

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

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

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

**V.**

**ECF**

**ABC VIATICALS, INC.,  
C. KEITH LAMONDA, AND  
JESSE W. LAMONDA, JR.,**

**Defendants.**

**and**

**LAMONDA MANAGEMENT FAMILY  
LIMITED PARTNERSHIP,  
STRUCTURE LIFE SETTLEMENTS, INC.  
BLUE ATER TRUST, AND  
DESTINY TRUST,**

### Relief Defendants.

**ERWIN & JOHNSON, LLP'S AND CHRISTOPHER R. ERWIN'S AGREED  
MOTION TO WITHDRAW THEIR RESPONSE TO RECEIVER'S THIRD  
INTERIM APPLICATION FOR ATTORNEY'S FEES AND EXPENSES**

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

Erwin & Johnson, LLP (“E&J”), and Christopher R. Erwin (“Mr. Erwin”) file this Agreed Motion to Withdraw Their Response to Receiver’s Third Interim Application for Attorney’s Fees and Expenses, and in support respectfully show the Court as follows:

## I.

On March 17, 2008, Michael J. Quilling, Receiver for ABC Viaticals, Inc. and Related Entities (“Receiver”), filed *Receiver’s Third Interim Application to Allow And Pay (1) Receiver’s Fees & Expenses and (2) Attorneys’ Fees & Expenses and Brief in Support*. (Dckt. # 124). On April 4, 2008, E&J and Mr. Erwin filed their *Response to Receiver’s Third Interim Application for Attorney’s Fees and Expenses*. (Dckt. # 130). Thereafter, on April 10, 2008, Receiver filed his *Motion to Strike E&J’s and Mr. Erwin’s Response to Receiver’s Third Interim Application for Attorney’s Fees and Expenses*. (Dckt. # 135).

During the pendency of these motions, the parties reached an agreement, whereby E&J and Mr. Erwin will withdraw their *Response to Receiver’s Third Interim Application for Attorney’s Fees and Expenses*; Receiver will withdraw his *Motion to Strike Response to Receiver’s Third Interim Fee Application*; and Receiver will file an amended complaint in the 3:07-cv-00153 action. The parties also agreed that Receiver’s filing of an amended complaint is without prejudice to any future amendments; E&J and Mr. Erwin would not waive the right to oppose any proposed amendments. Finally, the parties agreed that E&J and Mr. Erwin reserve all rights to challenge Receiver’s claimed fees and expenses without prejudice at a later time and on any grounds, including necessity and reasonableness, if any part of those fees and expenses or any corresponding diminishment of the receivership estate is alleged to be damages owed by E&J and Mr. Erwin.

Upon the filing of an amended complaint, the respective parties agreed to file motions to withdraw their above-referenced respective filings. The parties notified the Court of this agreement by agreed letter to the Court, signed and dated May 5, 2008.

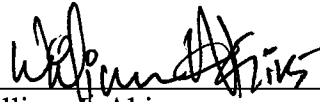
**II.**

Receiver filed an amended complaint in the 3:07-cv-00153 action on May 13, 2008. Thus, pursuant to the parties' agreement, E&J and Mr. Erwin hereby ask the Court to allow them to withdraw their Response to Receiver's Third Interim Application for Attorney's Fees and Expenses.

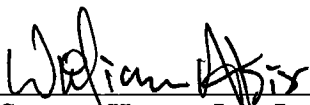
**WHEREFORE, PREMISES CONSIDERED,** Erwin & Johnson, LLP and Christopher R. Erwin request that the Court grant their Motion to Withdraw Their Response to Receiver's Third Interim Application for Attorney's Fees and Expenses and enter an order withdrawing the response.

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Michael J. Quilling, Receiver for ABC Viaticals, Inc. and Related Entities, and counsel for Erwin & Johnson, LLP, and Christopher R. Erwin have discussed the relief requested herein and are in agreement thereto.

  
\_\_\_\_\_  
William J. Akins

Respectfully submitted,

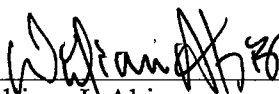
  
\_\_\_\_\_  
E. Stratton Horres, Jr. – Lead Attorney  
State Bar No. 10011800  
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**ATTORNEYS FOR ERWIN & JOHNSON, LLP  
AND CHRISTOPHER R. ERWIN**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on this 12<sup>th</sup> day of May, 2008, to all known counsel of record as required by the Federal Rules of Civil Procedure.

  
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William J. Akins