

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case No. 2:09-cv-229-FtM-29DNF

FOUNDING PARTNERS CAPITAL MANAGEMENT  
CO., and WILLIAM L. GUNLICKS,

Defendants,

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**ORDER**

This matter comes before the Court on various pending motions, which are resolved as set forth below.

1. William L. Gunlicks Objection to Proposed Settlement With Sun Capital Entities (Doc. #353) was docketed as a motion. The Receiver's Response (Doc. #358) was filed in opposition. The Court finds the objections are not well founded, and they are therefore **OVERRULED** and the requested relief is **DENIED**.

2. Edge Capital Investments, Ltd. filed a Motion to (a) Direct the Receiver to Disclose Claim Information, (b) Set a Briefing Schedule for any Unresolved Issues Relating to the Claims Process, and (c) Direct Appointment of Evatt Tamine to the FP Designee Board (Doc. #369). The Receiver filed a Response in Opposition (Doc. #371), to which Edge Capital filed a Reply Brief

(Doc. #376) and the Receiver filed a Sur-Reply (Doc. #377). After full review of the competing perspectives, the motion is **DENIED**.

3. A Motion by the Roman Catholic Church of the Archdiocese of New Orleans for Relief from Order Requiring Stay of Louisiana State Court Proceedings (Doc. #372) was filed. The Receiver filed a Response in Opposition (Doc. #375), to which the Archdiocese filed a Reply (Doc. #380) and the Receiver filed a Sur-Reply (Doc. #388). Additionally, the Archdiocese filed a Request for Oral Argument (Doc. #386), to which the Receiver filed a Response in Opposition (Doc. #391). After review, both motions are **DENIED**.

4. The Securities and Exchange Commission filed Plaintiff's Motion For Order Directing Bank of America To Turn Over Frozen Funds of Defendant William L. Gunlicks to Court-Appointed Receiver (Doc. #392). The SEC seeks an order directing Bank of America to pay funds in a suspense account to the Receiver in partial satisfaction of the Final Judgment entered against William Gunlicks. The Court finds that the requested relief is appropriate, and the motion is **GRANTED**.

5. The Receiver's Motion for Entry of an Order: (1) Authorizing Payment to Capital Road; and (2) Authorizing Entry Into a New Agreement with Capital Road (Doc. #397) is **GRANTED**.

6. Defendant William L. Gunlicks Motion for Leave to File Objection (Doc. #404) seeks permission to file an attached objection to the pending Plaintiff's Motion for Entry of Renewed

Supplemental Final Judgment Against Defendant William Gunlicks (Doc. #403). The Motion for Leave is **GRANTED**.

7. Plaintiff's Motion for Entry of Renewed Supplemental Final Judgment Against Defendant William Gunlicks (Doc. #403) is opposed by William L. Gunlicks, who has filed the Objection referred to in paragraph 6 above. The Court finds that the judgment as to William L. Gunlicks is a final judgment, and that there is no just reason to delay entry of such a final judgment. Accordingly, the Objection is **OVERRULED** and plaintiff's motion is **GRANTED**.

Accordingly, it is now

**ORDERED:**

1. William L. Gunlicks Objection to Proposed Settlement With Sun Capital Entities (Doc. #353) is **OVERRULED** and the requested relief is **DENIED**.

2. Edge Capital Investments, Ltd.'s Motion to (a) Direct the Receiver to Disclose Claim Information, (b) Set a Briefing Schedule for any Unresolved Issues Relating to the Claims Process, and (c) Direct Appointment of Evatt Tamine to the FP Designee Board (Doc. #369) is **DENIED**.

3. The Motion by the Roman Catholic Church of the Archdiocese of New Orleans for Relief from Order Requiring Stay of Louisiana State Court Proceedings (Doc. #372) is **DENIED**.

4. The Request for Oral Argument by the Roman Catholic Church of the Archdiocese of New Orleans on Motion for Relief from Order

Requiring Stay of Louisiana State Court Proceedings (Doc. #386) is **DENIED**.

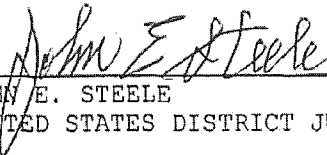
5. The Securities and Exchange Commission's Motion For Order Directing Bank of America To Turn Over Frozen Funds of Defendant William L. Gunlicks to Court-Appointed Receiver (Doc. #392) is **GRANTED**. Bank of America is directed to pay the \$16,246.54 in Reference Number F042109000069 to the Court-appointed Receiver, Daniel S. Newman, Esq., in his capacity as Court-appointed Receiver, in partial satisfaction of the Supplemental Judgment (Doc. #293) entered by the Court against William L. Gunlicks.

6. The Receiver's Motion for Entry of an Order: (1) Authorizing Payment to Capital Road; and (2) Authorizing Entry Into a New Agreement with Capital Road (Doc. #397) is **GRANTED**. The Receiver is authorized to pay Capital Road the \$27,330 due and owing from March 1, 2012 to May 29, 2013, and is authorized to enter into a new agreement with Capital Road, according to the terms set forth in the Agreement with Catalyst Financial, attached as Exhibit B to the motion.

7. Defendant William L. Gunlicks Motion for Leave to File Objection (Doc. #404) is **GRANTED**. The Clerk of the Court shall separately docket Defendant William L. Gunlicks' Objection to Plaintiff's Motion for Entry of Renewed Supplemental Final Judgment currently attached to the Motion For Leave.

8. William L. Gunlicks' Objection is **OVERRULED** and Plaintiff's Motion for Entry of Renewed Supplemental Final Judgment Against Defendant William Gunlicks (Doc. #403) is **GRANTED**. The Court will enter a separate Supplemental Final Judgment as to Defendant William L. Gunlicks.

**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