

IN THE UNITED STATES DISTRICT COURT IN AND FOR
THE DISTRICT OF UTAH, CENTRAL DIVISION

R. WAYNE KLEIN, the Court-Appointed
Receiver of U.S. Ventures LC, Winsome
Investment Trust, and the assets of Robert J.
Andres and Robert L. Holloway,

Plaintiff,

vs.

FUNDACION GUATEMALTECO
AMERICANA and ROBERTO E. PENEDO,

Defendants.

**ORDER REGARDING STIPULATION
ON EXISTENCE OF PONZI SCHEME
AND ON DAMAGES RECOVERABLE BY
THE PLAINTIFF AGAINST
ROBERTO E. PENEDO**

Case No. 2:12-cv-00049-DN

District Judge David Nuffer

Based upon the parties' Stipulation of Existence of Ponzi Scheme and on Damages Recoverable by the Plaintiff Against Robert O. Penedo,¹ and for good cause appearing,

IT IS HEREBY ORDERED that Winsome Investment Trust ("Winsome") operated as a Ponzi scheme and was insolvent at the time it transferred \$197,000 to the Defendant Roberto E. Penedo ("Penedo"). Because the fact that Winsome operated as a Ponzi scheme and was insolvent at the time of its transfers to Penedo is conclusively established by stipulation of the parties,² the Receiver is not required to introduce evidence to establish this fact at any trial or proceeding in this matter.

IT IS FURTHER ORDERED, on the stipulation and agreement of the parties, that:

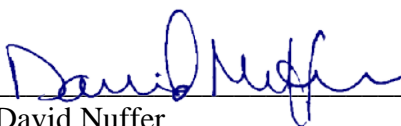
¹ [Docket no. 32](#), filed December 13, 2013.

² *Id.*

- a. the Receiver may only pursue a claim against Penedo for transfers Penedo received directly from Winsome in the amount of \$197,000;
- b. the Receiver will not pursue Penedo for transfers made by Winsome to Defendant Fundacion Guatemalteco Americana in the amount of \$765,000;
- c. Penedo's Motion for Partial Summary Judgment,³ including any claim for attorneys' fees, is withdrawn as moot; and
- d. the Receiver's Motion for Partial Summary Judgment⁴ remains the only motion currently pending before the Court and will be considered a Motion for Summary Judgment rather than a Motion for Partial Summary Judgment.

Dated December 26, 2013.

BY THE COURT:



David Nuffer
United States District Judge

³ [Docket no. 21](#), filed May 8, 2013.

⁴ [Docket no. 28](#), filed September 12, 2013.