

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

Oklahoma Department of Securities)
ex rel. Melanie Hall, Administrator,)
)
Plaintiff,)
)
v.)
)
Premier Global Corporation et al.,)
)
Defendants.)
_____)

JUN 20 2024

**RICK WARREN
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Case No. CJ-2022-5066
Judge Don Andrews

**ORDER GRANTING FIRST OMNIBUS MOTION FOR AUTHORITY TO
COMPROMISE CLAIMS**

NOW on this 20th day of June, 2024, the duly appointed Eric L. Johnson's (the "Receiver") First Omnibus Motion for Authority to Compromise comes on before the undersigned judge of the District Court and the Court finds as follow:

1. Receiver's First Omnibus Motion for Authority to Compromise Claims was filed on May 6, 2024, and no objections have been filed pertaining to the same by any party.
2. The Receiver has made demand on numerous parties (collectively, the "Defendant") to return the proceeds they received from Premier Global Corporation f/k/a Premier Construction Services, Inc., Premier Factoring, LLC, PF-2, LLC, PF-3, LLC, PF-4, LLC, PF-5, LLC, PF-6, LLC, PF-7, LLC, Premier Factoring Group, LLC, KCI Business Services, LLC (collectively, the "Premier Investment Entities") that exceeded the amount of their respective investments (the "False Profits"). The Receiver asserts that the False Profits are recoverable as actual or constructive fraudulent transfers under the Uniform Fraudulent Transfer Act, or under theories of unjust enrichment. The Receiver has also made demand on various agents that collected

commissions for the sale of the investments based on theories of fraudulent transfer, unjust enrichment, and violation of securities laws.

3. The Receiver has reached settlements (the "Settlements") with certain of the Defendants, which are set forth in agreements negotiated by the Receiver. Each of the Settlements requires that a Defendant make a payment to the Receiver in exchange for a negotiated release.

4. The Receiver is currently maintaining insurance and paying for storage for the Vehicle. Accordingly, in the exercise of the Receiver's business judgment, the Receiver has made the decision to liquidate the Vehicle to reduce Estate expenses and generate a recovery for the Estate.

5. The Receiver has considered a number of factors in reaching the Settlements, including the defenses asserted by the Defendants, the costs of litigation, and the likelihood of collection. A number of the Defendants have provided information demonstrating an inability to pay a potential judgment.

6. A summary of the claims and settlement amounts is as follows:

Defendants	Asserted Claim	Settlement Amount
Carol Gaston	\$42,600.24	\$34,080.19
Virginia Linhart	\$41,678.40	\$30,000.00
Timothy Card	\$20,000.00	\$12,500.00
Michele and Robert Kane	\$64,564.96	\$32,282.48
Charles and Bozenna Rossman	\$10,000.32	\$8,000.26
Michael Lauer	\$10,000.08	\$8,000.06
Patricia Dale	\$10,000.08	\$8,000.06
DR Investments/Dennis Kuhn	\$212,017.11	\$148,412.00

Hayes Investments/Paul Hayes	\$82,105.95	\$57,474.17
Christian Lopez	\$50,000.40	\$35,000
Michael and Roxanne Mathis	\$26,177.16	\$15,706.30
Joseph Kinkead	\$11,640	\$5,984.00
Shelley Harris	\$66,922.56	\$10,000
Patricia Clymer	\$48,000	\$20,000
Pamela Lancaster	\$41,862.60	\$14,500
Valerie Pullara	\$30,000.24	\$10,000
Scott Forester	\$125,337.56	\$60,000
Lindsey Pitt	\$21,157.60	\$10,000
Trent Pitt	\$82,227.85	\$40,000
Duanne and Michelle Clark	\$34,333.88	\$15,000
Allen Dinkel and AD Factor Co.	\$178,700.43	\$55,107.00
Darrell Jones	\$50,628.38	\$18,500.00
Monte Ysidro	\$87,625.00	\$70,000.00
Total	\$1,347,580.80	\$718,546.52

7. As set forth above, the Receiver has reached a resolution with Monte Ysidro (“Ysidro”). Ysidro claimed an interest in that certain life insurance policy issued by Transamerica Life Insurance Policy ending in numbers 1764 (the “Diversi Policy”). The Receivership estate held an interest in the Diversi Policy, and pursuant to the Order entered by this Court on September 8, 2023, the Receiver was authorized to approve the sale of the Diversi Policy and to transfer \$250,000 from the proceeds of the sale to Ysidro, plus a proportionate share of the gain from the

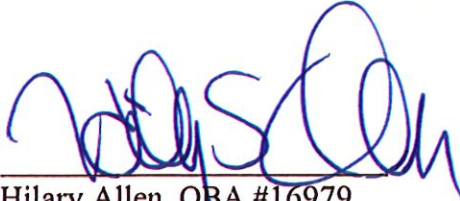
policy, for an aggregate payment to Ysidro of \$287,500 (the "Ysidro Proceeds"). The Receiver subsequently asserted claims against Ysidro in the amount of \$87,625.00. The Receiver's resolution with Ysidro provides that the Receiver will retain \$70,000 of the Ysidro Proceeds in satisfaction of the claims asserted against him. The Receiver has already distributed the non-disputed portion of the Ysidro Proceeds (\$207,750) to Ysidro pursuant to the authority provided in the prior order, with the remaining \$9,750 to be distributed following the entry of an order on this Motion.

8. The Receiver is authorized to "institute, prosecute and defend, compromise, adjust, intervene in or become party to such actions or proceedings in any state court, federal court, or United States bankruptcy court as may, in the Receiver's opinion, be necessary or proper for the protection, maintenance, or preservation of the Assets, or the carrying out of the terms of this Order, including but not limited to, actions challenging fraudulent or voidable transfers, and likewise to defend, compromise, adjust, or otherwise dispose of any or all actions or proceedings now pending in any court by or against any Receivership Defendant [which includes the Premier Investment Entities and Parish] where such prosecution, defense, or other disposition of such actions or proceedings is, in the judgment of the Receiver, advisable or proper for the protection of the Assets of the Receivership Estate." Receivership Order at par. 20, p.7.

9. The Receiver is seeking authority to enter into the above referenced Settlements and execute agreements to document those settlement in terms acceptable to the Receiver. The proposed settlements are the result of arms-length, good-faith negotiations among the parties. The proposed settlements will expeditiously resolve disputed issues of law and fact with respect to the claims against the settling Defendants without further litigation costs, and the proposed settlements

will result in payments totaling \$648,546.52 to the receivership estates, plus the retention of an additional \$70,000 in proceeds from the Diversi Policy, for a total value of \$718,546.52.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Court approves and authorizes the Receiver enter into the above referenced Settlements and execute agreements to document those settlement in terms acceptable to the Receiver.



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DON ANDREWS
JUDGE OF THE DISTRICT COURT



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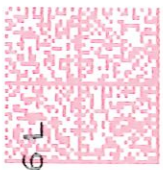


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