

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

**VS.**

ABC VIATICALS, INC.  
C. KEITH LA MONDA  
JESSE W. LA MONDA, JR.

Defendants,

and

LAMONDA MANAGEMENT FAMILY LIMITED  
 PARTNERSHIP,  
 STRUCTURED LIFE SETTLEMENTS, INC.  
 BLUE WATER TRUST, and  
 DESTINY TRUST,

Relief Defendants.

Civil Action No.

3-06-CV-2136-P

**MOTION FOR AGREED ORDER FOR PROTECTION OF PRIVATE  
FINANCIAL RECORDS AND INFORMATION PROVIDED  
BY DONALD S. KAPLAN TO RECEIVER MICHAEL QUILLING  
PURSUANT TO SETTLEMENT NEGOTIATIONS**

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

COMES NOW Respondent Donald S. Kaplan, and requests that this Court enter the parties' Agreed Order for Protection of Private Financial Records and Information

provided by Donald S. Kaplan to Receiver Michael Quilling pursuant to Settlement Negotiations. In support of this Motion, Kaplan respectfully shows the Court as follows:

1. This proceeding is a motion for Show Cause Hearing brought by Receiver Michael Quilling ("the Receiver") against Donald S. Kaplan. Following substantial discovery, the parties have engaged in discussions aimed at resolving this proceeding.

2. In order for the Receiver to fully evaluate the terms of the settlement proposal made by Kaplan, the Receiver has requested that Kaplan produce substantial records and documents (collectively "information") related to his finances and financial condition. This information is private, and in order to protect the information from disclosure, as well as to safeguard the parties' rights in connection with the information, the parties have signed the Agreed Protective Order attached as Exhibit 1 and now ask the Court to enter its approval of that agreement.

**WHEREFORE**, Kaplan prays that the Court approve the Agreed Protective Order attached as Exhibit 1 and for such other and further relief, general or special, at law or in equity, for which Kaplan may show himself justly entitled.

DATED: March 25, 2008

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By /s/ Richard T. Baum  
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**CERTIFICATE OF CONFERENCE PRIOR TO FILING OF MOTION**

I, RICHARD T. BAUM, do hereby certify that on March 25, 2008, I conferred with Bruce Kramer, one of the attorneys for Receiver Michael Quilling, and it was determined that both parties agreed to the relief requested in this motion. Mr Kramer told me that Brent Rodine could sign on his behalf. Mr Rodine had previously told me that Mr Kramer was handling this portion of the proceeding involving Mr Kaplan.

/s/ Richard T. Baum  
RICHARD T. BAUM

**CERTIFICATE OF SERVICE**

I hereby certify that a true of the above instrument has this day been sent by electronic means upon its filing to all parties pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5(a)(3)(A).

SIGNED on March 25, 2008

/s/ Richard T. Baum  
RICHARD T. BAUM

# EXHIBIT 1

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and

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### Relief Defendants.

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**AGREED ORDER FOR PROTECTION OF PRIVATE  
FINANCIAL RECORDS AND INFORMATION PROVIDED  
BY DONALD S. KAPLAN TO RECEIVER MICHAEL QUILLING  
PURSUANT TO SETTLEMENT NEGOTIATIONS**

COMES NOW Donald S. Kaplan and submits this Agreed Order for Protection of Private Financial Records and Information Provided by Donald S. Kaplan to Receiver Michael Quilling Pursuant to Settlement Negotiations. Kaplan respectfully shows the Court as follows:

1. This proceeding is a motion for Show Cause Hearing brought by Receiver Michael Quilling ("the Receiver") against Donald S. Kaplan. Following substantial discovery, the parties have engaged in discussions aimed at resolving this proceeding.

2. In order for the Receiver to fully evaluate the terms of the settlement proposal made by Kaplan, the Receiver has requested that Kaplan produce substantial records and documents (collectively "information") related to his finances and financial condition. This information is private, and Kaplan has agreed to provide this information so long as the information is protected from disclosure.

3. The information produced and disclosed is confidential and subject to a claim of privilege based upon laws of privacy.

4. The tax returns are confidential and subject to a claim of privilege based upon California law.

5. The production of these documents and tax returns does not waive the claims of privilege in this action or any other action.

6. The information is produced pursuant to settlement negotiations which are privileged under Federal Rules of Evidence Rule 408, and the production herein shall not waive or in any way prejudice objections to the subsequent production or admission of any such documents and information.

7. The information shall not disclosed or disseminated to any person except:

a) the attorneys of record in the Quilling v Kaplan Motion for Show Cause proceeding,

b) the attorneys of records' staff,

c) experts retained by the attorneys of record,

d) the attorneys of record for the Securities and Exchange Commission in the

SEC v ABC Viaticals case,

Provided that each of those persons first agrees in writing not to disclose the documents and information contained therein to any person who is outside of the permissible parties to whom disclosure may be made'

**IT IS SO ORDERED** this \_\_\_\_ day of March, 2008.

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**JORGE A. SOLIS**  
**UNITED STATES DISTRICT JUDGE**

Approved as to form and content:

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