

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DANIEL S. NEWMAN, as a Receiver for  
Founding Partners Capital Management  
Company; Founding Partners Stable-  
Value Fund, L.P.; Founding Partners  
Stable-Value Fund, II, L.P.;  
Founding Partners Global Fund, Ltd.,  
and Founding Partners Hybrid-Value  
Fund, L.P.,

Plaintiff,

vs.

Case No. 2:09-cv-445-FtM-29CM

SUN CAPITAL, INC. a Florida  
corporation; SUN CAPITAL HEALTHCARE,  
INC., a Florida corporation; HLP  
PROPERTIES OF PORT ARTHUR, LLC, a  
Texas limited liability company,

Defendants.

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**ORDER**

This matter comes before the Court on various motions now pending before the Court. These motions are resolved as follows.

1. The Roman Catholic Church of the Archdiocese of New Orleans' Motion to Shorten Time to Respond to Interrogatories (Doc. #266) is **DENIED as moot**.

2. Certain investors filed The Investors' Motion to Direct Receiver to Consent to Investors' Transfer of Their Limited Partnership Interests In Founding Partners Stable-Value Fund, L.P. and Founding Partners Stable-Value Fund II, L.P. (Doc. #309). The Receiver filed a Response in Opposition (Doc. #312). The Non-Party Investors also filed a Request for Oral Argument (Doc. #320). The

Receiver filed a Response in Opposition to The Moving Investors' Request for Oral Argument (Doc. #326). After full consideration of the matter, the motion and request for oral argument are **DENIED**.

3. The Receiver filed an Application for Payment of Fees and Expenses Incurred by the Receiver, Retained Counsel, and Other Professionals in the Above-Styled Proceeding (Doc. #313), along with a Notice of Filing Additional Pages (Doc. #314). Edge Capital Investments, Ltd. filed an Objection (Doc. #316), and Cross Motion to Direct the Receiver to Disclose Claim Information, Set a Briefing Schedule for any Unresolved Issues Relating to the Claims Process and Direct Appointment of Evatt Tamine to the FP Designee Board (Doc. #317). Edge Capital Investments, Ltd. also filed a Notice of Filing Declarations (Doc. #321). The Receiver filed a Response in Opposition to Edge Capital Investments Ltd.'s Objections and Cross Motions (Doc. #324). Defendants filed a Statement of Position Regarding Investor Submissions on the Settlement Process (Doc. #327). Edge Capital filed a Reply Brief (Doc. #332), to which the Receiver filed a Sur-Reply (Doc. #334). The objection is **OVERRULED** and the cross motion is **DENIED**.

4. The Receiver's Motion for Entry of an Order Authorizing Agreement with Specialty Finance Partners, LLC (Doc. #338) is **GRANTED** without objection.

Accordingly, it is now

**ORDERED:**

1. The Roman Catholic Church of the Archdiocese of New Orleans' Motion to Shorten Time to Respond to Interrogatories (Doc. #266) is **DENIED as moot.**

2. The Investors' Motion to Direct Receiver to Consent to Investors' Transfer of Their Limited Partnership Interests In Founding Partners Stable-Value Fund, L.P. and Founding Partners Stable-Value Fund II, L.P. (Doc. #309) is **DENIED.**

3. The Non-Party Investors' Request for Oral Argument (Doc. #320) is **DENIED.**

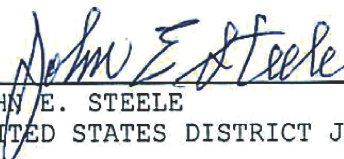
4. The Receiver's Application for Payment of Fees and Expenses Incurred by the Receiver, Retained Counsel, and Other Professionals in the Above-Styled Proceeding (Doc. #313) is **GRANTED** for the amounts stated on page 12 of the application.

5. Edge Capital Investments, Ltd.'s Objection (Doc. #316) is **OVERRULED**, and its Cross Motion to Direct the Receiver to Disclose Claim Information, Set a Briefing Schedule for any Unresolved Issues Relating to the Claims Process and Direct Appointment of Evatt Tamine to the FP Designee Board (Doc. #317) is **DENIED.**

6. The Receiver's Motion for Entry of an Order Authorizing Agreement with Specialty Finance Partners, LLC (Doc. #338) is **GRANTED.** The Receiver may enter into the Specialty Finance

Partners LLC Agreement for Services (Doc. #338-1) attached to the motion.

**DONE AND ORDERED** at Fort Myers, Florida, this 6th day of March, 2014.

  
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JOHN E. STEELE  
UNITED STATES DISTRICT JUDGE

Copies: Counsel of record