

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

MICHAEL J. QUILLING, Receiver for ABC	§	
VIATICALS, INC. and Related Entities,	§	
	§	
Plaintiff,	§	Civil Action No.:
	§	3:07-CV-1153-P
vs.	§	
	§	ECF
ERWIN & JOHNSON LLP and	§	
CHRISTOPHER R. ERWIN,	§	
	§	
Defendants.	§	

**NOTICE ACKNOWLEDGING
WAIVER OF SERVICE OF SUMMONS**

Plaintiff Michael J. Quilling, Receiver for ABC Viaticals, Inc. and Related Entities, (“Plaintiff” or “Receiver”) and Defendants Erwin & Johnson LLP and Christopher R. Erwin (collectively, “Defendants” or “E&J”) jointly file this notice acknowledging waiver of service of summons, and respectfully state as follows:

1. E&J acknowledges receipt of Plaintiff’s request that E&J waive service of a summons in the above-captioned action, which was filed in the United States District Court for the Northern District of Texas on June 27, 2007.

2. Plaintiff has provided E&J, via email, with a copy of the complaint and summons in the action, and E&J has agreed to save the cost of service in this lawsuit by not requiring that E&J be served with judicial process in the manner provided by FED. R. CIV. P. 4.

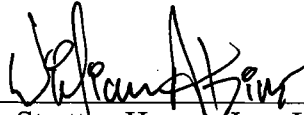
3. E&J will retain all defenses and/or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

4. E&J understands that a judgment may be entered against it if an answer or motion under Rule 12 is not served upon Plaintiff and the Court within 60 days after the date the request was sent, which was July 10, 2007. Accordingly, Defendants shall file an answer or motion in this action by September 24, 2007.

5. E&J has retained the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, as legal counsel in this action, and is duly authorized to enter into this waiver of service of summons.

DATED: September 5, 2007.

Respectfully submitted,



E. Stratton Horres, Jr. – Lead Attorney
State Bar No. 10011800
Herbert J. Gilles
State Bar No. 07925350
William J. Akins
State Bar No. 24011972

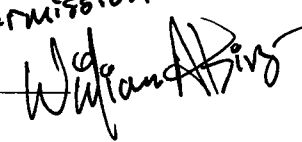
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Agreed:



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at permission


SPECIAL COUNSEL TO RECEIVER

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RECEIVER