

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 OCTOBER 16, 2012 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>

**Durham, Cochran and Snow Sentencing Date: November 30, 2012**

The Trustee and his professionals continue their work of recovering funds for the victims of the massive fraudulent scheme perpetuated by Timothy Durham, James Cochran and Ricky Snow. On June 20, 2012, a jury in a federal court in Indiana found Timothy Durham guilty on ten (10) counts of wire fraud, one (1) count of securities fraud, and one (1) count of conspiracy to commit wire fraud and securities fraud. The same jury found James Cochran guilty on six (6) counts of wire fraud, one (1) count of securities fraud, and one (1) count of conspiracy to commit wire fraud and securities fraud. In addition, the jury found Ricky Snow guilty on three (3) counts of wire fraud, one (1) count of securities fraud, and one (1) count of conspiracy to commit wire fraud and securities fraud. Judge Magnus-Stinson of the United States District Court for the Southern District of Indiana has set **November 30, 2012**, as the sentencing date for Durham, Cochran, and Snow. Durham and Cochran have been incarcerated pending their sentencing, and Snow is in home detention.

<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.



### Recent Recoveries For the Estate

Since the last status conference on September 18, 2012, the Trustee has recovered **\$114,251.02** for the estate constituting payments on fraudulent transfer settlements and accounts receivable collections, including \$94,850.50 from Duvera Billing Services, and the Trustee has filed or will be filing motions to compromise in connection with those settlements. As of October 15, 2012, the balance in the money market account maintained by the Trustee for the benefit of the Debtor's estate is **\$5,055,958.75**.

### Status of the Litigation

**The "Group A" Cases:** Since the last monthly status report, the Trustee has reached an agreement to settle the Trustee's claims against Somerset CPAs, P.C., subject to this Court's approval of the compromise. The Trustee and Somerset are in the process of documenting the settlement, and a motion to compromise will be filed in the near future.

The Somerset settlement reduces the number of active and pending Group A cases to the following six matters:

1. The *Textron / Fortress* litigation (more than \$1 billion in claims);
2. The *Donald Fair* litigation (approximately \$150 million in claims);
3. The *Osler* and *Geist Sports* litigation (approximately \$1.2 million in claims);
4. Litigation against the former legal advisor for Fair Finance, Ronald Kaffen (approximately \$180,000);
5. Litigation against John Head, a former officer of the Debtor (approximately \$2.5 million in claims); and
6. Litigation against Ricky Snow, a former officer of the Debtor (approximately \$1.7 million in claims).

In these remaining Group A cases, the Trustee and the defendants continue to exchange written discovery and schedule party and non-party fact witness depositions. In terms of pending motions, the objections of Textron Financial Corporation and Fortress Credit Corp. to this

Court's August 1, 2012 report recommending the denial of their motions to dismiss are currently pending before the District Court. In addition, Fortress' motion to sever is pending before this Court. A chart listing all of the Group A cases is attached as **Exhibit A**.

**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 twenty-three lawsuits (23) remain active and contested and two (2) cases have been stayed because of bankruptcy filings by the defendants on those cases. The Trustee has settled or otherwise resolved his claims in thirty-nine (39) 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. The Trustee intends to enforce these judgments to the extent the Trustee believes that enforcement could result in recovery of money or assets for the estate. Alternatively, the Trustee is investigating the sale of these judgments through an auction or other sale method. The Trustee is currently evaluating the most cost-effective methods of collecting on these judgments.
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. The Trustee has settled six (6) of those seven lawsuits, and one (1) lawsuit remains in which the Trustee is seeking over \$66,000.00, the matter of *Bash v. Balint and Associates, Inc. and Raymond Balint*. On September 28, 2012, the Court entered judgment in favor of the Trustee and against Raymond Balint in the amount of \$33,000.00 for preferential transfers, and against Balint and Associates, Inc. in the amount of \$1,738.04 for post-petition transfers. The Court has set a trial date of November 9, 2012, on the remaining claims and defenses in the matter.

The chart attached as **Exhibit A** 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. To date, the settlements include a total of **\$775,787.24** in payments to the estate plus claim waivers totaling **\$249,393.98**. The chart also

includes a list of those cases in which the Trustee has obtained default judgments. As detailed in the chart, to date those default judgments total of **\$44,046,252.24**.

**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 district court in California). 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 recently granted the Trustee's motion to reopen discovery in the litigation, and the Trustee expects the matter to proceed to trial.
2. The *National Lampoon* litigation (approximately \$9 million). The judge in the district court in California where this case is pending has set a discovery schedule and a current trial date of March 5, 2013. The parties have exchanged written discovery, and the Trustee continues to pursue the discovery necessary to support his claims.
3. The *McKibben* litigation against insiders of the Debtor and entities they controlled. This Court recently heard oral arguments on whether some defendants are subject to summary judgment in favor of the Trustee.

#### **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 those claims that have been filed by the Trustee to date.

Date: October 15, 2012

Respectfully submitted,

*/s/ Brian A. Bash*

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EXHIBIT A TO THE STATUS REPORT FOR OCTOBER 16, 2012 STATUS CONFERENCE

#	Case Name	Main Claim and Status	Claim Amount (not including punitive and treble damages)	Bankr. Case No.	District Case No.	Amount of Claim Waiver	Settlement Amount or Judgment Amount	B & H Fees from 1/1/2011 through 8/31/12
<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			\$ 31,057.50
2	Bash v. John J. Head; Head Consulting Group, Inc.	FT (Debtor Transfers)	\$ 2,522,333.06	12-5097	12-00981			\$ 24,507.00
3	Bash v. Textron; Fortress; Fair Facility	FT (Debtor Transfers)	\$ 427,346,758.59	12-5101	12-00987			\$ 1,297,060.00
4	Bash v. Ronald O. Kaffen; Kaffen & Zimmerman	FT (Debtor Transfers)	\$ 279,483.50	12-5149	12-00994			\$ 23,936.50
5	Bash v. Donald R. Fair	FT (Debtor Transfers)	\$ 150,000,000.00	12-5152	12-00996			\$ 85,543.50
6	Bash v. Dana Osler; Geist Sports Academy, LLC; Elizabeth McClure	FT (Debtor Transfers)	\$ 1,947,343.42	12-5158	12-00997			\$ 34,034.50
		<b>TOTAL:</b>	<b>\$ 583,859,598.25</b>					<b>\$ 1,496,139.00</b>
<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		\$ 100,000.00	\$ 28,902.50
2	Bash v. Somerset CPAs, P.C.	FT (Debtor Transfers)	\$ 760,454.00	12-5108	12-00992		[To be disclosed with motion to compromise]	\$ 50,281.00
3	Bash v. Terry Whitesell; Julia Whitesell	FT (Debtor Transfers)	\$ 221,810.19	12-5109	12-00993		\$ 30,000.00	\$ 35,452.00
		<b>TOTAL:</b>	<b>\$ 1,174,444.19</b>				<b>\$ 130,000.00</b>	<b>\$ 114,635.50</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			\$ 27,859.00
2	Bash v. Fair Holdings, Inc.; DC Investments, LLC	FT (Debtor Transfers)	\$ 351,212,690.22	12-5103	12-00990			\$ 13,132.50
3	Bash v. Timothy Durham	FT (Debtor Transfers)	\$ 69,606,148.70	12-5107	12-00991			\$ 257,518.50
		<b>TOTAL:</b>	<b>\$ 430,074,051.56</b>					<b>\$ 298,510.00</b>
<b>GROUP B-1 - ACTIVE GROUP B CASES</b>								
1	Bash v. Etelco Services, Inc. et al.	FT (Non-Debtor Transfers)	\$ 19,718.75	11-5233	12-00984			\$ 15,222.50
2	Bash v. Car Collector Magazine, LLC; Jeffrey Broadus; RM Classic Car Production, Inc.	FT (Non-Debtor Transfers)	\$ 950,381.78	12-5017	12-01155			\$ 8,202.00
3	Bash v. Alternate Billing Corporation	FT (Non-Debtor Transfers)	\$ 292,831.36	12-5020	12-00999			\$ 11,054.50
4	Bash v. Cindy Landean	FT (Non-Debtor Transfers)	\$ 240,000.00	12-5026	12-01152			\$ 16,210.50



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5	Bash v. Erika Lookadoo Jiles	FT (Non-Debtor Transfers)	\$ 33,400.00	12-5029	12-01671			\$ 16,724.00
6	Bash v. Mitza Durham	FT (Non-Debtor Transfers)	\$ 831,426.46	12-5032	12-01672			\$ 22,328.00
7	Bash v. Table Moose Media, LLC	FT (Non-Debtor Transfers)	\$ 322,250.00	12-5035	N/A			\$ 31,247.00
8	Bash v. Neil Lucas	FT (Non-Debtor Transfers)	\$ 489,459.10	12-5046	12-00998			\$ 15,843.50
9	Bash v. Balint and Associates; Raymond W. Balint	547 - Non-Investor	\$ 66,866.39	12-5049	N/A			\$ 35,811.00
10	Bash v. Stephen Blaising	FT (Non-Debtor Transfers)	\$ 228,751.36	12-5057	12-00977			\$ 7,593.00
11	Bash v. Henri Najem; Najem Durham Enterprises, LLC; Najem Management, Inc.; Najem Enterprises, Inc.; Najem Durham Investments, LLC	FT (Non-Debtor Transfers)	\$ 1,852,801.97	12-5061	12-02222			\$ 24,838.00
12	Bash v. Bennett Productions, Inc.	FT (Non-Debtor Transfers)	\$ 300,000.00	12-5069	12-00982			\$ 30,494.00
13	Bash v. Joseph Hennigin	FT (Non-Debtor Transfers)	\$ 149,815.16	12-5078	12-00979			\$ 12,376.00
14	Bash v. Bernard Durham aka B.J. Durham	FT (Non-Debtor Transfers)	\$ 59,107.00	12-5104	12-01153			\$ 9,568.50
15	Bash v. Courtney Durham	FT (Non-Debtor Transfers)	\$ 64,700.00	12-5105	12-01673			\$ 13,732.50
16	Bash v. Joan SerVaas	FT (Non-Debtor Transfers)	\$ 226,000.00	12-5106	12-01154			\$ 10,105.00
17	Bash v. Bruce Long	FT (Non-Debtor Transfers)	\$ 55,000.00	12-5110	12-00986			\$ 11,312.50
18	Bash v. Dalingier Designs, Inc.	FT (Non-Debtor Transfers)	\$ 311,026.75	12-5111	N/A			\$ 18,563.00
19	Bash v. Phillip Press, Inc.	FT (Non-Debtor Transfers)	\$ 32,000.00	12-5113	N/A			\$ 8,322.00
20	Bash v. Cornelius Alig	STAYED DUE TO BANKRUPTCY	\$ 800,000.00	12-5141	N/A			\$ 7,346.50
21	Bash v. Melissa McDowell	FT (Non-Debtor Transfers)	\$ 100,000.00	12-5142	N/A			\$ 15,233.50
22	Bash v. Shannon Connor Design, Inc.	FT (Non-Debtor Transfers)	\$ 1,445,427.21	12-5144	12-01156			\$ 27,655.00
23	Bash v. Shannon Frantz	STAYED DUE TO BANKRUPTCY	\$ 401,713.37	12-5151	N/A			\$ 9,279.00
24	Bash v. Plopper and Partners, LLC	Contract/Loan	\$ 128,792.68	12-5156	N/A			\$ 3,695.50

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25	Bash v. Edward Morris	FT (Non-Debtor Transfers)	\$ 60,000.00	12-5163	N/A			\$ 4,756.00
26	Bash v. 77th Street Partners	FT (Non-Debtor Transfers)	\$ 580,000.00	12-5212	N/A			\$ 3,593.50
		<b>TOTAL:</b>	<b>\$ 10,041,469.34</b>					<b>\$ 391,106.50</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		\$ 12,000.00	\$ 18,741.00
2	Bash v. Mark Phillips	FT (Non-Debtor Transfers)	\$ 30,000.00	11-5236	N/A		[Dismissed because of evidence that value was provided for transfers]	\$ 150.00
3	Bash v. Durham Whitesell & Associates, LLC	FT (Non-Debtor Transfers)	\$ 252,650.00	11-5240	N/A		[See case no. 12-5109]	\$ 10,422.00
4	Bash v. Mathie Construction, Ltd.	547 - Non-Investor	\$ 13,756.10	12-5013	N/A	\$ 5,663.54	\$ 1,500.00	\$ 3,163.00
5	Bash v. Rubin & Levin Professional Corporation	547 - Non-Investor	\$ 40,000.00	12-5014	N/A		\$ 18,500.00	\$ 5,166.00
6	Bash v. Sanders Group of Indianapolis, Inc.	547 - Non-Investor	\$ 30,000.00	12-5015	N/A		\$ 8,500.00	\$ 2,073.00
7	Bash v. Voyles Zahn Paul Hogan & Merriman	547 - Non-Investor	\$ 25,000.00	12-5016	N/A		\$ 5,000.00	\$ 2,519.00
8	Bash v. Robert Shoemake	PENDING APPROVAL	\$ 54,687.24	12-5019	N/A		Final number subject to negotiations	\$ 3,803.00
9	Bash v. Barone	FT (Non-Debtor Transfers)	\$ 152,850.00	12-5027	N/A		HARDSHIP	\$ 534.50
10	Bash v. Pace	FT (Non-Debtor Transfers)	\$ 135,248.34	12-5031	N/A		HARDSHIP	\$ 1,047.50
11	Bash v. Scott Solem and Limitless Yachting, Inc.	PENDING APPROVAL	\$ 84,326.05	12-5034	N/A		\$ 5,000.00	\$ 926.00
12	Bash v. Billie Dennie & Ann Dennie	FT (Non-Debtor Transfers)	\$ 241,557.12	12-5045	N/A		Defendants filed for Chapter 7 bankruptcy	\$ 3,391.00
13	Bash v. Michael Rypel	FT (Non-Debtor Transfers)	\$ 29,508.58	12-5047	N/A		\$ 2,500.00	\$ 2,769.50
14	Bash v. Carlile Patchen & Murphy LLP	547 - Non-Investor	\$ 10,000.00	12-5050	N/A		\$ 2,500.00	\$ 945.50



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15	Bash v. Mercho, Wells & Masterson, Inc. and Hassan Mercho	FT (Non-Debtor Transfers)	\$ 1,437,206.00	12-5059	N/A		\$ 10,000.00	\$ 15,860.50
16	Bash v. Michael Durham	FT (Non-Debtor Transfers)	\$ 49,713.12	12-5060	N/A		Hardship/Military Service	\$ 1,652.00
17	Bash v. American Legends Publicity, Inc.	PENDING APPROVAL	\$ 150,488.11	12-5065	N/A		Consent judgment for full amount of claim	\$ 3,422.00
18	Bash v. Anthony Najem	FT (Non-Debtor Transfers)	\$ 69,600.00	12-5066	N/A		[Dismissed because of evidence that value was provided for transfers]	\$ 1,480.00
19	Bash v. Auburn Automotive Heritage, Inc. dba Auburn Cord Deussenberg Museum	FT (Non-Debtor Transfers)	\$ 78,970.00	12-5067	N/A		\$ 30,000.00	\$ 3,228.50
20	Bash v. Benjamin Harrison Presidential Site, Inc. dba Benjamin Harrison Home	FT (Non-Debtor Transfers)	\$ 50,000.00	12-5068	N/A		\$ 18,000.00	\$ 12,383.00
21	Bash v. Lockwood	FT (Non-Debtor Transfers)	\$ 892,200.34	12-5070	N/A		HARDSHIP	\$ 2,230.00
22	Bash v. Dennis Barsky	PENDING APPROVAL	\$ 30,000.00	12-5071	N/A		\$ 15,000.00	\$ 4,908.00
23	Bash v. Disturbing Tha Peace Touring, Inc.	PENDING APPROVAL	\$ 76,603.00	12-5072	N/A		\$ 75,000.00	\$ 11,541.00
24	Bash v. Ludacris Foundation, Inc.	PENDING APPROVAL	\$ 30,000.00	12-5081	N/A			\$ 6,140.00
25	Bash v. George Anderson	FT (Non-Debtor Transfers)	\$ 43,571.34	12-5073	N/A		HARDSHIP	\$ 879.00
26	Bash v. Girls, Inc.	FT (Non-Debtor Transfers)	\$ 37,500.00	12-5074	N/A		\$ 7,500.00	\$ 11,961.00
27	Bash v. Green Lantern Partners, Ltd.	FT (Non-Debtor Transfers)	\$ 127,000.00	12-5075	N/A		[Dismissed because of evidence that value was provided for transfers]	\$ 3,313.00
28	Bash v. Jamie Ferrell	FT (Non-Debtor Transfers)	\$ 273,347.71	12-5076	N/A		\$ 55,000.00	\$ 3,767.50
29	Bash v. International Concierge	FT (Non-Debtor Transfers)	\$ 49,840.00	12-5077	N/A		[Dismissed because of evidence that value was provided for transfers]	\$ 1,044.50
30	Bash v. Kato Kaelin	FT (Non-Debtor Transfers)	\$ 23,700.00	12-5079	N/A		\$ 7,000.00	\$ 3,790.50

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31	Bash v. Kathryn James & The Charles L. James Trust	FT (Non-Debtor Transfers)	\$ 358,681.13	12-5080	N/A		\$ 275,000.00	\$ 13,198.00
32	Bash v. Randi Siegel Ent.	FT (Non-Debtor Transfers)	\$ 22,000.00	12-5082	N/A		[Dismissed because of evidence that value was provided for transfers]	\$ 2,002.00
33	Bash v. Shulte & Urig	FT (Non-Debtor Transfers)	\$ 63,600.00	12-5083	N/A		[Dismissed because of evidence that value was provided for transfers]	\$ 905.00
34	Bash v. Sirote & Permutt	FT (Non-Debtor Transfers)	\$ 585,520.02	12-5084	N/A		[Dismissed because of evidence that value was provided for transfers]	\$ 1,984.50
35	Bash v. Stonefield Josephson, Inc. CPAs nka Marcum LLP	PENDING APPROVAL	\$ 41,375.00	12-5086	N/A		\$ 20,000.00	\$ 5,731.50
36	Bash v. Tom Banner	FT (Non-Debtor Transfers)	\$ 45,000.00	12-5088	N/A		HARDSHIP	\$ 380.50
37	Bash v. Weener & Nathan	FT (Non-Debtor Transfers)	\$ 300,000.00	12-5089	N/A		[Dismissed because of evidence that value was provided for transfers]	\$ 368.00
38	Bash v. Obsidian Capital Co., LLC; Timothy Durham; Terry Whitesell	FT (Non-Debtor Transfers)	\$ 1,123,097.58	12-5090	N/A		[See case no. 12-5109]	\$ 5,501.50
39	Bash v. Kevin James	PENDING APPROVAL	\$ 16,287.24	12-5094	N/A		\$ 16,287.24	\$ 7,307.00
40	Bash v. Mitch for Governor	FT (Non-Debtor Transfers)	\$ 90,000.00		N/A		\$3,000.00 plus consent judgment for full amount of claim	\$ 1,722.00
41	Bash v. Fragola & Fragola Limited Partnership; Albert Fragola; The Estate of Nunzie Fragola	547 - Investor	\$ 60,313.15	12-5129	N/A	\$ 80,000.00	\$ 10,000.00	\$ 8,180.50
42	Bash v. H. Joanne Allen, Trustee	547 - Investor	\$ 20,016.99	12-5130	N/A	\$ 37,609.93		\$ 2,005.50
43	Bash v. Hazel Cossey	547 - Investor	\$ 20,000.00	12-5131	N/A	\$ 20,000.00		\$ 1,119.00
44	Bash v. The Doe Trust; James O. Pigg	547 - Investor	\$ 17,781.88	12-5132	N/A		\$ 14,000.00	\$ 1,379.50

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45	Bash v. Joseph P. Spohn	547 - Investor	\$ 30,061.64	12-5133	N/A	\$ 34,330.85		\$ 1,167.50
46	Bash v. Julie Imhoff	547 - Investor	\$ 60,021.92	12-5134	N/A	\$ 49,789.66		\$ 1,215.00
47	Bash v. Marie Ebert; Clyde Ebert	547 - Investor	\$ 15,000.00	12-5135	N/A		\$ 15,000.00	\$ 392.00
48	Bash v. Schippers	547 - Investor	\$ 25,082.19	12-5136	N/A		HARDSHIP	\$ 487.50
49	Bash v. Scot W. Kingan; Donald W. Kingan	547 - Investor	\$ 15,105.10	12-5137	N/A		\$ 8,500.00	\$ 883.00
50	Bash v. Thomas O'Neal	547 - Investor	\$ 19,653.20	12-5138	N/A		\$ 8,000.00	\$ 874.50
51	Bash v. Revocable Trust of Victoria Scaia, Vicktoria Scaia; Lorainne Brienza	547 - Investor	\$ 25,257.68	12-5139	N/A		HARDSHIP	\$ 3,665.00
52	Bash v. William Barton	547 - Investor	\$ 22,000.00	12-5140	N/A	\$ 22,000.00		\$ 1,068.50
53	Bash v. Michael Reardon	PENDING APPROVAL	\$ 187,177.75	12-5143	N/A		\$ 38,500.00	\$ 9,102.50
54	Bash v. Davis & Davis Electric, LLC	FT (Non-Debtor Transfers)	\$ 258,301.29	12-5146	N/A		\$ 5,000.00	\$ 11,761.00
55	Bash v. DW Trailer, LLC; Terry G. Whitesell	FT (Non-Debtor Transfers)	\$ 300,000.00	12-5147	N/A		[See case no. 12-5109]	\$ 1,293.50
56	Bash v. Jaffe & Asher LLP	547 - Non-Investor	\$ 87,000.00	12-5150	N/A		\$ 27,500.00	\$ 1,659.00
57	Bash v. Misty Rice-Baniewicz	FT (Non-Debtor Transfers)	\$ 1,115,484.41	12-5154	N/A		\$ 45,000.00	\$ 4,566.50
		<b>TOTAL:</b>	<b>\$ 9,473,141.22</b>			<b>\$ 249,393.98</b>	<b>\$ 755,787.24</b>	<b>\$ 233,171.50</b>
<b>GROUP B-3 - DEFAULT GROUP B CASES</b>								
1	Bash v. Cedric Rashad	Contract/Loan		11-5203	12-01236		\$ 83,340.48	\$ 1,803.50
2	Bash v. Alexander Talbott, Inc.	FT (Non-Debtor Transfers)		11-5204	12-01237		\$ 423,515.95	\$ 1,578.00
3	Bash v. Pointe Leasing, LLC	Contract/Loan		11-5205	12-01238		\$ 385,675.34	\$ 1,626.50
4	Bash v. Square One design, Inc.	Contract/Loan		11-5207	12-01315		\$ 39,090.86	\$ 1,593.50
5	Bash v. Cargo TrailerUSA.com	FT (Non-Debtor Transfers)		11-5209	12-01239		\$ 68,926.31	\$ 1,897.50
6	Bash v. Obsidian Conference and Catering Center, LLC (2 of 3 Defendants)	Contract/Loan		11-5230			[pending resolution of claims against non-defaulting defendants]	[included above]
7	Bash v. Blair Kiel Partners Inc.	FT (Non-Debtor Transfers)		11-5231	12-02011		\$ 126,328.96	\$ 5,203.50



EXHIBIT A TO THE STATUS REPORT FOR OCTOBER 16, 2012 STATUS CONFERENCE

#	Case Name	Main Claim and Status	Claim Amount (not including punitive and treble damages)	Bankr. Case No.	District Case No.	Amount of Claim Waiver	Settlement Amount or Judgment Amount	B&H Fees from 1/1/2011 through 8/31/12
8	Bash v. Durham Capital Corporation	FT (Non-Debtor Transfers)		11-5232	12-01241		\$ 152,452.75	\$ 3,044.00
9	Bash v. Etelco Services, Inc. (1 of 3 defendants)	Contract/Loan		11-5233			[pending resolution of claims against non-defaulting defendants]	[included above]
10	Bash v. Guyer Durham, LLC	FT (Non-Debtor Transfers)		11-5234	12-01242		\$ 268,990.00	\$ 2,175.50
11	Bash v. J Blanton LLC	FT (Non-Debtor Transfers)		11-5235	12-01243		\$ 634,124.96	\$ 2,772.50
12	Bash v. My Ghetto Holdings, LLC	FT (Non-Debtor Transfers)		11-5237	12-01244		\$ 305,160.18	\$ 2,315.50
13	Bash v. Medical Collections Group, LLC	FT (Non-Debtor Transfers)		11-5239	12-01246		\$ 407,412.36	\$ 2,714.50
14	Bash v. Durham Whitesell & Associates (2 of 3 Defendants)	FT (Non-Debtor Transfers)		11-5240			[pending resolution of claims against non-defaulting defendants]	[included above]
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		[pending resolution of claims against non-defaulting defendants]	[included above]
16	Indianapolis Concours	FT (Non-Debtor Transfers)		12-5018	12-02041		\$ 100,025.01	\$ 2,233.50
17	Bash v. Bad Boyz Toy Shop, LLC	FT (Non-Debtor Transfers)		12-5021	12-01194		\$ 153,900.00	\$ 2,032.50
18	Bash v. Black Rock Acquisition Corporation	FT (Non-Debtor Transfers)		12-5022	12-01195		\$ 838,900.00	\$ 1,837.50
19	Bash v. Cannonball World Evens, LLC	FT (Non-Debtor Transfers)		12-5023	12-01196		\$ 446,181.76	\$ 1,922.50
20	Bash v. Chairman Cigars, LLC	FT (Non-Debtor Transfers)		12-5024	12-02013		\$ 144,375.00	\$ 2,237.50
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	\$ 1,699.00
22	Bash v. Durco Leasing, LLC	FT (Non-Debtor Transfers)		12-5028	12-01198		\$ 1,288,650.00	\$ 1,863.00
23	Bash v. Fashion House, LLC	FT (Non-Debtor Transfers)		12-5030	12-01199		\$ 42,250.00	\$ 1,803.00



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24	Bash v. Rated X Custom Garage, LLC	FT (Non-Debtor Transfers)		12-5033	12-01200		\$ 641,362.01	\$ 1,939.50
25	Bash v. Vizion Enterprises, LLC	FT (Non-Debtor Transfers)		12-5036	12-01201		\$ 309,234.29	\$ 1,838.50
26	Bash v. Waterway Group Realty, LLC	FT (Non-Debtor Transfers)		12-5037	12-01202		\$ 89,000.00	\$ 2,118.50
27	Bash v. DC Investments Leasing, LLC	FT (Non-Debtor Transfers)		12-5038	12-01294		\$ 5,795,918.93	\$ 2,901.50
28	Bash v. DW Leasing Company, LLC	FT (Non-Debtor Transfers)		12-5039			Motion for default judgment pending	\$ 3,359.00
29	Bash v. Evaco Acquisition Corporation	FT (Non-Debtor Transfers)		12-5058	12-01295		\$ 1,017,590.00	\$ 1,550.50
30	Bash v. Pyramid Coach, Inc.	FT (Non-Debtor Transfers)		12-5062	12-01296		\$ 975,938.40	\$ 1,962.00
31	Bash v. Timothy Porter and Nina Porter	FT (Non-Debtor Transfers)		12-5063	12-02017		\$ 205,997.77	\$ 3,221.00
32	Bash v. Aaron Landau	FT (Non-Debtor Transfers)		12-5064	12-01203		\$ 75,000.00	\$ 1,638.00
33	Bash v. Social Connects	FT (Non-Debtor Transfers)		12-5085	12-01204		\$ 63,500.00	\$ 1,696.00
34	Bash v. Strategic Sports Agency, Inc.	FT (Non-Debtor Transfers)		12-5087	12-01205		\$ 172,000.00	\$ 1,632.50
35	Bash v. Obsidian Capital Company, LLC; Timothy Durham; Terry Whitesell (2 of 3 defendants)	FT (Non-Debtor Transfers)		12-5090			[pending resolution of claims against non-defaulting defendants]	[included above]
36	Bash v. Speedster Motorcars, Inc.; SpeedsterMotorSales Timothy Durham	FT (Non-Debtor Transfers)		12-5091			Motion for default judgment to be filed	\$ 5,097.50
37	Bash v. Obsidian Leasing Company, Inc.	FT (Non-Debtor Transfers)		12-5092	12-01206		\$ 2,720,414.16	\$ 1,947.00
38	Bash v. Playa del Racing, Inc.	FT (Non-Debtor Transfers)		12-5093	12-01297		\$ 2,490,433.74	\$ 1,633.00
39	Bash v. Four Leaf Management	FT (Non-Debtor Transfers)		12-5112	12-02015		\$ 124,835.00	\$ 2,497.50
40	Bash v. Aesthetic Surgery Center, LLC; Beeson Aesthetic Surgery Institute, LLC	FT (Non-Debtor Transfers)		12-5145	12-02016		\$ 176,000.00	\$ 1,906.50
41	Bash v. DW Trailer, LLC (1 of 2 Defendants)	FT (Non-Debtor Transfers)		12-5147			[pending resolution of claims against non-defaulting defendants]	[included above]

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42	Bash v. US Rubber Reclaiming, Inc.	FT (Non-Debtor Transfers)		12-5148	12-02018		\$ 22,860,604.18	\$ 3,371.00
43	Bash v. Impressive Interiors and Designs, Inc.	FT (Non-Debtor Transfers)		12-5153			\$ 83,340.48	\$ 2,546.50
	<b>TOTAL:</b>						<b>\$ 44,046,252.24</b>	<b>\$ 85,209.00</b>
<b>GROUP C - OTHER LITIGATION</b>								
1	Bash v. Daniel Laikin	Contract/Loan	\$ 25,000,000.00	10-5043	N/A			\$ 711,544.00
2	Bash v. Fair Finance (McKibben litigation)	FT (Non-Debtor Transfers)	\$ 208,000,000.00	10-5038	N/A			\$ 76,924.50
3	Bash v. National Lampoon	FT (Non-Debtor Transfers)	\$ 9,000,000.00	N/A	N/A			\$ 225,485.50
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	\$ 54,911.50
5	Bash v. Jeffrey Osler	FT (Non-Debtor Transfers)	\$1,247,671.91,	11-5020	N/A		\$ 1,247,671.91	\$ 98,380.50
6	Bash v. Obsidian / Diamond	Substantive Consolidation	\$ -	11-5049	N/A		\$ -	\$ 226,379.00
	<b>TOTAL:</b>		<b>\$ 243,905,036.00</b>				<b>\$ 1,822,671.91</b>	<b>\$ 1,393,625.00</b>
<b>GROUP D-1 - INVESTOR PREFERENCE CASES SETTLED W/O LITIGATION</b>								
1	Barbara Doria	547 - Investor	\$ 16,427.49			\$ 41,000.00		
2	Charles Duane Sayre	547 - Investor	\$ 45,000.00			\$ 90,000.00		
3	David N. Specter	547 - Investor	\$ 101,528.77				\$ 101,528.77	
4	Eleanor Shaeffer	547 - Investor	\$ 19,692.66				\$ 15,000.00	
5	James & Marjorie Freeman	547 - Investor	\$ 102,105.48				\$ 102,105.48	
6	Jerry & Barbara Newcomer	547 - Investor	\$ 41,663.56				\$ 20,000.00	\$ 7,229.50
7	Mahlon Steffen	547 - Investor	\$ 30,235.68			\$ 60,000.00		
8	Marilyn & Wilbur Terhune	547 - Investor	\$ 37,500.00				\$ 33,750.00	
9	Marilyn DeCarlo	547 - Investor	\$ 15,006.16				\$ 15,006.19	
10	Mark Shapiro	547 - Investor	\$ 25,196.40				\$ 25,196.40	
11	Robert J. Wright	547 - Investor	\$ 61,144.11				\$ 10,000.00	
12	Rosemary Brett	547 - Investor	\$ 23,728.13				\$ 21,356.00	
	<b>TOTAL:</b>		<b>\$ 519,228.44</b>			<b>\$ 191,000.00</b>	<b>\$ 343,942.84</b>	<b>\$ 7,229.50</b>
<b>GROUP D-2 - NON-INVESTOR PREFERENCE CASES SETTLED W/O LITIGATION</b>								



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1	BCG Systems, Inc.	547 - Non-investor	\$ 80,437.72					\$ 17,741.00
2	MyOfficeProducts	547 - Non-investor	\$ 11,342.25				\$ 5,500.00	
		<b>TOTAL:</b>	<b>\$ 91,779.97</b>			<b>\$ -</b>	<b>\$ 5,500.00</b>	<b>\$ 17,741.00</b>
<b>GROUP E - CASES AGAINST INDIANA POLITICIANS RECEIVING DURHAM CONTRIBUTIONS</b>								
1	Zoeller for Attorney General	FT (Non-Debtor Transfers)	\$ 11,000.00				\$ 11,000.00	
2	Aiming Higher	FT (Non-Debtor Transfers)	\$ 10,000.00				\$ 10,000.00	
3	Indiana Republican State Committee	FT (Non-Debtor Transfers)	\$ 92,500.00				\$ 87,875.00	
4	Bash v. Committee to Elect Brian Bosma	FT (Non-Debtor Transfers)	\$ 10,000.00	11-5095			\$ 10,000.00	\$ 48,870.50
5	Bash v. House Republican Campaign Committee	FT (Non-Debtor Transfers)	\$ 58,580.00	11-5096			\$ 33,580.00	
6	Bash v. Committee to Elect Paul Ricketts	FT (Non-Debtor Transfers)	\$ 40,000.00	11-5098			\$ 32,000.00	
7	Carl Brizzi and Brizzi for Prosecutor	FT (Non-Debtor Transfers)	\$ 226,616.74				\$ 195,881.70	\$ 17,386.50
8	Bash v. Marion County Republican Central Committee	FT (Non-Debtor Transfers)	\$ 5,000.00	11-5099			\$ 4,250.00	\$ 68.00
9	Bash v. Greater Indianapolis Republic Finance Committee	FT (Non-Debtor Transfers)	\$ 27,943.00	11-5100			\$ 23,751.55	\$ 68.00
		<b>TOTAL:</b>	<b>\$ 481,639.74</b>				<b>\$ 408,338.25</b>	<b>\$ 66,393.00</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			\$ 312,100.00	
2	Bash v. Nathan D. Isen, et al.	Contract/Loan	\$ 47,940.00	10-5162			\$ 47,940.00	
3	Bash v. Stephen & Linda Plopper	Contract/Loan	\$ 370,999.96	11-5048			\$ 370,999.96	
3	HSE Hockey Club, Inc.	Contract/Loan	\$ 234,666.75				\$ 25,000.00	
4	Gemini Funding	Contract/Loan	\$ 118,051.00				\$ 84,000.00	
5	Riley Bennett & Egloff	FT (Debtor Transfers)	\$ 25,000.00				\$ 22,500.00	\$ 4,609.50
6	Bash v. SCB Bank aka Shelby County Bank	Contract/Loan	\$ 1,077,914.00	11-5128			\$ 260,000.00	\$ 21,041.50
7	Larry McCrary	PENDING APPROVAL	\$ 71,825.76				\$ 40,000.00	\$ 883.50
		<b>TOTAL:</b>	<b>\$ 2,263,497.47</b>				<b>\$ 1,162,539.96</b>	<b>\$ 26,534.50</b>

**CERTIFICATE OF SERVICE**

A copy of the foregoing has been served via ECF or regular, U.S. Mail, on October 15, 2012, on the attached service list.

*/s/ Brian A. Bash*

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Brian A. Bash



## SERVICE LIST

### Electronic Mail Notice List

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