

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

MICHAEL J. QUILLING, Receiver	§	
for Megafund Corporation and Stanley A.	§	
Leitner,	§	
	§	
Plaintiff,	§	CAUSE NO. 3:07-CV-0926-L
	§	
v.	§	<b>ECF</b>
	§	
ALLAN CLARK and FINANCIAL RISK	§	
SPECIALISTS, INC.	§	
	§	
Defendant.	§	

**STIPULATION OF DISMISSAL**

COMES NOW Michael J. Quilling, as Receiver for Megafund Corporation and Stanley A. Leitner, (“Plaintiff” or “Receiver”) and joins Defendants Allan Clark and Financial Risk Specialists, Inc. (“Defendants”) in filing this Stipulation of Dismissal under Fed. R. Civ. P. 41(a)(1)(ii) and Local Civ. R. 41.1. In support, the parties would respectfully show the Court as follows:

1. Michael J. Quilling is the Receiver for Megafund Corporation, Stanley A. Leitner, and other associated parties in *SEC v. Megafund Corporation, et al.*, Civil Action no. 3:05-CV-1328-L, pending before the United States District Court for the Northern District of Texas, Dallas Division, the Honorable Sam A. Lindsay presiding (the “Receivership Proceedings”).

2. On June 20, 2006, the Receiver filed suit against Defendants in *Michael J. Quilling v. Allan Clark, Individually and d/b/a Financial Risk Specialists*, Cause No. 3:06-CV-1088 (N.D. Tex.). The Complaint alleged that Defendants received fraudulent transfers totaling at least \$167,316.00 from Megafund. *Complaint* [Dkt. No. 1] (3:06-CV-1088).

3. On January 16, 2007, the Defendants executed a Settlement Agreement that incorporated a Promissory Note for the Receivership Estate's benefit. Among other things, the Settlement Agreement and Promissory Note provided as follows: (1) that the Receivership Estate was entitled to collect \$160,000.00 from the Defendants, jointly and severally; (2) that the amount was due in eight monthly installments of at least \$20,000.00 each; and (3) that the first installment was due on January 15, 2007, with the other installments due on the fifteenth day of each succeeding month.

4. After executing the Settlement Agreement and Promissory Note, the Receiver dismissed his claims in that case on January 16, 2007. *Plaintiff's Notice of Settlement Agreement and Dismissal of All Claims* [Dkt. No. 29] (3:06-CV-1088).

5. The Defendants paid the first \$20,000.00 installment on January 20, 2007, but failed to make any monthly payments for February, March, April, May, June, or July. During that time, the Defendants represented that they were having great difficulty coming up with the funds due under the Settlement Agreement and Promissory Note. Accordingly, on May 24, 2007, the Receiver filed this lawsuit against Defendants to recover the \$140,000.00 due under those agreements.

6. On August 9, 2007, the parties executed a Compromise and Settlement Agreement whereby the Defendants would pay the Receiver \$100,000.00 as full and final settlement of all claims in this case. The Court overseeing the Receivership Proceedings entered its approval of that agreement on September 14, 2007.

7. Defendants tendered \$100,000.00 to the Receiver on August 3, 2007. The full settlement amount having been paid, the Receiver and Defendants hereby submit this stipulation of dismissal, with prejudice, of this lawsuit and all potential claims against each other.

WHEREFORE, PREMISES CONSIDERED, the Receiver and Defendants hereby notify this Court of their desire to dismiss, with prejudice, this lawsuit and all potential claims against each other. They further request that this Court sign an appropriate order of dismissal and leave both parties to bear their own costs and fees.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

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