

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 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.

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

**RECEIVER'S MOTION FOR AGREED ORDER APPROVING  
SETTLEMENT AGREEMENT WITH DONALD S. KAPLAN**

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

COMES NOW, Michael J. Quilling, as the Receiver for ABC Viaticals, Inc. and other related entities, (“Receiver”) and files this motion for an agreed order approving his Compromise and Settlement Agreement with Donald S. Kaplan. In support, the Receiver would respectfully show the Court as follows:

1. By Orders dated November 17, 2006 [Dkt. No. 8] and December 4, 2006 [Dkt. No. 19], this Court appointed the Receiver for ABC Viaticals, Inc. and other related entities

(collectively, “ABC”). Those Orders authorized the Receiver to trace ABC’s funds and pursue claims on its behalf.

2. The Receiver’s investigation revealed that ABC paid at least \$1,200,890.92 in commissions to Donald S. Kaplan, Services International Corp., and Kaplan Investment Properties (collectively, “Kaplan”). Accordingly, he demanded that Kaplan disgorge those funds and filed a Motion for Show Cause Hearing [Dkt. No. 44] to recover them.

3. Kaplan denies some of the Receiver’s substantive allegations and disputes the claim for disgorgement. He also states that he is unable to pay the full amount claimed by the Receiver.

4. Following substantial negotiations and a review of Kaplan’s assets, the Receiver and Kaplan have reached a Compromise and Settlement Agreement that would settle those claims in the Motion for Show Cause Hearing [Dkt. No. 44]. A true and correct copy of the proposed Compromise and Settlement Agreement is attached as Exhibit 1 and incorporated for all purposes.

5. Given the uncertainties and costs of litigation, the Receiver believes that the proposed settlement is in the receivership estate’s best interest and will result in a substantial recovery without further expense. Based on his investigation, the Receiver believes that litigating his claims against Kaplan would not likely result in a higher net recovery for the receivership estate.

6. The Receiver now asks the Court to enter the Agreed Order attached as Exhibit 2, which would approve and make effective the Compromise and Settlement Agreement with Kaplan.

WHEREFORE, PREMISES CONSIDERED, the Receiver respectfully requests that the Court enter the Agreed Order attached as Exhibit 2, which would approve and make effective his Compromise and Settlement Agreement with Kaplan. The Receiver also seeks such other and further relief, general or special, at law or in equity, to which he may show himself entitled.

Respectfully submitted,

QUILLING, SELANDER, CUMMISKEY  
& LOWNDS, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
(214) 871-2100 (Telephone)  
(214) 871-2111 (Facsimile)

By: /s/ Brent J. Rodine

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

ATTORNEYS FOR RECEIVER

**CERTIFICATE OF CONFERENCE**

The undersigned has personally conferred with Richard T. Baum, counsel for Donald S. Kaplan, and it was determined that the parties agree to the relief requested in this motion. Counsel for the SEC and the Examiner also agree to the requested relief.

/s/ Brent J. Rodine  
Brent J. Rodine

**CERTIFICATE OF SERVICE**

A true and correct copy of this pleading was served on all interested parties through the Court's electronic filing system and by first-class U.S. Mail to:

C. Keith LaMonda  
Reg. No. 26060-018, Butner LSCI  
P.O. Box 999  
Butner, NC 27509

/s/ Brent J. Rodine  
Brent J. Rodine

This motion will also be posted on the Receiver's website, [www.secreceiver.com](http://www.secreceiver.com), after filing.