

FILED
2016 MAY 25 PM 4:43
CLERK
U.S. DISTRICT COURT

Prepared and Submitted By:

Peggy Hunt (Utah State Bar No. 6060)
John J. Wiest (Utah State Bar No. 15767)
DORSEY & WHITNEY LLP
136 South Main Street, Suite 1000
Salt Lake City, UT 84101-1685
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
Email: hunt.peggy@dorsey.com
wiest.john@dorsey.com

Attorneys for Court-Appointed Receiver, R. Wayne Klein

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

NATIONAL NOTE OF UTAH, LC, a Utah
Limited Liability Company and WAYNE
LaMAR PALMER, an individual,

Defendants.

**ORDER RELATED TO RECEIVER'S
MOTION REQUESTING
DISALLOWANCE OF PROOFS OF
CLAIM AND OBJECTION FILED BY
LISA SANDERS SHAH, KRISTINE S.
OLSON AND THE KRISTINE S. OLSON
PROFIT SHARING PLAN**

**(Proof of Claim Nos. 1320, 1321, 1401
and 1402)**

Case No: 2:12-CV-591 BSJ

The Honorable Bruce S. Jenkins

The matter before the Court is the *Receiver's Motion Requesting Disallowance of Proofs of Claim and Memorandum of Law in Support* [Docket No. 1092] (the "Motion"). On April 7, 2016, a *Response to the Receiver's Motion Requesting Disallowance of Proofs of Claim (Proof of Claim Nos. 1320, 1321, 1401, 1402)* [Docket No. 1113] (the "Objection") was filed on behalf

of Kristine S. Olson (“Olson”), the Kristine S. Olson Profit Sharing Plan (the “Plan”) and Lisa Sanders Shah (“Shah”) (the “Claimants”).

Olson has submitted Proof of Claim No. 1320, asserting a claim in the total amount of \$277,582.19. The Plan has asserted Proof of Claim No. 1321, asserting a claim in the total amount of \$52,744.79. Shah has submitted two Proofs of Claim: (a) Proof of Claim No. 1401, asserting a claim in the amount of \$316,871.23, and (b) Proof of Claim No. 1402, asserting a claim in the total amount of \$466,876.04. In the Motion and in the Reply, the Receiver has requested that the Proofs of Claim submitted by Olson, the Plan and Shah’s Proof of Claim 1401 be disallowed in their entirety because the Claimants elected to be treated as secured creditors. The Receiver and Shah agree that her Proof of Claim No. 1402 should be allowed in the total amount of \$433,453.35.

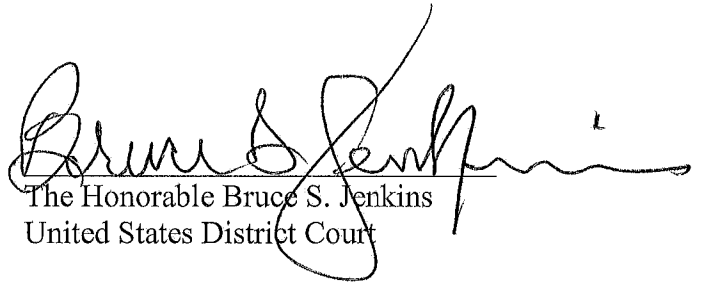
A hearing on the Motion was held on May 18, 2016. Peggy Hunt, Dorsey & Whitney LLP, appeared on behalf of the Receiver, who was also present. Paul B. Barton, Zupancic Rathborne Law Group, P.C., appeared on behalf of the Claimants. At the hearing, the parties presented the stipulation related to allowing Proof of Claim No. 1402 in the total reduced amount of \$433,453.35. As to the remaining contested Proofs of Claim Nos. 1320, 1321 and 1401, it was recognized that the Claimants are defendants in the case styled as *Klein v. Adams*, Civ. No. 2:14-CV-00614 (D. Utah) (the “ABI Case”). For the reasons stated on the record at the hearing,

IT IS HEREBY ORDERED that:

- (1) Consideration of the Receiver’s Motion as to Proof of Claim Nos. 1320, 1321, and 1401 is **DEFERRED** pending a determination in the ABI Case; and
- (2) Proof of Claim No. 1402 is **ALLOWED** in the reduced amount of \$433,453.35.

2:12-cv-591-BSJ

DATED this th 25 day of May, 2016.



The Honorable Bruce S. Jenkins
United States District Court