

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	)	Case No. 10-50494
	)	
FAIR FINANCE COMPANY	)	Chapter 7
	)	
Debtor.	)	Judge Marilyn Shea-Stonum
	)	

**STATUS REPORT FOR JANUARY 22, 2013 STATUS CONFERENCE**

Brian A. Bash, Trustee herein, submits the following summary of the status of the Trustee’s administration of the estate:<sup>1</sup>

**Default Judgments Against Timothy Durham and James Cochran**

In advance of the January 22, 2013 status conference, the Trustee will be filing motions requesting this Court issue a report and recommendation to Judge Gaughan of the United States District Court for the Northern District of Ohio recommending entry of default judgment against Timothy Durham and James Cochran on the breach of contract and fraudulent transfer claims brought by the Trustee in the respective cases against them. The Trustee is seeking entry of default judgment against Timothy Durham in the amount of approximately \$200 million. The Trustee is seeking entry of default judgment against James Cochran in the amount of approximately \$24 million.

**Recent Recoveries For the Estate**

Since the last status conference on December 18, 2012, the Trustee has recovered **\$200,070.39** for the estate constituting payments on fraudulent transfer settlements and accounts receivable collections, including \$72,201.87 from Duvera Billing Services. The Trustee has filed or will be filing motions to compromise in connection with settlements entered into after the last

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<sup>1</sup> The Trustee and his professionals have addressed and resolved many of the administrative issues in this matter. This list is not exhaustive, but focuses on the issues most significant to asset recovery.



status conference. As of January 17, 2013, the balance in the money market account maintained by the Trustee for the benefit of the Debtor's estate is **\$1,830,727.85**.

### **The Trustee's Collection Efforts on the Group B Default Judgments**

The Trustee has obtained 35 default judgments in adversary proceedings filed with this Court, for a total judgment amount of \$48,340,333.74. A spreadsheet identifying the adversary proceeding number, judgment debtor(s), default judgment date, amount and summary of collection strategy for each judgment is attached as **Exhibit A**.

The Trustee is focusing his collection efforts on the judgment debtors with the six largest outstanding judgments, with judgments totaling \$39,533,442.99. The Trustee issued document subpoenas to twelve banks that are or were associated with those judgment debtors. The Trustee has received documents in response to four of the twelve subpoenas. The Trustee's counsel granted production deadline extensions to seven of the twelve banks due to the intervening holidays, and the Trustee expects to receive productions from those seven banks within the next two weeks. The Trustee is currently in discussions with one bank about the bank's obligations under the subpoena and will continue to work toward resolving that issue.

The Trustee is completing asset searches for all medium and high value default judgment debtors. The Trustee has completed asset searches for thirteen default judgment debtors and plans to complete asset searches for eleven more default judgment debtors. The Trustee is reviewing the results of those searches and will proceed accordingly.

The Trustee has targeted eight judgments for domestication, with judgments totaling \$23,891,311.49. The Trustee has domesticated four of these judgments in the states of Indiana and California. The Trustee's counsel has had discussions with possible local counsel in Georgia, Mississippi and South Carolina and is finalizing agreed terms for those engagements.

Once the terms of engagement are finalized, the Trustee will file the appropriate retention motions with the Court.

One judgment is against individuals who are believed to be British nationals. The total amount of this judgment is \$205,997.77. The Trustee is considering the need to retain an experienced professional to assist with collection against these foreign judgment debtors.

The Trustee has deferred pursuit of ten judgments that have been classified as “low value” judgments. The total amount of these judgments is \$1,055,304.83. The Trustee will reevaluate whether there is any benefit to the state in pursuing collection of the “low value” judgments based on the success of his collection efforts in the other default cases.

#### **Status of the Litigation**

**The “Group A” Cases – Proposed Settlement of the *Donald Fair* Litigation:** The proposed settlement was discussed with this Court at the December 18, 2012 status conference. A hearing date for the motion was set for the upcoming January 22, 2013 status conference. This hearing will go forward.

Donald Fair and certain related trusts have agreed to pay \$3.55 million to the estate to settle the Trustee’s claims. The parties orally reached an agreement in principle on the terms of this agreement on November 30, 2012, and the parties promptly documented the settlement over the next four business days. On December 6, 2012, the Trustee filed a motion to compromise his claims against the Donald Fair defendants [Dkt. No. 1150], and on the same date the Trustee filed a motion to shorten the time for the filing of objections [Dkt. No. 1151]. On December 20, 2012, the Trustee received an email from two creditors expressing their opinions about the Trustee’s proposed settlement with Don Fair. The Trustee responded with a letter to those two investors. A copy of the original email correspondence and the Trustee’s letter response are attached as **Exhibit B**.

If the Donald Fair settlement is approved, the aggregate value of the settlements in the Group A cases will be **\$4,180,000.00** in cash payments to the estate. As described more fully in the motion to compromise, the Trustee, in exercise of reasonable business judgment, believes the proposed settlement is in the best interests of creditors and the estate.

**The Remaining “Group A” Cases:**

The following are the other active and pending Group A cases, also listed on **Exhibit C** attached hereto:

1. The *Textron / Fortress* litigation (\$72 million in claims, plus punitive damages);
2. Litigation against the former legal advisor for Fair Finance, Ronald Kaffen (approximately \$180,000);
3. Litigation against John Head, a former officer of the Debtor (approximately \$2.5 million in claims);
4. Litigation against Ricky Snow, a former officer of the Debtor (approximately \$1.7 million in claims); and
5. The *Osler and Geist Sports* litigation (approximately \$1.2 million in claims).

With respect to the *Textron / Fortress* litigation, the written discovery period has closed, and the parties have begun taking fact witness depositions in the case. The Trustee will continue to engage in discovery in this case. The Trustee has filed a motion for leave to amend the *Fortress* litigation to include a prayer for punitive damages, and that motion is pending.

In the litigation against Ronald Kaffen, the Trustee’s counsel has taken the depositions of both Ronald Kaffen and his law firm, both of which are defendants in the litigation, and the Trustee’s counsel has requested and obtained additional records from Mr. Kaffen relevant to Fair Finance and the claims at issue in the litigation. The remaining fact witness depositions in this litigation are being coordinated with the fact witness depositions in the *Fortress* matter in accordance with the Case Management Order entered in the Kaffen matter.

The continuing discovery in the litigation against John Head and Ricky Snow likewise is being coordinated with the discovery taking place in the Fortress litigation. The joint motion filed by counsel for the Trustee and John Head requesting the Court line up the case deadlines in that matter with those in the Fortress litigation to ensure efficiency and consistency in the discovery period was granted on January 18, 2013. In the litigation against Ricky Snow, settlement negotiations continue between counsel for the Trustee and Ricky Snow.

Finally, with respect to the *Osler/Geist Sports* litigation, on December 10, 2012, the Trustee filed a motion for sanctions in the form of a default judgment against Dana Osler and Geist Sports Academy, LLC. The motion is premised on violations by the defendants of discovery orders issued by this Court. The granting of default judgments as requested by the Trustee could effectively end the litigation in this matter.

**The “Group B” Cases:** The one hundred and twenty (120) cases in the “Group B” category of cases include claims based on non-debtor transfers, loans or preferential transfers for which actions were filed after November 2011. These cases include the following:

1. **Fraudulent Transfer or Contract Claims:** This group of cases includes one hundred and one (101) lawsuits. Of those lawsuits, approximately fourteen (13) lawsuits remain active and contested and three (3) cases have been stayed because of bankruptcy filings by the defendants on those cases. The Trustee has settled or otherwise resolved his claims in forty-seven (48) lawsuits. In addition, a number of defendants in these lawsuits have defaulted, including all of the defendants in thirty-seven (37) lawsuits and some of the defendants in six (6) lawsuits, and the Trustee has obtained default judgments in most of these cases.
2. **Section 547 Claims Against Investors:** The Trustee filed twelve (12) preference complaints against investors. All of these complaints have been settled or otherwise resolved.
3. **Section 547 Claims Against Non-Investors:** The Trustee filed seven (7) complaints against non-investors receiving preferential payments from the Debtor. All of these complaints have been settled or otherwise resolved.

The chart attached as **Exhibit B** includes a list of all of the Group B cases, including those cases that have been settled or otherwise resolved by the Trustee with information on the

corresponding settlement amount or resolution. The Trustee is pursuing settlement negotiations in the remaining Group B cases and will continue to prepare those matters for trial, if necessary.

**Other Litigation:** The Trustee is pursuing recovery for the estate in several other lawsuits involving certain state-law claims, including loan claims and claims against certain insiders of the Debtor. This group of cases includes the only lawsuit filed by the Trustee outside of this district (the *National Lampoon* litigation filed in the United States District Court for the Central District of California, Western Division). These cases include the following:

1. **The *Laikin* litigation (approximately \$25 million).** The parties to this litigation attended mediation in an effort to settle the Trustee's claims, and those efforts were not successful. The Court subsequently granted the Trustee's motion to reopen discovery in the litigation, and the Trustee has conducted numerous depositions pursuant to that Order, which have and continue to be subject to related motion practice. With the reopening of discovery, the Trustee also discovered that National Lampoon possesses data and documents that National Lampoon previously contended were missing, and the Trustee is in the process of retrieving pertinent information from that data. The Trustee anticipates that the matter will ultimately proceed to trial. The next pre-trial conference is scheduled for March 11, 2013.
2. **The *National Lampoon* litigation (approximately \$9 million).** While the parties have exchanged written discovery, the Trustee recently discovered that National Lampoon possesses a significant volume of data and documents that National Lampoon previously contended were missing. That revelation and the Trustee's discovery of the use of National Lampoon's cash to fund Durham's criminal defense, has significantly changed the posture of the case. The Trustee consequently asked the California district court to postpone the trial to December 2013, with an extension of related discovery and pre-trial deadlines in order to accommodate the considerable task of retrieving and digesting the newly discovered data for use in prosecuting the Trustee's claims. The district court granted the requested extensions on January 7, 2013. The Trustee anticipates substantial further discovery and motion practice will result. National Lampoon also has undergone several changes in management since the Trustee commenced his claims. The Trustee is informed that Mr. Durham no longer has any position of management of or control over National Lampoon. The Trustee and counsel for National Lampoon have been cooperating with respect to the additional discovery and also intend to explore alternatives for resolving the Trustee's claims.
3. **The *McKibben* litigation against insiders of the Debtor and entities they controlled.** This Court recently heard oral arguments on whether some of the defendants in the *McKibben* action are subject to summary judgment in favor of

the Trustee. Further, the Trustee has negotiated a settlement of the pending dispute regarding the National Union insurance policy. Subject to final approval of the draft agreement, the Trustee will file a motion to approve that compromise, which also will settle the Trustee's claims in the *McKibben* action against four of the defendants.

#### **Forthcoming Litigation**

a) **Subsequent Transfer Claims:** The Trustee expects that some of the defendants in the loan and fraudulent transfer litigation may not have the financial ability to pay the amounts sought by the Trustee. If the Trustee's claims are successful, the Trustee will consider pursuing subsequent transferee claims against transferees of those defendants.

b) **Additional Litigation:** The Trustee continues to evaluate additional potential claims that may be pursued for the benefit of the estate, including loan and fraudulent transfer claims for which the statute of limitations will not be expiring until the later part of 2013.

#### **Trustee's Focus in the Upcoming Weeks**

**Continuing Litigation:** The Trustee's counsel will continue to focus efforts on the litigation of the cases that have been filed by the Trustee to date.

Date: January 18, 2013

Respectfully submitted,

*/s/ Brian A. Bash*

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Brian A. Bash, Trustee (0000134)  
Kelly S. Burgan (0073649)  
Baker & Hostetler LLP  
PNC Center  
1900 East 9<sup>th</sup> Street, Suite 3200  
Cleveland, OH 44114-3482  
Telephone: 216.621.0200  
Facsimile: 216.696.0740  
Email: bashtrustee@bakerlaw.com  
Email: kburgan@bakerlaw.com

*Counsel for the Trustee*

**EXHIBIT A**

DEFAULT JUDGMENT COLLECTION SUMMARY



Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
11-05232	<p>Durham Capital Corporation 1650 Marlay Drive Los Angeles, California 46236</p> <p>Timothy Durham - incarcerated pending sentencing</p>	6/4/2012	\$152,452.75	Jointly and Severally	<p>Conducted asset search. No real property found in the name of Durham Capital Corp. Real property found for Durham.</p> <p>Judgment Lien transferred to Indiana Federal Court.</p> <p>Judgment domesticated in Indiana and California. Anticipated next steps include attaching property (if possible), issuing bank subpoenas, and conducting bank sweeps.</p> <p>Debtor's examination of Durham scheduled for January 9, 2013.</p>
11-05234	<p>Guyer Durham, LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204</p>	6/4/2012	\$268,990.00	\$157,000.00 - Note \$111,990.00 - Fraudulent Transfers	<p>Conducted asset search. No real property found in the name of the defendant.</p> <p>Judgment domesticated in Indiana. Anticipated next steps include attaching property (if available), issuing bank subpoenas, and conducting bank sweeps.</p> <p>Deciding whether to conduct debtor's exam of Dale Buyer, who</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					owned 47.5% of the defendant with Durham (47.5%) and Isaac Jacobson (5%).
11-05203	Cedric Rashad 401 Abbey Springs Way McDonough, Georgia 30253	6/4/2012	\$83,340.48	n/a	<p>Conducted asset search. Real property found in the name of the defendant around Atlanta, Georgia.</p> <p>Working on locating and negotiating retention agreement with local counsel in Georgia. Have some contacts. Hoping to find a firm willing to work on contingency.</p> <p>Once work out fee agreement with local counsel, will file motion for court approval to retain local collections counsel. After local counsel is approved, will work with local counsel to domesticate judgment in Georgia with goal of attaching property or conducting bank sweeps against the defendant.</p> <p>Will decide whether to conduct debtor's examination at a later date.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
11-05209	<p>CargoTrailerUSA.com 2 Walkers Court Bluffton, South Carolina 29910</p> <p>Adam Dowe 2 Walkers Court Bluffton, South Carolina 29910</p>	6/4/2012	\$68,926.31	\$24,917.18 - Note \$44,009.13 - Unjust Enrichment	<p>Conducted asset search. Real property found in the name of Adam Dowe in South Carolina. No real property found in name of CargoTrailer, but appear to have a business address in South Carolina.</p> <p>Working on locating and negotiating retention agreement with local counsel in South Carolina. Have some contacts. Hoping to find a firm willing to work on contingency.</p> <p>Once work out fee agreement with local counsel, will file motion for court approval to retain local collections counsel. After local counsel is approved, will work with local counsel to domesticate judgment in South Carolina with goal of attaching property or conducting bank sweeps against the defendant.</p> <p>Will decide whether to conduct debtor's examination at a later date.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
11-05237	My Ghetto Holdings, LLC 8228 Sunset Boulevard Los Angeles, California 90046	6/4/2012	\$305,160.18	\$170,260.18 - Note \$134,900.00 - Fraudulent Transfers	<p>Not expected to be collectible. Social networking site that is believed to be defunct. Members: Durham (40%), DTP Holdings, LLC (30%), Daniel Laiken (5%), John Ringgold (5%), Reno Rolle (5%), Various Laiken trusts (15%).</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>
12-05021	Bad Boyz Toy Shop LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204	6/4/2012	\$153,900.00	n/a	<p>Corresponds closely with Rated X Garage.</p> <p>Not expected to be collectible. High end sports car repair show with no ownership by Durham. Changed name to Rated X. Final tax return for Rated X filed 2007. Administratively dissolved in 2011.</p> <p>Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of other collection actions.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
12-05022	Black Rock Acquisition Corporation 9032 Diamond Point Drive Indianapolis, Indiana 46236	6/4/2012	\$838,900.00	n/a	<p>Not expected to be collectible. Entity used to take Obsidian Enterprises private. Final tax return filed 2005. Administratively dissolved in 2006.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>
12-05030	Fashion House, LLC dba Identity Streetwear 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204	6/4/2012	\$42,250.00	n/a	<p>Not expected to be collectible. Start-up company for Jamie Rae. Members: Durham and Jamie Rae. No financial information. No loan documents.</p> <p>Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of other collection actions.</p>
12-05028	Durco Leasing, LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204	6/4/2012	\$1,288,650.00	n/a	<p>Not expected to be collectible. Entity used to own 12.5% of an airplane. 2009 settlement released defendant of its financial responsibility and partial ownership interest in the plane.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					<p>Issued subpoenas to banks where defendant is known to have had accounts in the past. Received documents in response to bank subpoenas, and will proceed based on review of those documents.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>
12-05025	<p>Champion Trailer Acquisition, LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204</p> <p>Champion Trailer Company, L.P. 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204</p> <p>Champion Trailer, Inc. 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204</p>	6/4/2012	\$335,783.36	n/a	<p>Not expected to be collectible. High end, custom built trailers for the racing industry. Closed in 2006. Durham assumed the company's debt with Fair Finance totaling a little over \$7 million.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
12-05023	Cannonball World Events, LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204	6/4/2012	\$446,181.76	n/a	Further investigation required.  Closely tied to judgment against Timothy and Nina Porter, on which we are pursuing collection, but not expected to be collectible. Entity operated a cross-county auto race called The Great American Run. Members: Durham (48%) and Timothy Porter (52%). Administratively dissolved in 2011.  In process of conducting asset search to determine whether it is worthwhile to domesticate judgment for purpose of conducting bank sweeps or collecting through Timothy Porter.
11-05205	Pointe Leasing, LLC 2000 Rubberway Drive, P.O. Box 820165 Vicksburg, Mississippi 39182	6/4/2012	\$385,675.34	n/a	Further investigation required.  Not expected to be collectible, but may have leases to pursue. Entity leased trailers to third parties. Members: Durham (62.5%) and Cochran (37.5%).

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					In process of conducting asset search to determine whether it is worthwhile to domesticate judgment for purpose of conducting bank sweeps or collecting on outstanding leases.
11-05204	Alexander Talbott, Inc., fka Hamilton-Ryker of Indianapolis, Ind., dba Strategic Human Resource Management 251 E. Ohio Street, Suite 1100 Indianapolis, Indiana 46204	6/4/2012	\$423,515.95	n/a	Further investigation required.  Defendant merged with a third party not too long ago (believe 2011). Not expected to be collectible, but may be able to collect from merged entity. Entity was a professional recruitment service. Administratively dissolved in 2011.  In process of conducting asset search to determine whether it is worthwhile to domesticate judgment for purpose of conducting bank sweeps or collecting from merged entity.
12-05037	Waterway Group Realty, LLC 1404 South 3rd Street Jacksonville Beach, Florida 32250	6/4/2012	\$89,000.00	n/a	Not expected to be collectible. Line of credit from DCI. No loan documents. Administratively dissolved in 2008.



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					Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of other collection actions.
12-05036	Vizion Enterprises, LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204	6/4/2012	\$309,234.29	n/a	<p>Not expected to be collectible. Entity was a restaurant and lounge that closed in 2007. Foreclosure in 2008.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>
12-05033	Rated X Custom Garage, LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204	6/4/2012	\$641,362.01	n/a	<p>Corresponds closely with Bad Boyz Toy Shop.</p> <p>Not expected to be collectible. High end sports car repair show with no ownership by Durham. Formerly known as Bad Boyz. Final tax return filed 2007. Administratively dissolved in 2011.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
11-05239	Medical Collections Group, LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204	6/4/2012	\$407,412.36	\$145,966.12 - Note \$88,123.12 - Unjust Enrichment \$173,323.12 - Fraudulent Transfers	Not expected to be collectible. Members: Durham (30%), Cochran (30%), Mike Sanders (30%), John Head (5%), Aaron Winkler (5%).  Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.
11-05235	J Blanton, LLC 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46204	6/4/2012	\$634,124.96	\$334,124.96 - Note  \$300,000.00 - Fraudulent Transfers	Further investigation required.  Not expected to be collectible, but may be able to collect on liquidation of equipment and inventory at closing. 100% owned by Durham. Possible set up to own Durham's interest in Superline.  Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.
12-05064	Aaron Landau 19850 Pacific Coast Highway Malibu, California 90265	6/4/2012	\$75,000.00	n/a	Conducted asset search. Real property and vehicle found in the name of the defendant.

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					<p>Judgment domesticated in California. Anticipated next steps include attaching property (if possible), issuing bank subpoenas, and conducting bank sweeps.</p> <p>Will decide whether to conduct a debtor's examination at a future date.</p>
12-05085	Social Connects 8228 Sunset Boulevard Los Angeles, California 90046	6/4/2012	\$63,500.00	n/a	<p>Not expected to be collectible. No financial information. Same address as My Ghetto Holdings.</p> <p>Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of other collection actions.</p>
12-05092	Obsidian Leasing Company, Inc. 2000 Rubber Way, Highway 61 South Vicksburg, Mississippi 39182	6/4/2012	\$2,720,414.16	n/a	<p>Not expected to be collectible, but may be able to collect on liquidation of equipment and inventory that may still exist. 100% owned by Obsidian Enterprises. Owned approximately 25 coaches. Most sold in 2007. May still have five coaches.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					<p>Issued subpoenas to banks where defendant is known to have had accounts in the past. Received documents in response to one of two bank subpoenas. Documents from second bank subpoena expect in the next week or so. Will proceed based on review of those documents.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>
12-05087	Strategic Sports Agency, Inc. 2508 NW Boca Raton Boulevard Boca Raton, Florida 33431	6/4/2012	\$172,000.00	n/a	<p>Not expected to be collectible. No financial information. Relates to Howard Jaffe, sports agent.</p> <p>Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of other collection actions.</p>
11-05207	Square One Design, Inc. c/o Douglas Sholty 8206 Meadow Drive Brownsburg, Indiana 46112	6/8/2012	\$39,090.86	n/a	<p>Not expected to be collectible. Was taken over by Durham Whitesell &amp; Associates LLC. Entity provides graphic lettering and sign services. Have significant financial difficulties. May be out of business. May have</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					<p>graphic equipment.</p> <p>Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of other collection actions.</p>
12-05038	DC Investments Leasing, LLC c/o Timothy Durham 9032 Diamond Point Drive Indianapolis, Indiana 46236	6/8/2012	\$5,769,718.93	\$4,810,194.59 - Notes \$959,524.34 - Fraudulent Transfers	<p>Not expected to be collectible, but may be able to collect on liquidation of equipment and inventory that may still exist. Members: DCI (99%) and Durham (0.5%). Obsidian Enterprises. Owned approximately 11 coaches. Most sold in 2007. May still have one coach.</p> <p>Issued subpoenas to banks where defendant is known to have had accounts in the past. Expect to receive documents in the next week or so.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
12-05058	Evaco Acquisition dba Superline Trailers 480 Aerodome Way Griffin, Georgia 30224	6/8/2012	\$1,017,590.00	n/a	Further investigation required.  Not expected to be collectible. Members: Durham (42.89589%), rest unknown. Business closed in 2009 and assets were transferred to Classic Manufacturing (100% owned by Obsidian Enterprises).  In process of conducting asset search to determine whether it is worthwhile to domesticate judgment for purpose of conducting bank sweeps or collecting on liquidated assets.
12-05093	Playa del Racing, Inc. 150 Gasoline Alley, Suite B Indianapolis, Indiana 46222	6/8/2012	\$2,490,433.74	\$1,430,167.05 - Note  \$1,060,266.69 - Fraudulent Transfers	Not expected to be collectible, but may be able to collect on assets from sale of racing team in 2008. Owned by Gary Sallee, Jeff Brougher, Ernie Moody and Susan Schafer. Racing team that was sold in 2008 by American Dream Motorsports. Went bankruptcy in 2008.  Issued subpoenas to banks where defendant is known to have had accounts in the past. Received documents in response to bank

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					<p>subpoenas, and will proceed based on review of those documents.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>
12-05062	<p>Pyramid Coach, Inc. 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46236</p> <p>(Pyramid North LLC dismissed from case)</p>	6/8/2012	\$975,938.40	n/a	<p>Not expected to be collectible. 100% owned by Obsidian Enterprises. Operating company for the coaches owned by other subsidiaries. Most coaches sold in 2007. Business closed in 2009.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search.</p>
12-05024	<p>Chairman Cigars, LLC 9032 Diamond Point Drive Indianapolis, Indiana 46236</p>	8/30/2012	\$144,375.00	n/a	<p>Not expected to be collectible. Members: Durham (33.33%), Cochran (33.33%), Jeff Osler (33.33%). Closed in 2008. Durham moved inventory to his house when business closed.</p> <p>Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					other collection actions.
12-05112	Four Leaf Management, LLC 25 West 9th Street Indianapolis, Indiana 46204	8/30/2012	\$124,835.00	n/a	<p>Not expected to be collectible. Member included Daniel Laiken (% unknown). Entity had broker accounts at Securities Research. Account no. LIX-238402 as of 12/31/10 with balance of \$2,108.44. Account no. 885-23840 as of 1/31/08 with balance of \$13,197.42. This amount is part of the Laiken litigation.</p> <p>Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of other collection actions and Laiken action.</p>
12-05148	US Rubber Reclaiming, Inc. c/o Timothy Durham 9032 Diamond Point Drive Indianapolis, Indiana 46236	8/30/2012	\$22,860,604.18	<p>\$18,399,388.98 - Note</p> <p>\$4,461,215.20 - Fraudulent Transfers</p>	<p>Not expected to be collectible, but may be able to collect on proceeds from liquidation of assets. 100% owned by Obsidian Enterprises. Unsure about status of real estate.</p> <p>Issued subpoenas to banks where defendant is known to have had</p>



Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
					<p>accounts in the past. Received documents in response to one bank subpoenas and expect to receive responses to three other subpoenas in the next week or so. Will proceed based on review of those documents.</p> <p>Conducted an asset search to determine whether it is worthwhile to domesticate judgment. No assets were located in the search</p>
11-05231	Blair Kiel Partners Inc. c/o Resource Commercial Real Estate, LLC 900 E. 96th Street, Suite 350 Indianapolis, Indiana 46240	8/30/2012	\$126,328.96	n/a	<p>Not expected to be collectible. Start-up company. Administratively dissolved in 2008.</p> <p>Do no plan to conduct asset search or pursue judgment at this time. May reconsider later based on outcome of other collection actions.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
12-05145	<p>Aesthetic Surgery Center, LLC 13590 North Meridian Carmel, Indiana 46032</p> <p>Beeson Aesthetic Surgery Institute, LLC 13590 North Meridian Carmel, Indiana 46032</p>	8/30/2012	\$176,000.00	n/a	<p>Conducted asset search. No real property found in the name of the defendants. Boat and real property found in the name of the owner of the defendants, with mortgage and sales involving DCI. Each defendant also owes approximately \$800,000 on leases with Diamond Investments. Pursuing further investigation.</p> <p>Judgment domesticated in Indiana. Anticipated next steps include attaching property (if possible), issuing bank subpoenas, and conducting bank sweeps.</p> <p>Decided to wait for domestication of judgment in Florida pending further asset investigation.</p> <p>Deciding whether to conduct debtor's exam of William H. Beeson, owner of the defendants.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
12-05063	<p>Timothy and Nina Porter 12668 East 116th Street, #128 Fishers, Indiana 46037</p> <p>OR</p> <p>108 West 13th Street Wilmington, Delaware 19801</p>	8/30/2012	\$205,997.77	n/a	<p>Conducted asset search. No real property found in the name of the defendants. Defendants are British citizens who travel often and purportedly still arrange auto races around the world. Believe Timothy and Nina are now divorced. May need an expert to conduct international asset search.</p> <p>Cannot domesticate judgment until the defendants and their assets can be located.</p>
12-05018	<p>Indianapolis Concours, Inc. 111 Monument Circle, Suite 4800 Indianapolis, Indiana 46236</p>	8/30/2012	\$100,025.01	<p>\$15,309.80 - Note</p> <p>\$84,715.21 - Fraudulent Transfers</p>	<p>Not expected to be collectible. Non-profit entity. Durham – president, Neil Lucas – registered agent, Andrew Lee – executive director, Roger Brummett – founder and chairman. Administratively dissolved in 2009.</p> <p>In process of conducting asset search to determine whether it is worthwhile to domesticate judgment for purpose of conducting bank sweeps.</p>

Adversary Proceeding Number	Defendants' Names and Addresses	Final Judgment Entered by District Court	Amount of Judgment (excluding post-judgment interest)	Breakdown of Judgment Amount	Collection Efforts As Of 12/14/2012
12-05039	DW Leasing Company, LLC c/o CT Corporation System 645 Lakeland East Drive, Suite 101 Flowood, Mississippi 39232	12/12/12	\$4,403,621.98	\$2,989,367.68 - Notes  \$402,620.27 - Unjust Enrichment  \$1,011,634.03 - Fraudulent Transfers	Not expected to be collectible.  Issued subpoenas to banks where defendant is known to have had accounts in the past. Expect to receive documents in the next week or so.  In process of conducting asset search to determine whether it is worthwhile to domesticate judgment for purpose of conducting bank sweeps.
			<b>\$ 48,340,333.74</b>		

**EXHIBIT B**

CREDITOR EMAIL AND TRUSTEE LETTER IN RESPONSE

**Kasych, Linda**

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**From:** Kasych, Linda on behalf of Bash, Brian  
**Sent:** Monday, January 14, 2013 12:25 PM  
**To:** 'loripfahler@yahoo.com'  
**Subject:** Fair Finance / Bash  
**Attachments:** Letter to Lori and Anthony Pfahler.PDF

Please see attached correspondence from Brian Bash, Trustee.

# BakerHostetler

Baker & Hostetler LLP

PNC Center  
1900 East 9th Street, Suite 3200  
Cleveland, OH 44114-3482

T 216.621.0200  
F 216.696.0740  
www.bakerlaw.com

Brian A. Bash  
direct dial: 216.861.7581  
BBash@bakerlaw.com

January 14, 2013

**VIA E-MAIL (LORIPFAHLER@YAHOO.COM)**

Lori and Anthony Pfahler

Re: *Fair Finance Company*

Dear Mr. and Mrs. Pfahler:

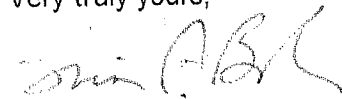
I am in receipt of your email sent to Hewitt Shaw December 20, 2012 in which you express opposition to the proposed settlement of claims against Donald Fair.

I appreciate your concern that Mr. Fair exhibited greed and should be required to repay the \$150 million as set forth in the complaint against him. However, certain additional facts and circumstances have been discovered that had not been previously taken into account. And based on the information I now have, I believe that a settlement from Mr. Fair (and solely from Mr. Fair and his trusts) in the amount of \$3.55 million is justified.

The hearing on the Motion to Compromise is scheduled for January 22, 2013 at 9:30 a.m. I urge you to participate at the hearing. I will append your email to the Status Report to ensure that your position is noted even if you do not attend.

Should you have any questions, please contact me.

Very truly yours,



Brian A. Bash

Chicago Cincinnati Cleveland Columbus Costa Mesa  
Denver Houston Los Angeles New York Orlando Washington, DC

**From:** Shaw, Hewitt  
**Sent:** Thursday, December 20, 2012 12:51 PM  
**To:** Bash, Brian  
**Cc:** Hutchinson, Jr., Joseph F.; Lucchesi, Thomas  
**Subject:** Fw: For :Brian Bash

**From:** Lori Pfahler [<mailto:lpvictorialynn@gmail.com>]  
**Sent:** Thursday, December 20, 2012 12:42 PM  
**To:** Shaw, Hewitt  
**Subject:** For :Brian Bash

Mr. Bash,

I have a major problem with the settlement from Donald Fair. Mr. Fair made the statement on TV that "Durham is a crook". Fair then asked the TV crew to erase what he had just said. Mr. Fair's money that he got from the sale of this company was from the investments from the people from OHIO. Not from Durham's own bank account. So Mr. Fair is in his 80's. Don't want to take him to court because of that? Well he had no problem stealing from young as well as old. My own mother has her home up for sale, thanks to DURHAM / FAIR mess. Was it too much to ask from Donald Fair who had operated this company, to turn Durham in? No, he should have turned Durham in. Mr. Fair just finally showed his true colors. "GREED", Mr



Bash is what this all boils down to. Donald Fair wanted as much as he could grab on his way out the door. Now you are willing to give him a pat on the hand and send him on his way, when what he really deserves is a jail cell to call home!

As far as I'm concerned anyone who took a loan should have had to pay it back in full. Its just that simple! No excuse. I have been in on the status meetings and listened in disgust as one after another got off paying small amounts for money that they owe to Fair Finance. I have seen the Attorneys standing in line to speak on behalf of their clients. \$\$\$\$\$\$\$\$ All will get a chunk of the cash cow, but those who had saved the money to earn a little more interest, won't see a dime. Don't try an tell me, "After the first of the year" etc.... When all is said and done, I won't be able to buy a slice of pizza!

So NO don't give  
DONALD FAIR the easy way out.

You asked for 150  
million. Then get 150 MILLION!

Lori and Anthony Pfahler  
[loripfahler@yahoo.com](mailto:loripfahler@yahoo.com)

6468 kungle Rd.  
Clinton OH 44216

This includes my  
victimized mother also.

Gloria M. Williams

**EXHIBIT C**

LITIGATION SUMMARY

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
<b>GROUP A-1 - ACTIVE GROUP A CASES</b>								
1	Bash v. Ricky D. Snow	FT (Debtor Transfers)	\$ 1,763,679.68	12-5096	12-00980			
2	Bash v. John J. Head; Head Consulting Group, Inc.	FT (Debtor Transfers)	\$ 2,522,333.06	12-5097	12-00981			
3	Bash v. Textron; Fortress; Fair Facility	FT (Debtor Transfers)	\$ 72,000,000.00	12-5101	12-00987			
4	Bash v. Ronald O. Kaffen; Kaffen & Zimmerman	FT (Debtor Transfers)	\$ 279,483.50	12-5149	12-00994			
5	Bash v. Dana Osler; Geist Sports Academy, LLC; Elizabeth McClure	FT (Debtor Transfers)	\$ 1,947,343.42	12-5158	12-00997			
		<b>TOTAL:</b>	<b>\$ 78,512,839.66</b>	Note: Group A-1 total claim amount does not include punitive damages sought in Bash v. Textron, et al.				
<b>GROUP A-2 - SETTLED OR RESOLVED GROUP A CASES</b>								
1	Bash v. BGBC Partners, LLP	FT (Debtor Transfers)	\$ 192,180.00	12-5102	12-00989	Y		\$ 100,000.00
2	Bash v. Somerset CPAs, P.C.	FT (Debtor Transfers)	\$ 760,454.00	12-5108	12-00992	Y		500,000.00
3	Bash v. Terry Whitesell; Julia Whitesell	FT (Debtor Transfers)	\$ 221,810.19	12-5109	12-00993	Y		\$ 30,000.00
4	Bash v. Donald R. Fair	FT (Debtor Transfers)	\$150,000,000.00	12-5152	12-00996	Y		\$ 3,550,000.00
		<b>TOTAL:</b>	<b>\$ 151,174,444.19</b>					<b>\$ 4,180,000.00</b>
<b>GROUP A-3 - DEFAULT GROUP A CASES</b>								
1	Bash v. James Cochran; Susan Cochran	FT (Debtor Transfers)	\$ 9,255,212.64	12-5098	12-00988			
2	Bash v. Fair Holdings, Inc.; DC Investments, LLC	FT (Debtor Transfers)	\$ 351,212,690.22	12-5103	12-00990			
3	Bash v. Timothy Durham	FT (Debtor Transfers)	\$ 69,606,148.70	12-5107	12-00991			
		<b>TOTAL:</b>	<b>\$ 430,074,051.56</b>					

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
<b>GROUP B-1 - ACTIVE GROUP B CASES</b>								
1	Bash v. Erika Lookadoo Jiles	FT (Non-Debtor Transfers)	\$ 33,400.00	12-5029	12-01671			
2	Bash v. Mitza Durham	FT (Non-Debtor Transfers)	\$ 831,426.46	12-5032	12-01672			
3	Bash v. Neil Lucas	FT (Non-Debtor Transfers) + Loan Claims	\$ 489,459.10	12-5046	12-00998			
4	Bash v. Stephen Blaising	FT (Non-Debtor Transfers)	\$ 228,751.36	12-5057	12-00977			
6	Bash v. Bernard Durham aka B.J. Durham	FT (Non-Debtor Transfers)	\$ 59,107.00	12-5104	12-01153			
7	Bash v. Courtney Durham	FT (Non-Debtor Transfers)	\$ 64,700.00	12-5105	12-01673			
8	Bash v. Joan SerVaas	FT (Non-Debtor Transfers)	\$ 226,000.00	12-5106	12-01154			
9	Bash v. Bruce Long	FT (Non-Debtor Transfers)	\$ 55,000.00	12-5110	12-00986			
10	Bash v. Dalinger Designs, Inc.	FT (Non-Debtor Transfers)	\$ 311,026.75	12-5111	N/A			
11	Bash v. Cornelius Alig	<b>STAYED DUE TO BANKRUPTCY</b>	\$ 800,000.00	12-5141	N/A			
12	Bash v. Shannon Connor Design, Inc.	<b>STAYED DUE TO BANKRUPTCY</b>	\$ 1,445,427.21	12-5144	12-01156			
13	Bash v. Shannon Frantz	<b>STAYED DUE TO BANKRUPTCY</b>	\$ 401,713.37	12-5151	N/A			
14	Bash v. Plopper and Partners, LLC	Contract Claims (Lease)	\$ 128,792.68	12-5156	N/A			
15	Bash v. Edward Morris	FT (Non-Debtor Transfers)	\$ 60,000.00	12-5163	N/A			

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
16	Bash v. 77th Street Partners	FT (Non-Debtor Transfers)	\$ 580,000.00	12-5212	N/A			
		<b>TOTAL:</b>	<b>\$ 5,714,803.93</b>			<b>TOTAL:</b>		
<b>GROUP B-2 - SETTLED/RESOLVED GROUP B CASES</b>								
1	Bash v. Obsidian Conference and Catering Center, LLC	PENDING APPROVAL	\$ 30,000.00	11-5230	12-00983	Y		\$ 12,000.00
2	Bash v. Etelco Services, Inc. et al.	PENDING APPROVAL	\$ 19,718.75	11-5233	12-00984			\$ 556,812.00
3	Bash v. Alternate Billing Corporation		\$ 292,831.36	12-5020	12-00999			
4	Bash v. Cindy Landeen		\$ 240,000.00	12-5026	12-01152			
5	Bash v. Mark Phillips	FT (Non-Debtor Transfers)	\$ 30,000.00	11-5236	N/A	Value provided		\$ -
6	Bash v. Durham Whitesell & Associates, LLC	FT (Non-Debtor Transfers)	\$ 252,650.00	11-5240	N/A	Y		-
7	Bash v. Mathie Construction, Ltd.	547 - Non-Investor	\$ 13,756.10	12-5013	N/A	Y	\$ 5,663.54	\$ 1,500.00
8	Bash v. Rubin & Levin Professional Corporation	547 - Non-Investor	\$ 40,000.00	12-5014	N/A	Y		\$ 18,500.00
9	Bash v. Sanders Group of Indianapolis, Inc.	547 - Non-Investor	\$ 30,000.00	12-5015	N/A	Y		\$ 8,500.00
10	Bash v. Voyles Zahn Paul Hogan & Merriman	547 - Non-Investor	\$ 25,000.00	12-5016	N/A	Y		\$ 5,000.00

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
11	Bash v. Car Collector Magazine, LLC; Jeffrey Broadus; RM Classic Car Production, Inc.	PENDING APPROVAL	\$ 950,381.78	12-5017	12-01155			\$ 67,757.00
12	Bash v. Robert Shoemake	PENDING APPROVAL	\$ 54,687.24	12-5019	N/A	Return truck		\$ -
13	Bash v. Barone	FT (Non-Debtor Transfers)	\$ 152,850.00	12-5027	N/A	Hardship		\$ -
14	Bash v. Pace	FT (Non-Debtor Transfers)	\$ 135,248.34	12-5031	N/A	Hardship		\$ -
15	Bash v. Scott Solem and Limitless Yachting, Inc.	PENDING APPROVAL	\$ 84,326.05	12-5034	N/A	Y		\$ 5,000.00
16	Bash v. Table Moose Media,LLC	PENDING APPROVAL	\$ 322,250.00	12-5035	N/A	Y		35,000.00
17	Bash v. Billie Dennie & Ann Dennie	FT (Non-Debtor Transfers)	\$ 241,557.12	12-5045	N/A	Chapter 7		-
18	Bash v. Michael Rypel	FT (Non-Debtor Transfers)	\$ 29,508.58	12-5047	N/A	Y		\$ 2,500.00
19	Bash v. Balint and Associates; Raymond W. Balint	547 - Non-Investor	\$ 66,866.39	12-5049	N/A	Y	\$ 6,497.57	35,000.00
20	Bash v. Carlile Patchen & Murphy LLP	547 - Non-Investor	\$ 10,000.00	12-5050	N/A	Y		\$ 2,500.00
21	Bash v. Mercho, Wells & Masterson, Inc. and Hassan Mercho	PENDING APPROVAL	\$ 1,437,206.00	12-5059	N/A	Y		10,000.00
22	Bash v. Michael Durham	FT (Non-Debtor Transfers)	\$ 49,713.12	12-5060	N/A	Hardship / Military		\$ -
23	Bash v. American Legends Publicity, Inc.	Loan Claims	\$ 150,488.11	12-5065	N/A	Consent J.		\$ -
24	Bash v. Anthony Najem	FT (Non-Debtor Transfers)	\$ 69,600.00	12-5066	N/A	Value provided		\$ -

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
25	Bash v. Auburn Automotive Heritage, Inc. dba Auburn Cord Deussenberg Museum	FT (Non-Debtor Transfers)	\$ 78,970.00	12-5067	N/A	Y		\$ 30,000.00
26	Bash v. Benjamin Harrison Presidential Site, Inc. dba Benjamin Harrison Home	FT (Non-Debtor Transfers)	\$ 50,000.00	12-5068	N/A	Y		\$ 18,000.00
27	Bash v. Bennett Productions, Inc.	PENDING APPROVAL	\$ 300,000.00	12-5069	12-00982	Y		90,000.00
28	Bash v. Lockwood	FT (Non-Debtor Transfers)	\$ 892,200.34	12-5070	N/A	Value / Hardship		\$ -
29	Bash v. Dennis Barsky	FT (Non-Debtor Transfers)	\$ 30,000.00	12-5071	N/A	Y		\$ 15,000.00
30	Bash v. Disturbing Tha Peace Touring, Inc.	FT (Non-Debtor Transfers)	\$ 76,603.00	12-5072	N/A	Y		\$ 75,000.00
31	Bash v. Ludacris Foundation, Inc.	FT (Non-Debtor Transfers)	\$ 30,000.00	12-5081	N/A	Y		
32	Bash v. George Anderson	FT (Non-Debtor Transfers)	\$ 43,571.34	12-5073	N/A	Hardship		\$ -
33	Bash v. Girls, Inc.	FT (Non-Debtor Transfers)	\$ 37,500.00	12-5074	N/A	Y		\$ 7,500.00
34	Bash v. Green Lantern Partners, Ltd.	FT (Non-Debtor Transfers)	\$ 127,000.00	12-5075	N/A	Value provided		\$ -
35	Bash v. Jamie Ferrell	FT (Non-Debtor Transfers)	\$ 273,347.71	12-5076	N/A	Y		\$ 55,000.00
36	Bash v. International Concierge	FT (Non-Debtor Transfers)	\$ 49,840.00	12-5077	N/A	Value provided		\$ -
37	Bash v. Kato Kaelin	FT (Non-Debtor Transfers)	\$ 23,700.00	12-5079	N/A	Y		\$ 7,000.00



#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
38	Bash v. Kathryn James & The Charles L. James Trust	FT (Non-Debtor Transfers)	\$ 358,681.13	12-5080	N/A	Y		\$ 275,000.00
39	Bash v. Randi Siegel Ent.	FT (Non-Debtor Transfers)	\$ 22,000.00	12-5082	N/A	Value provided		\$ -
40	Bash v. Shulte & Urig	FT (Non-Debtor Transfers)	\$ 63,600.00	12-5083	N/A	Value provided		\$ -
41	Bash v. Sirote & Permutt	FT (Non-Debtor Transfers)	\$ 585,520.02	12-5084	N/A	Value provided		\$ -
42	Bash v. Stonefield Josephson, Inc. CPAs nka Marcum LLP	FT (Non-Debtor Transfers)	\$ 41,375.00	12-5086	N/A	Y		\$ 20,000.00
43	Bash v. Tom Banner	FT (Non-Debtor Transfers)	\$ 45,000.00	12-5088	N/A	Value / Hardship		\$ -
44	Bash v. Weener & Nathan	FT (Non-Debtor Transfers)	\$ 300,000.00	12-5089	N/A	Value provided		\$ -
45	Bash v. Obsidian Capital Co., LLC; Timothy Durham; Terry Whitesell	FT (Non-Debtor Transfers)	\$ 1,123,097.58	12-5090	N/A	Y		-
46	Bash v. Kevin James	Loan Claims	\$ 16,287.24	12-5094	N/A	Y		\$ 16,287.24
47	Bash v. Phillip Press, Inc.	FT (Non-Debtor Transfers)	\$ 32,000.00	12-5113	N/A			
48	Bash v. Mitch for Governor	FT (Non-Debtor Transfers)	\$ 90,000.00	12-5126	N/A	Y		\$ 3,000.00
49	Bash v. Fragola & Fragola Limited Partnership; Albert Fragola; The Estate of Nunzie Fragola	547 - Investor	\$ 60,313.15	12-5129	N/A	Y	\$ 80,000.00	\$ 10,000.00
50	Bash v. H. Joanne Allen, Trustee	547 - Investor	\$ 20,016.99	12-5130	N/A	Y	\$ 37,609.93	

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
51	Bash v. Hazel Cossey	547 - Investor	\$ 20,000.00	12-5131	N/A	Y	\$ 20,000.00	
52	Bash v. The Doe Trust; James O. Pigg	547 - Investor	\$ 17,781.88	12-5132	N/A	Y		\$ 14,000.00
53	Bash v. Joseph P. Spohn	547 - Investor	\$ 30,061.64	12-5133	N/A	Y	\$ 34,330.85	
54	Bash v. Julie Imhoff	547 - Investor	\$ 60,021.92	12-5134	N/A	Y	\$ 49,789.66	
55	Bash v. Marie Ebert; Clyde Ebert	547 - Investor	\$ 15,000.00	12-5135	N/A	Paid in Full		\$ 15,000.00
56	Bash v. Schippers	547 - Investor	\$ 25,082.19	12-5136	N/A	Hardship		
57	Bash v. Scot W. Kingan; Donald W. Kingan	547 - Investor	\$ 15,105.10	12-5137	N/A	Y		\$ 8,500.00
58	Bash v. Thomas O'Neal	547 - Investor	\$ 19,653.20	12-5138	N/A	Y		\$ 8,000.00
59	Bash v. Revocable Trust of Victoria Scaia, Vicktoria Scaia; Loraine Brienza	547 - Investor	\$ 25,257.68	12-5139	N/A	Hardship		
60	Bash v. William Barton	547 - Investor	\$ 22,000.00	12-5140	N/A	Y	\$ 22,000.00	
61	Bash v. Melissa McDowell	PENDING APPROVAL	\$ 100,000.00	12-5142	N/A	Partial hardship		25,000.00
62	Bash v. Michael Reardon	PENDING APPROVAL	\$ 187,177.75	12-5143	N/A	Y		\$ 38,500.00
63	Bash v. Davis & Davis Electric, LLC	FT (Non-Debtor Transfers)	\$ 258,301.29	12-5146	N/A	Y		\$ 5,000.00
64	Bash v. DW Trailer, LLC; Terry G. Whitesell	FT (Non-Debtor Transfers)	\$ 300,000.00	12-5147	N/A	Y		

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
65	Bash v. Jaffe & Asher LLP	547 - Non-Investor	\$ 87,000.00	12-5150	N/A	Y		\$ 27,500.00
66	Bash v. Misty Rice-Baniewicz	FT (Non-Debtor Transfers)	\$ 1,115,484.41	12-5154	N/A	Y		\$ 45,000.00
67	Bash v. Henri Najem; Najem Durham Enterprises, LLC; Najem Management, Inc.; Najem Enterprises, Inc.; Najem Durham Investments, LLC	PENDING APPROVAL	\$ 1,852,801.97	12-5061	12-02222	Y		\$ 20,000.00
5	Bash v. Joseph Hennigin	PENDING APPROVAL	\$ 149,815.16	12-5078	12-00979			\$ 100,000.00
		<b>TOTAL:</b>	<b>\$ 13,799,806.63</b>			<b>TOTAL:</b>	<b>\$ 255,891.55</b>	<b>\$ 1,688,356.24</b>
<b>GROUP B-3 - DEFAULT GROUP B CASES</b>								
1	Bash v. Cedric Rashad	Contract/Loan		11-5203	12-01236			\$ 83,340.48
2	Bash v. Alexander Talbott, Inc.	FT (Non-Debtor Transfers)		11-5204	12-01237			\$ 423,515.95
3	Bash v. Pointe Leasing, LLC	Contract/Loan		11-5205	12-01238			\$ 385,675.34
4	Bash v. Square One design, Inc.	Contract/Loan		11-5207	12-01315			\$ 39,090.86
5	Bash v. CargoTrailerUSA.com	FT (Non-Debtor Transfers)		11-5209	12-01239			\$ 68,926.31
6	Bash v. Obsidian Conference and Catering Center, LLC (2 of 3 Defendants)	Contract/Loan	\$ 30,000.00	11-5230				
7	Bash v. Blair Kiel Partners Inc.	FT (Non-Debtor Transfers)		11-5231	12-02011			\$ 126,328.96
8	Bash v. Durham Capital Corporation	FT (Non-Debtor Transfers)		11-5232	12-01241			\$ 152,452.75
9	Bash v. Etelco Services, Inc., et al. (1 of 3 defendants)	Contract/Loan	\$ 19,718.75	11-5233				

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
10	Bash v. Guyer Durham, LLC	FT (Non-Debtor Transfers)		11-5234	12-01242			\$ 268,990.00
11	Bash v. J Blanton LLC	FT (Non-Debtor Transfers)		11-5235	12-01243			\$ 634,124.96
12	Bash v. My Ghetto Holdings, LLC	FT (Non-Debtor Transfers)		11-5237	12-01244			\$ 305,160.18
13	Bash v. Medical Collections Group, LLC	FT (Non-Debtor Transfers)		11-5239	12-01246			\$ 407,412.36
14	Bash v. Durham Whitesell & Associates (2 of 3 Defendants)	FT (Non-Debtor Transfers)	\$ 252,650.00	11-5240				
15	Bash v. Car Collector Magazine, LLC; Jeffrey Broadus; RM Classic Car Production, Inc. (2 of 3 defendants)	FT (Non-Debtor Transfers)		12-5017	12-01155			
16	Indianapolis Concours	FT (Non-Debtor Transfers)		12-5018	12-02041			\$ 100,025.01
17	Bash v. Bad Boyz Toy Shop, LLC	FT (Non-Debtor Transfers)		12-5021	12-01194			\$ 153,900.00
18	Bash v. Black Rock Acquisition Corporation	FT (Non-Debtor Transfers)		12-5022	12-01195			\$ 838,900.00
19	Bash v. Cannonball World Evens, LLC	FT (Non-Debtor Transfers)		12-5023	12-01196			\$ 446,181.76
20	Bash v. Chairman Cigars, LLC	FT (Non-Debtor Transfers)		12-5024	12-02013			\$ 144,375.00
21	Bash v. Champion Trailer Acquisition, LLC; Champion Trailer Company LP; Champion Trailer, Inc.	FT (Non-Debtor Transfers)		12-5025	12-01197			\$ 335,783.36
22	Bash v. Durco Leasing, LLC	FT (Non-Debtor Transfers)		12-5028	12-01198			\$ 1,288,650.00

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
23	Bash v. Fashion House, LLC	FT (Non-Debtor Transfers)		12-5030	12-01199			\$ 42,250.00
24	Bash v. Rated X Custom Garage, LLC	FT (Non-Debtor Transfers)		12-5033	12-01200			\$ 641,362.01
25	Bash v. Vizion Enterprises, LLC	FT (Non-Debtor Transfers)		12-5036	12-01201			\$ 309,234.29
26	Bash v. Waterway Group Realty, LLC	FT (Non-Debtor Transfers)		12-5037	12-01202			\$ 89,000.00
27	Bash v. DC Investments Leasing, LLC	FT (Non-Debtor Transfers)		12-5038	12-01294			\$ 5,795,918.93
28	Bash v. DW Leasing Company, LLC	FT (Non-Debtor Transfers)		12-5039	12-02863			\$ 4,403,621.98
29	Bash v. Evaco Acquisition Corporation	FT (Non-Debtor Transfers)		12-5058	12-01295			\$ 1,017,590.00
30	Bash v. Pyramid Coach, Inc.	FT (Non-Debtor Transfers)		12-5062	12-01296			\$ 975,938.40
31	Bash v. Timothy Porter and Nina Porter	FT (Non-Debtor Transfers)		12-5063	12-02017			\$ 205,997.77
32	Bash v. Aaron Landau	FT (Non-Debtor Transfers)		12-5064	12-01203			\$ 75,000.00
33	Bash v. Social Connects	FT (Non-Debtor Transfers)		12-5085	12-01204			\$ 63,500.00
34	Bash v. Strategic Sports Agency, Inc.	FT (Non-Debtor Transfers)		12-5087	12-01205			\$ 172,000.00

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
35	Bash v. Obsidian Capital Company, LLC; Timothy Durham; Terry Whitesell (2 of 3 defendants)	FT (Non-Debtor Transfers)	\$ 1,123,097.58	12-5090				
36	Bash v. Speedster Motorcars, Inc.; SpeedsterMotorSales Timothy Durham	FT (Non-Debtor Transfers)	\$ 5,215,366.19	12-5091				
37	Bash v. Obsidian Leasing Company, Inc.	FT (Non-Debtor Transfers)		12-5092	12-01206			\$ 2,720,414.16
38	Bash v. Playa del Racing, Inc.	FT (Non-Debtor Transfers)		12-5093	12-01297			\$ 2,490,433.74
39	Bash v. Four Leaf Management	FT (Non-Debtor Transfers)		12-5112	12-02015			\$ 124,835.00
40	Bash v. Aesthetic Surgery Center, LLC; Beeson Aesthetic Surgery Institute, LLC	FT (Non-Debtor Transfers)		12-5145	12-02016			\$ 176,000.00
41	Bash v. DW Trailer, LLC; Terry G. Whitesell (1 of 2 Defendants)	FT (Non-Debtor Transfers)	\$ 300,000.00	12-5147				
42	Bash v. US Rubber Reclaiming, Inc.	FT (Non-Debtor Transfers)		12-5148	12-02018			\$ 22,860,604.18
43	Bash v. Impressive Interiors and Designs, Inc.	FT (Non-Debtor Transfers)	\$ 156,500.00	12-5153				
		<b>TOTAL:</b>	<b>\$ 7,097,332.52</b>			<b>TOTAL:</b>		<b>\$ 48,366,533.74</b>
<b>GROUP C - OTHER LITIGATION</b>								
1	Bash v. Daniel Laikin	Contract/Loan	\$ 25,000,000.00	10-5043	N/A			

#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
2	Bash v. Fair Finance ( <i>McKibben</i> litigation)	FT (Non-Debtor Transfers)	\$ 208,000,000.00	10-5038	N/A			
3	Bash v. National Lampoon	FT (Non-Debtor Transfers)	\$ 9,000,000.00	N/A	N/A			
4	Bash v. FCS Advisors, Inc. dba Brevet Capital Advisors, et al.	Preference - SETTLED	\$ 1,905,036.00	10-5041	N/A			\$ 575,000.00
5	Bash v. Jeffrey Osler	FT (Non-Debtor Transfers)	\$1,247,671.91,	11-5020	N/A			\$ 1,247,671.91
6	Bash v. Obsidian / Diamond	Substantive Consolidation	\$ -	11-5049	N/A			\$ -
		<b>TOTAL:</b>	<b>\$ 243,905,036.00</b>			<b>TOTAL:</b>		<b>\$ 1,822,671.91</b>
<b>GROUP D-1 - INVESTOR PREFERENCE CASES SETTLED W/O LITIGATION</b>								
1	Barbara Doria	547 - Investor	\$ 16,427.49			Y	\$ 41,000.00	
2	Charles Duane Sayre	547 - Investor	\$ 45,000.00			Y	\$ 90,000.00	
3	David N. Specter	547 - Investor	\$ 101,528.77			Y		\$ 101,528.77
4	Eleanor Shaeffer	547 - Investor	\$ 19,692.66			Y		\$ 15,000.00
5	James & Marjorie Freeman	547 - Investor	\$ 102,105.48			Paid in Full		\$ 102,105.48
6	Jerry & Barbara Newcomer	547 - Investor	\$ 41,663.56			Y		\$ 20,000.00
7	Mahlon Steffen	547 - Investor	\$ 30,235.68			Y	\$ 60,000.00	
8	Marilyn & Wilbur Terhune	547 - Investor	\$ 37,500.00			Y		\$ 33,750.00
9	Marilyn DeCarlo	547 - Investor	\$ 15,006.16			Paid in Full		\$ 15,006.19
10	Mark Shapiro	547 - Investor	\$ 25,196.40			Paid in Full		\$ 25,196.40
11	Robert J. Wright	547 - Investor	\$ 61,144.11			Hardship		\$ 10,000.00



#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
12	Rosemary Brett	547 - Investor	\$ 23,728.13			Y		\$ 21,356.00
		<b>TOTAL:</b>	<b>\$ 519,228.44</b>			<b>TOTAL:</b>	<b>\$ 191,000.00</b>	<b>\$ 343,942.84</b>
<b>GROUP D-2 - NON-INVESTOR PREFERENCE CASES SETTLED W/O LITIGATION</b>								
1	BCG Systems, Inc.	547 - Non-investor	\$ 80,437.72			250 Hours of Free IT Services		
2	MyOfficeProducts	547 - Non-investor	\$ 11,342.25			Y		\$ 5,500.00
		<b>TOTAL:</b>	<b>\$ 91,779.97</b>			<b>TOTAL:</b>	<b>\$ -</b>	<b>\$ 5,500.00</b>
<b>GROUP E - CASES AGAINST INDIANA POLITICIANS RECEIVING DURHAM CONTRIBUTIONS</b>								
1	Zoeller for Attorney General	FT (Non-Debtor Transfers)	\$ 11,000.00			Paid in Full		\$ 11,000.00
2	Aiming Higher	FT (Non-Debtor Transfers)	\$ 10,000.00			Paid in Full		\$ 10,000.00
3	Indiana Republican State Committee	FT (Non-Debtor Transfers)	\$ 92,500.00			Y		\$ 87,875.00
4	Bash v. Committee to Elect Brian Bosma	FT (Non-Debtor Transfers)	\$ 10,000.00	11-5095		Y		\$ 10,000.00
5	Bash v. House Republican Campaign Committee	FT (Non-Debtor Transfers)	\$ 58,580.00	11-5096		Y		\$ 33,580.00
6	Bash v. Committee to Elect Paul Ricketts	FT (Non-Debtor Transfers)	\$ 40,000.00	11-5098		Y		\$ 32,000.00
7	Carl Brizzi and Brizzi for Prosecutor	FT (Non-Debtor Transfers)	\$ 226,616.74			Y		\$ 195,881.70
8	Bash v. Marion County Republican Central Committee	FT (Non-Debtor Transfers)	\$ 5,000.00	11-5099		Y		\$ 4,250.00
9	Bash v. Greater Indianapolis Republic Finance Committee	FT (Non-Debtor Transfers)	\$ 27,943.00	11-5100		Y		\$ 23,751.55



#	Case Name	Main Claim and Status	Claim Amount	Bankruptcy Case No.	District Case No.	Settled	Amount of Claim Waiver	Settlement Amount or Judgment Amount
		<b>TOTAL:</b>	<b>\$ 481,639.74</b>			<b>TOTAL:</b>		<b>\$ 408,338.25</b>
<b>GROUP F - OTHER LITIGATION SETTLED PRIOR TO 11/10/2011</b>								
1	Bash v. Richard Hart	Contract/Loan	\$ 317,100.00	10-5160		Y		\$ 312,100.00
2	Bash v. Nathan D. Isen, et al.	Contract/Loan	\$ 47,940.00	10-5162		Paid in Full		\$ 47,940.00
3	Bash v. Stephen & Linda Plopper	Contract/Loan	\$ 370,999.96	11-5048		Paid in Full		\$ 370,999.96
4	HSE Hockey Club, Inc.	Contract/Loan	\$ 234,666.75			Hardship		\$ 25,000.00
5	Gemini Funding	Contract/Loan	\$ 118,051.00			Y		\$ 84,000.00
6	Riley Bennett & Egloff	FT (Debtor Transfers)	\$ 25,000.00			Y		\$ 22,500.00
7	Bash v. SCB Bank aka Shelby County Bank	Contract/Loan	\$ 1,077,914.00	11-5128		Y		\$ 260,000.00
8	Larry McCrary	PENDING APPROVAL	\$ 71,825.76			Y		\$ 40,000.00
		<b>TOTAL:</b>	<b>\$ 2,263,497.47</b>			<b>TOTAL:</b>		<b>\$ 1,162,539.96</b>

**CERTIFICATE OF SERVICE**

A copy of the foregoing has been served via ECF or regular, U.S. Mail, on January 18, 2012, on the attached service list.

*/s/ Brian A. Bash*

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*Chapter 7 Trustee*

## SERVICE LIST

### Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive e-mail notice/service for this case.

- Richard M Bain bain@buckleyking.com, krupa@buckleyking.com
- Stephen M Bales sbales@zieglermetzger.com, dmalloy@zieglermetzger.com
- Brian A Bash bashtrustee@bakerlaw.com, bbash@ecf.epiqsystems.com
- Brian A Bash BBash@bakerlaw.com
- John E. Bator jbator@batorlaw.com, sbator@batorlaw.com
- Kathryn A. Belfance kb@rlblp.com
- John B. Blanton jblanton@bakerlaw.com
- Kelly Burgan kburgan@bakerlaw.com
- Patrick W. Carothers pcarothers@thorpreed.com,  
dtomko@thorpreed.com;ghauswirth@thorpreed.com;rhotaling@thorpreed.com;jshannon@thorpreed.com
- Anthony J. Cespedes ajc1253@yahoo.com
- Michael L. Cioffi cioffi@blankrome.com
- LeGrand L Clark legrand.clark@atg.in.gov, stephanie.patrick@atg.in.gov
- Deborah A. Coleman dacoleman@hahnlaw.com,  
hlpcr@hahnlaw.com;mcsoulsby@hahnlaw.com;cmbeitel@hahnlaw.com
- Anthony J DeGirolamo ajdlaw@sbcglobal.net
- Daniel A DeMarco dademarco@hahnlaw.com, hlpcr@hahnlaw.com;cmbeitel@hahnlaw.com
- Rocco I. Debitetto ridebitetto@hahnlaw.com, hlpcr@hahnlaw.com
- Duriya Dhinojwala dhinojwala@ccj.com, duriya1@hotmail.com
- Michelle L. DiBartolo mdibartolo@ttmlaw.com, mldibartolo@gmail.com
- James M. Dickerson jdickerson@bgdlegal.com, bmartin@bgdlegal.com;mthompson@bgdlegal.com
- Breaden M Douthett bdouthett@bakerlaw.com, krossiter@bakerlaw.com;fairfinancedocket@bakerlaw.com
- J Douglas Drushal ddrushal@ccj.com
- Charles R. Dyas charles.dyas@btlaw.com
- Joseph Esmont jesmont@bakerlaw.com, joe.esmont@gmail.com;fairfinancedocket@bakerlaw.com
- Gregory R Farkas gfarkas@frantzward.com, dlbeatrice@frantzward.com
- Adam Lee Fletcher afletcher@bakerlaw.com
- Dov Frankel dfrankel@taftlaw.com, dwhite@taftlaw.com;docket@taftlaw.com
- Leon Friedberg lfriedberg@cpmlaw.com, knocera@cpmlaw.com;squinn@cpmlaw.com
- Ronald P. Friedberg rfriedberg@meyersroman.com, vvardon@meyersroman.com
- Marc P Gertz mpgertz@goldman-rosen.com, kls@goldman-rosen.com;kstone\_56@hotmail.com
- Harry W Greenfield bankpleadings@bucklaw.com,  
young@buckleyking.com;toole@buckleyking.com;heberlein@buckleyking.com
- John J Guy johnguy@neo.rr.com
- H Ritchey Hollenbaugh hrh@cpmlaw.com, knocera@cpmlaw.com;slq@cpmlaw.com
- Joseph F. Hutchinson jhutchinson@bakerlaw.com,  
smaxwell@bakerlaw.com;fairfinancedocket@bakerlaw.com
- Steven G Janik steven.janik@janiklaw.com
- Cynthia A Jeffrey ecfndoh@reimerlaw.com, RACJ.ecfndoh@yahoo.com
- Kenneth C Johnson kjohnson@bricker.com, rdelsignore@bricker.com
- Nathaniel R. Jones jones-n@blankrome.com
- Patrick J Keating pkeating@bdblaw.com
- Scott J. Kelly skelly@hahnlaw.com
- Suzana Krstevski Koch skoch@brouse.com, tpalcic@brouse.com;rhaupt@brouse.com
- John F Kostelnik jkostelnik@frantzward.com, dlbeatrice@frantzward.com
- David R. Krebs dkrebs@hklawfirm.com, dadams@hklawfirm.com
- Stuart A. Laven slaven@beneschlaw.com,  
docket@beneschlaw.com;mkrawczyk@beneschlaw.com;lbehra@beneschlaw.com
- James Michael Lawniczak jlawniczak@calfee.com
- Trish D. Lazich trish.lazich@ohioattorneygeneral.gov, angelique.seals@ohioattorneygeneral.gov
- Scott B. Lepene scott.lepene@thompsonhine.com,  
docket@thompsonhine.com,betty.ribic@thompsonhine.com,marcia.burston@thompsonhine.com
- Jeffrey M Levinson jml@jml-legal.com

- David A Looney attorney@bright.net, davelooney1@gmail.com
- Thomas R Lucchesi tlucchesi@bakerlaw.com
- Crystal L. Maluchnik crystal.maluchnik@janiklaw.com
- Grant A Mason gamason@millermast.com
- Matthew H Matheney mmatheney@tddl.com, showard@tddl.com
- Shorain L. McGhee shorain.mcghee@sbcglobal.net
- Warner Mendenhall warnermendenhall@hotmail.com, bcyecfnotify@rushpost.com
- Tarek E. Mercho tmercho@mercholegal.com
- David P. Meyer dmeyer@dmlaws.com, docket@dmlaws.com
- David Polan Meyer dmeyer@dmlaws.com
- Michael J Moran moranecf@yahoo.com, moranecf@gmail.com
- David A Mucklow davidamucklow@yahoo.com
- Steven J. Mulligan stevenmulligan@cox.net
- Maritza S. Nelson mnelson@bakerlaw.com
- Josephine S. Noble josephine.noble@ogletreedeakins.com, jennifer.mcguigan@ogletreedeakins.com
- Alexis Courtney Osburn aosburn@bakerlaw.com, fairfinancedocket@bakerlaw.com
- F. Anthony Paganelli tpaganelli@taftlaw.com
- Mark A Phillips mphillips@beneschlaw.com, docket@beneschlaw.com;lbehra@beneschlaw.com;cgreen@beneschlaw.com
- Kenneth G. Prabucki kprabucki@bakerlaw.com
- Clinton E. Preslan ndohbky@jbandr.com
- David F. Proano dproano@bakerlaw.com, fairfinancedocket@bakerlaw.com
- Stephen J Pruneski spruneski@rlblp.com
- Timothy J Richards trichards@frantzward.com, dlbeatrice@frantzward.com
- Mark Riemer mriemer@goldman-rosen.com, andreag@goldman-rosen.com
- Tim Robinson tim.robinson@dinsmore.com, lisa.geeding@dinsmore.com
- James E Rossow jim@rubin-levin.net, susan@rubin-levin.net
- Matthew J. Samsa msamsa@mcdonaldhopkins.com, docket@beneschlaw.com;cgreen@beneschlaw.com
- Rafael A Sanchez rsanchez@bgdlegal.com, lcase@bgdlegal.com
- Richard V. Singleton rsingleton@blankrome.com, kreda@blankrome.com;jhanner@blankrome.com
- Dale S Smith dsmith@frantzward.com, dlbeatrice@frantzward.com
- Michael A. Steel masteel@goldman-rosen.com, andreag@goldman-rosen.com;bstewart@goldman-rosen.com
- Rachel L. Steinlage rsteinlage@meyersroman.com, jray@meyersroman.com
- Ray H Stoess raystoess@600westmain.com
- Megan D. Stricker mnovinc@davisyoung.com, gcampbell@davisyoung.com
- Timothy M. Sullivan tim@tmslaw.net, alison@tmslaw.net;elaine@tmslaw.net;martin@tmslaw.net
- Jonathan D. Sundheimer jsundheimer@btlaw.com
- Gregory D Swope gswope@kwgd.com, mhelmick@kwgd.com
- David J. Theising dtheising@harrisonmoberly.com
- Ronald N Towne rtowne@neolaw.biz, awehener@neolaw.biz
- Vance P Truman medinaatty@yahoo.com, medinaatty@gmail.com
- United States Trustee (Registered address)@usdoj.gov
- Michael S Tucker mtucker@ulmer.com
- Nancy A Valentine navalentine@hahnlaw.com, hlpcr@hahnlaw.com;cmbeitel@hahnlaw.com
- Michael A. VanNiel mvanniel@bakerlaw.com
- Thomas C Wagner wagnert@tcwlawyers.com, wagnert@vwlawyers.com
- Wayne County Litigants ddrushal@ccj.com
- Nicholas L. White nwhite@bakerlaw.com, fairfinancedocket@bakerlaw.com
- Alicia Raina Whiting-Bozich whiting-bozich@buckleyking.com, heberlein@buckleyking.com
- Robert M Whittington robertwhittington0@gmail.com
- David E. Wright dwright@kgrlaw.com, mem@kgrlaw.com
- Lenore Kleinman ust04 Lenore.Kleinman@usdoj.gov
- Maria D. Giannirakis ust06 maria.d.giannirakis@usdoj.gov

## Manual Notice List

The following is the list of **parties** who are **not** on the list to receive e-mail notice/service for this case (who therefore require manual noticing/service).

Emily S. Donahue  
Jackson Walker L.L.P.  
901 Main Street, Suite 6000  
Dallas, TX 75202

Eric W. Sleeper  
Barton Barton & Plotkin LLP  
420 Lexington Avenue  
New York, NY 10170

Christine A. Arnold  
6005 Twin Lakes Drive  
Parma, OH 44219

Gary Sallee  
11650 Olivo Road, Suite 1000-333  
Fishers, IN 46037

Charles R. Dyas, Jr.  
Barnes & Thornburg LLP  
Fifth Third Center  
21 East State Street, Suite 1850  
Columbus, OH 43215

Robert Hanlon  
Eileen Hanlon  
P.O. Box 42  
State Route 43  
Mogadore, OH 44260

Leon Friedberg  
Dennis J. Concilla  
Carl A. Aveni  
H. Ritchey Hollenbaugh  
Carlile Patchen & Murphy LLP  
366 Broad Street  
Columbus, OH 43215

John McCauley, Esq.  
J. Richard Kiefer, Esq.  
Bingham McHale LLP  
2700 Market Tower  
10 West Market Street  
Indianapolis, IN 46204

Robert Boote  
Ballard Spahr LLP  
919 North Market Street, 12th Floor  
Wilmington, DE 19801-3034

Tobey Daluz  
Ballard Spahr LLP  
919 North Market Street, 12th Floor  
Wilmington, DE 19801-3034

Leslie C Heilman  
Ballard Spahr LLP  
919 North Market Street, 12th Floor  
Wilmington, DE 19801-3034

Jay Jaffe  
Faegre Baker Daniels LLP  
600 E. 96<sup>th</sup> Street, Suite 600  
Indianapolis, IN 46240

Lenore Kleinman  
Office of the United States Trustee  
Howard M. Metzenbaum U.S. Courthouse  
201 Superior Avenue East, Suite 441  
Cleveland, Ohio 44114

Michael V. Demczyk  
12370 Cleveland Avenue, NW  
P.O. Box 867  
Uniontown, OH 44685

Lothar Jung  
12962 W. Linden Avenue  
Parma, OH 44130-5817

Charles Boerner  
1848 Ritchie Road  
Stow, OH 44224

Mary I. Mace  
3001 Bickleigh Avenue  
Akron, OH 44312-5921

John J. Kuster  
Benjamin R. Nagin  
Sidley Austin LLP  
787 Seventh Avenue  
New York, NY 10019