any suspicious activity involving each case and surveils and seizes assets for the benefit of MMAs clients. Rate: \$150.00

Tammie Goldstein (TG), Controller, is responsible for managing and reconciling all Global Trust accounts for case administration under Assignees/Trustees/CRO's and the bankruptcy courts of Florida. Maintain all financial data for current operating companies. She also handles management of HR/Personnel for Michael Moecker & Associates. Rate: \$75.00

Bonnie Campos (BC), M.B.A. - Manage finances for failing companies including payroll, accounts receivable and payable, create financial reports, and reconcile bank statements. Provide support to Assignee/Trustee/Receiver in implementing plans for the liquidation of assets for the failing companies. Rate: \$75.00

Nadira Joseph (NJ) has been the Office Manager for Michael Moecker & Associates, Inc. since September of 2006. Manage opening and closing of all assignment and receivership cases. Ensure all creditors are noticed with all legal notices and motions in new assignment cases on a timely manner.

Request for legal advertising in all new assignment cases. Prepare Interim and Final Reports in all cases to submit to attorney. Once an assignment is closed and if there is a distribution, prepare the distribution. Assist with Receivership reports and get them to the attorney for filing with the courts. Prepare month end postage, copy and fax report for each case. Order all supplies for office to function productively. Post motions, notices and orders on Michael Moecker & Associates website. Rate: \$75.00

Gerry Berlin (GB), Claims Specialist, retired after 25 years in the laundry business and 12 years in the office supply industry. He handles all aspects of claims for Michael Moecker and Associates since 1989 as well as helping with various other problems for the company since that time. Rate: \$75.00

Giselle Crombie (GC) is an Administrative Assistant in the Hollywood Office. She handles all case mail-outs, opening and entering Creditors of New Cases, and Assisting Receivers, Trustees, and Assignee's with daily assignments. She also assists the Office Manager and receptionist with answering calls, entering data and all other office needs. Rate: \$35.00

Norma Castellon (NC) is a Receptionist/Administrative Assistant in the Hollywood Office. She assists the Office Manager and answers calls, research, entering data and all other office needs. Rate: \$35.00

David Dybas (DD) is a Graduate Personal Property Appraiser (GPPA) and a Florida licensed Auctioneer with Michael Moecker & Associates' Orlando office. David assists the Receiver in the Botfly case with daily assignments including recovering and securing assets, inventory, and investigative work. He also is involved with the set up and management of liquidations and auctions. Rate: \$150.00

Eric Rubin (ER) is a Graduate Personal Property Appraiser (GPPA) and a Florida licensed Auctioneer with Michael Moecker & Associates' Hollywood office. Eric assists the Receiver in the Botfly case with daily assignments including recovering and securing assets, and inventory. He also is involved with the set up and management of liquidations and auctions. Rate: \$150.00