

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

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SECURITIES AND EXCHANGE	:
COMMISSION,	:
	:
Plaintiff,	:
	:
v.	:
	:
ANGELO A. ALLECA, SUMMIT	:
WEALTH MANAGEMENT, INC.,	:
SUMMIT INVESTMENT FUND, LP,	:
ASSET CLASS DIVERSIFICATION,	:
FUND, LP and PRIVATE CREDIT	:
OPPORTUNITIES FUND, LLC	:
	:
Defendants.	:
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Civil Action No.
1:12-CV-3261-WSD

**RECEIVER’S MOTION FOR APPROVAL OF
SETTLEMENT OF DISPUTED CLAIM AND SETTLEMENT
AGREEMENT AND FOR ENTRY OF BAR ORDER AND
APPROVAL OF FORM OF NOTICE**

Movant Robert D. Terry, the Receiver appointed by Order dated September 21, 2012, as modified by Order dated November 23, 2012, respectfully files this Motion to Approve Settlement of a Disputed Claim. The Motion seeks the (1) the entry of an Order approving a proposed settlement of a disputed claim for damages by the Receiver against Alexandria Capital, LLC and the Settlement Agreement that implements the settlement; (2) entry of a Bar Order; and (3) approval of the form of

notice related to the proposed settlement and Bar Order. If approved, the proposed settlement will bring \$77,000 into the Receivership Estate.

If approved, this settlement will also result in the entry of a Bar Order barring any other claimants or third parties from bringing claims against Alexandria based on the same transaction, as more fully described in the proposed Compromise Settlement and Release Agreement (“Settlement Agreement”) attached as Exhibit “A” hereto.¹ The Receiver seeks approval of the form of notice related to the settlement and has attached a proposed form of notice as Exhibit “B” (“Claims Bar Notice”) that the Receiver proposes to send to all persons believed by the Receiver to be affected by the proposed settlement. A copy of the proposed order approving the form of notice is attached hereto as Exhibit “C”. A copy of the proposed order Approving Settlement of Disputed Claim and for Entry of Bar Order is attached hereto as Exhibit “D”. A Memorandum of Law in Support of the present motion is also being submitted concurrently herewith.

¹ During settlement negotiations, Alexandria, noting the Court’s bar order in connection with the Receiver’s settlement with Federal Insurance Company [Doc. No. 113], requested that a Bar Order be sought in order to bar the claims of others based on the same transaction. Defendant Angelo Alleca purportedly assigned Summit’s right to receive payments from Alexandria to at least one person—Carrie Mistina, and it is unknown whether he may have assigned, or attempted to assign, the same rights to other persons. Alexandria seeks to bar the potential claims of any such person as a condition of settlement.

The Receiver respectfully requests that the Motion be granted by:

- (1) Issuing the Order approving the form of notice and time for objections to be filed;
- (2) After all, if any, objections have been heard issuing the proposed Order Approving Settlement of Disputed Claim and for Entry of Bar Order.

Respectfully submitted this 20th day of November, 2017.

/s/ Pratt H. Davis
Pratt H. Davis
Georgia Bar. No. 212335
Counsel for Receiver

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CERTIFICATE OF SERVICE

I certify that the foregoing was prepared with one of the font and point selections approved by the Court in LR 5.1B. I further certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice of electronic filing to counsel of record.

Respectfully submitted this 20th day of November, 2017.

/s/ Pratt H. Davis
Pratt H. Davis
Counsel for Receiver

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