

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

Michael J. Quilling, Receiver for Hammersmith Trust, LLC, Hammersmith Trust, Ltd., Microfund, LLC, and Bridgeport Alliance, LLC

Plaintiff

vs.

Adam Shaw, Thomas R. Smith, Linda J. Smith, Michael Klein, Leon Hurst, Summit Marketing, Inc., Bancorp Mortgage, Inc., Caton & Associates, Inc., Simplified Communications, Inc., Chatham International, Inc., Thomas McCrimmon United Holdings Corp., Greg Skibbee, Rick Shirrell, Jeffrey A. Matz, Christopher J. Carlson, Murray Stucker and Larry K. Lewis.

Defendants

Civil Action No. 3:00-CV-1405-M

(Jury Trial Demanded)

MOTION TO DISMISS WITHOUT PREJUDICE

TO THE HONORABLE BARBARA M. G. LYNN, UNITED STATES DISTRICT JUDGE:

COMES NOW, Michael J. Quilling, in his capacity as Receiver for Hammersmith Trust, LLC, Hammersmith Ltd., Microfund, LLC and Bridgeport Alliance, LLC ("Receiver"), and files this his Motion to Dismiss Defendant Jeffrey A. Matz Without Prejudice, and in support of such would respectfully show unto the Court as follows:

1. On June 28, 2000, the Receiver filed this lawsuit against Jeffrey A. Matz ("Matz") and others. Thereafter, Matz was served and filed an answer in these proceedings. Matz has not asserted a counterclaim in these proceedings.

2. At about the same time as the Receiver instituted these proceedings against Matz, he was indicted by the United States of America by a Grand Jury impaneled in the Northern District of Florida, Pensacola Division. After a lengthy trial earlier this year, Matz was convicted of the charges asserted against him. On July 25, 2001, Matz was sentenced to 96 months in prison and was ordered to turn over all assets to the Receiver as restitution. In light of the incarceration and in light of the fact that all of Matz's possessions are to be turned over to the Receiver, there is no need for the Receiver to continue pursuing this cause of action against Matz.

3. Accordingly, the Receiver desires to dismiss this lawsuit as to Matz without prejudice with each party to bear their own costs and expenses.


4. This requested dismissal without prejudice relates solely to Matz and does not pertain to any of the other defendants in the lawsuit.

WHEREFORE, PREMISES CONSIDERED, the Receiver requests that the Court dismiss Jeffrey A. Matz from this lawsuit without prejudice, each party to bear their own costs and expenses, and for such other and further relief, general or special, at law or in equity, to which the Receiver may show himself justly 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: \_\_\_\_\_

  
Michael J. Quilling  
State Bar No. 16432300

ATTORNEYS FOR RECEIVER

**CERTIFICATE OF CONFERENCE**

I have conferred with Mr. Matz regarding this dismissal and he does not oppose it. The dismissal does not affect any remaining defendants and it is assumed that they do not oppose the Motion.

  
\_\_\_\_\_  
Michael J. Quilling

**CERTIFICATE OF SERVICE**

A true and correct copy of this document was served on the 6<sup>th</sup> day of August, 2001, via first class mail, on the following:

Robert B. Brunig  
Securities & Exchange Commission  
801 Cherry Street, 19th Floor  
Fort Worth, Texas 76102

Jeffrey A. Matz  
Santa Rosa County Jail  
5755 East Milton Road  
Milton, Florida 32570

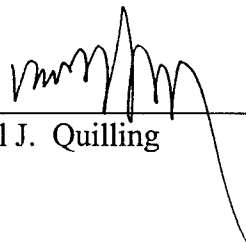
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Michael J. Quilling