

MANNING CURTIS BRADSHAW  
& BEDNAR LLC

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Court-Appointed Receiver

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

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U.S. COMMODITY FUTURES  
TRADING COMMISSION,

Plaintiff,

v.

U.S. VENTURES LC, a Utah limited liability  
company, WINSOME INVESTMENT  
TRUST, an unincorporated Texas entity,  
ROBERT J. ANDRES and ROBERT L.  
HOLLOWAY,

Defendants.

**THE RECEIVER'S THIRD MOTION  
FOR PERMISSION TO FINALIZE  
SETTLEMENT AGREEMENTS**

Case No. 2:11CV00099 BSJ

Judge Bruce S. Jenkins

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R. Wayne Klein, the Court-Appointed Receiver<sup>1</sup> (the "Receiver"), by and through his  
counsel of record, hereby notifies the Court that he has entered into three additional preliminary

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<sup>1</sup> The Receiver has been appointed over U.S. Ventures LC ("USV"), Winsome Investment Trust ("Winsome"), and all the assets of Robert J. Andres ("Andres") and Robert L. Holloway ("Holloway").

settlement agreements under which others have agreed to make payments to the Receiver in settlement of claims that the Receiver has asserted against them and moves for Court approval to finalize these settlements.

The Receiver believes these settlements are fair, reasonable, and in the best interests of the investors who provided money to US Ventures and Winsome. The first settlement involves the return of approximately 60% of the legal fees paid by Winsome to its law firm, Wright Lindsay & Jennings, LLP, in settlement of certain claims against the law firm. Other claims against the law firm have not been settled. The second settlement involves an investor, John E. DeLoach, repaying \$10,000.00 of the \$15,000.00 he was overpaid. The third settlement involves investor John Runia repaying \$7,500.00 of the \$8,032.47 he was overpaid in his transactions with US Ventures. These settlements are summarized in the accompanying memorandum.

This motion is brought pursuant to Paragraphs 1 and 27 of the Order Granting Plaintiff's Ex Parte Motion for Statutory Restraining Order, Expedited Discovery, Accounting, Order to Show Cause re Preliminary Injunction and Other Equitable Relief (the "Receivership Order"). (Doc. #15). Paragraph 1 of the Receivership Order vests the Court with jurisdiction over the parties and the subject matter of the receivership. Paragraph 27(i) of the Receivership Order authorizes the Receiver to initiate, defend, or compromise any actions or proceedings necessary to increase the assets of the receivership entities and to recovery payments made improperly by the Defendants.

This motion is made and based on the memorandum in support filed contemporaneously herewith.

DATED this 30<sup>th</sup> day of January, 2012.

MANNING CURTIS BRADSHAW  
& BEDNAR, LLC

/s/ David C. Castleberry

David C. Castleberry

Aaron C. Garrett

*Attorneys for R. Wayne Klein, Court-Appointed  
Receiver*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of January, 2012, I caused to be served in the manner indicated below a true and correct copy of the attached and foregoing **THE RECEIVER'S THIRD MOTION FOR PERMISSION TO FINALIZE SETTLEMENT AGREEMENTS** upon the following:

VIA FACSIMILE  
 VIA HAND DELIVERY  
 VIA U.S. MAIL  
 VIA FEDERAL EXPRESS  
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/s/ David C. Castleberry