

upon entry of an order under Local Civil Rule 67.1. The Receiver, therefore, seeks expedited consideration of this motion and would respectfully show as follows:

1. This motion relates to the Receiver's efforts to bring this case to a conclusion. The only remaining asset at issue is a \$3 million death benefit from the life insurance policy on Defendant David Goldenberg ("Goldenberg").

2. On March 18, 2008, the Receiver filed an Unopposed Motion to Approve Compromise and Settlement Agreement (Dkt. No. 73) that settled all claims against Goldenberg's estate.¹ Under that agreement, the Receiver would claim a \$3 million death benefit for Goldenberg's U.S. Financial Life Insurance policy (policy no. 000353005). The Court entered an Order (Dkt. No. 75) approving that agreement.

3. Although Surety Marketing Source, LLC ("SMS") is the named beneficiary for that policy, it has effectively ceased to exist. The Receiver, therefore, intends to collect that \$3 million death benefit by agreement of the parties and in partial satisfaction of his \$3.2 million judgment against SMS. (Final Partial Judgment [Dkt. No. 83].)

4. To accomplish this, U.S. Financial Life Insurance has asked to pay the \$3 million death benefit into the Court's registry for distribution consistent with the Compromise and Settlement Agreement (Dkt. No. 73-2) and the Receiver's judgment against SMS. The Receiver now seeks an order to do this under Local Civil Rule 67.1.

5. The Receiver also seeks expedited consideration of this motion because U.S. Financial Life Insurance has already delivered those funds to the District Court Clerk. The District Court Clerk's office notified the parties that it will hold those funds until ordered to deposit them into the Court's registry.

¹ That agreement was negotiated with Goldenberg's widow, Lisa Portney-Goldenberg. She is not a party to this case and her counsel does not represent any of the named defendants.

WHEREFORE, PREMISES CONSIDERED, the Receiver respectfully asks this Court to enter an order directing U.S. Financial Life Insurance to pay the death benefit for policy no. 000353005 to the District Court Clerk. The Receiver also asks that the District Court Clerk accept and deposit those funds into the Court's registry to be held in an interest bearing account pending further orders from the Court. Finally, the Receiver seeks such other and further relief, general or special, at law or in equity, to which he may be otherwise entitled.

Respectfully submitted,

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& LOWNDS, P.C.
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By: /s/ Brent J. Rodine
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ATTORNEYS FOR RECEIVER

CERTIFICATE OF CONFERENCE

The remaining defendants are entities that are not represented by any counsel entering an appearance in this case. The Receiver, therefore, files this motion as unopposed.

/s/ Brent J. Rodine

CERTIFICATE OF SERVICE

A true and correct copy of this motion will be served on all interested parties through the Court's electronic filing system and by U.S. Mail, first class postage prepaid, to:

Estate of David Goldenberg
3036 West Ridge Court
Bloomfield Hills, Michigan 48302

LPG Investments LLC
c/o Estate of David Goldenberg
3036 West Ridge Court
Bloomfield Hills, Michigan 48302

DAG Investments LLC
c/o Estate of David Goldenberg
3036 West Ridge Court
Bloomfield Hills, Michigan 48302

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Lisa Portney-Goldenberg
c/o Michael Nedelman
NEDELMAN GLOETZNER, LLC
32000 Northwestern Highway, Suite 240
Farmington Hills, Michigan 48334

/s/ Brent J. Rodine

This motion will also be posted on the Receiver's website, www.secreceiver.com after filing.