

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE COMMISSION, §

Plaintiff, §

vs. §

Civil Action No.: 3:06-CV-2136-P

ABC VIATICALS, INC., §

C. KEITH LAMONDA, §

and JESSE W. LAMONDA, JR., §

Defendants §

and §

LAMONDA MANAGEMENT FAMILY §

LIMITED PARTNERSHIP, §

STRUCTURED LIFE SETTLEMENTS, INC., §

BLUE WATER TRUST, §

and DESTINY TRUST §

Relief Defendants. §

**RECEIVER'S MOTION TO SET
REASONABLE SUBPOENA PROCESSING FEE**

TO THE HONORABLE JORGE A. SOLIS, UNITED STATES DISTRICT JUDGE:

COMES NOW, Michael J. Quilling, in his capacity as Receiver, and files this Motion to Set Reasonable Subpoena Processing Fee and would respectfully show the Court as follows:

1. By Order of November 17, 2006, this Court appointed Michael J. Quilling as Receiver for the Defendants and Relief Defendants in this case. *Order Appointing Receiver* [Dkt. No. 8]. That Order expressly enjoins all parties, including financial institutions, from interfering with the operation of this Receivership in any way. *Id* at ¶ 6.

2. On November 30, 2006, the Receiver sent a letter to SunTrust Bank directing it to provide all records relating to an account held by Relief Defendant LaMonda Management FLP.

On January 11, 2007, Sun Trust Bank provided those documents along with an invoice charging \$11.00 an hour for research time and copies at \$0.25 a page. A true and correct copy of that invoice is attached as Exhibit "A" and incorporated for all purposes.

3. The Receiver sent a subpoena to SunTrust Bank on December 14, 2006, requesting records for seven accounts held by American Title Company of Orlando.¹ In response, Sun Trust Bank sent an invoice for \$32,250.00 and estimated that production would take at least 42 weeks. That estimate priced research time at \$25.00 an hour and copies at \$1.00 a page. A true and correct copy of that invoice is attached as Exhibit "B" and incorporated for all purposes.

4. Upon receiving SunTrust Bank's estimate, the Receiver's counsel attempted to resolve this dispute without Court intervention. However, SunTrust Bank's Custodian of Records refused to adjust their hourly rate below \$25.00 an hour or the copy charges below \$0.50 per page. The Receiver contends that these charges are unreasonable and interfere with the Receiver's ability to carry out his duties.

WHEREFORE, PREMISES CONSIDERED, the Receiver respectfully requests that this Court set a hearing to determine a reasonable subpoena processing fee and order SunTrust Bank to appear and defend its estimated charges. The Receiver also requests such other and further relief, general or special, at law or in equity, to which he might show himself otherwise entitled.

¹ That subpoena also requested the LaMonda Management FLP records, which had not yet produced at that time.

Dated: February 1, 2007

Respectfully submitted,

**QUILLING, SELANDER, CUMMISKEY
& LOWNDS, P.C.**

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By: /s/ Michael J. Quilling

Michael J. Quilling
State Bar No. 16432300
Brent Rodine
State Bar No. 24048770

ATTORNEYS FOR RECEIVER

CERTIFICATE OF CONFERENCE

Sun Trust opposes the relief requested in this motion.

/s/ Michael J. Quilling

Michael J. Quilling

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2007, a true and correct copy of this document was served via electronic notice to all parties requesting same and to the following by U.S. mail with first-class postage pre-paid:

SunTrust Bank
7474 Chancellor Drive
Orlando, FL 32809
Mail Code: FL-Orlando-6201

/s/ Michael J. Quilling

Michael J. Quilling