

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CASE NO.: 2:09-CV-229-FTM-29SPC

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

FOUNDING PARTNERS CAPITAL MANAGEMENT
and WILLIAM L. GUNLICKS,

Defendants,

FOUNDING PARTNERS STABLE-VALUE FUND, LP,
FOUNDING PARTNERS STABLE-VALUE FUND II, LP,
FOUNDING PARTNERS GLOBAL FUND, LTD., and
FOUNDING PARTNERS HYBRID-VALUE FUND, LP,

Relief Defendants.

**THE RECEIVER'S NOTICE OF RECEIPT OF
FULL SETTLEMENT AMOUNT AND INTENT TO PAY SPECIAL COUNSEL**

The Receiver Daniel S. Newman, not individually, but solely in his capacity as the Court-appointed 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., hereby gives notice that Mayer Brown LLP has paid the balance of the \$390,000,000 Settlement Amount pursuant to the terms of the parties' Settlement Agreement and the order approving the Settlement Agreement. [D.E. 508; D.E. 527].¹ As such, the Receiver intends to pay Special Counsel the remainder of the Total Fee

¹ Settlement Agreement, Settlement Amount, Special Counsel, Total Fee Award, and other proper nouns used herein are defined in the Fee Motion. [D.E. 533].

Award in 7 days, on November 22, 2021, unless Special Counsel requests in writing that such funds be paid at a later date, consistent with his Motion for Authorization to Pay Fees to Special Counsel (“Fee Motion”) [D.E. 533] and the Court’s order approving the Fee Motion [D.E. 534].²

Dated: November 15, 2021.

Respectfully submitted,

NELSON MULLINS BROAD AND CASSEL

Attorneys for Receiver
One Biscayne Tower, 21st Floor
2 South Biscayne Boulevard
Miami, FL 33131
Tel: (813) 225-3011
Fax: (813) 204-2137

By: /s/ Christopher Cavallo
Christopher Cavallo, Esq.
Florida Bar No. 0092305
Jonathan Etra, Esq.
Florida Bar No. 0686905

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Christopher Cavallo
Christopher Cavallo, Esq.

² After making the First Settlement Payment of \$370,000,000, as discussed in the Fee Motion, Mayer Brown still owed \$20,000,000 in deferred payments, plus interest. Mayer Brown recently made those deferred payments, with interest, prompting the filing of this Notice. The Receiver will be filing a separate motion for approval to pay Special Counsel its one-third portion of the *interest* on deferred payments, which is part of the total recovery, but was not addressed in the Receiver’s prior Fee Motion.

SERVICE LIST

<p>Robert K. Levenson, Esq. Miami Regional Trial Counsel Securities and Exchange Commission 801 Brickell Avenue, Suite 1800 Miami, FL 33131 305-982-6341 (direct dial) 305-536-4154 (facsimile) levensonr@sec.gov <i>Counsel for U.S. Securities and Exchange Commission</i></p> <p><u>Service via CM/ECF</u></p>	<p>Gabrielle D'Alemberte, Esq. The D'Alemberte Trial Firm, P.A. 1749 N.E. Miami Ct. Suite 301 Miami, FL 33132 gabrielle@dalemberte.com <i>Counsel for William & Pamela Gunlicks</i></p> <p><u>Service via CM/ECF</u></p>
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