

Examiner shall conduct such investigation as he deems necessary to provide such information to the Court. In conducting any such investigation, the Examiner is authorized to use as he shall see fit any discovery methods provided in Rules 26 through 37 of the Federal Rules of Civil Procedure for a party, provided that the Examiner is not required to make any disclosure under Rule 26. The Examiner shall, from time to time, provide a Report and Recommendation to the Court and the parties, as he shall see fit. The Court grants the Examiner leave to file a Brief of Examiner in response to any motion filed in this action, as he in his sole discretion shall see fit, in the same time and manner provided for a response brief under the Local Rules of this Court. Any party or person filing a motion in this action is ordered to confer with the Examiner regarding the substance of the motion and reflect the Examiner's position in the Certificate of Conference for the motion.

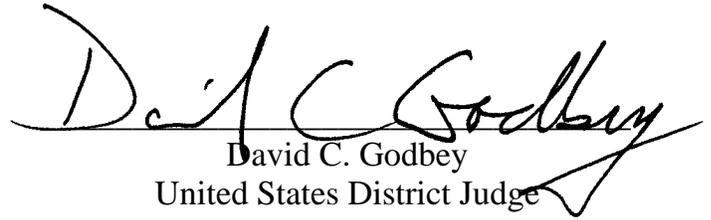
The Examiner does not have any enforcement duties. The Examiner is not authorized to regulate proceedings or conduct evidentiary hearings. The Examiner is not authorized to communicate ex parte with the Court. In addition to any materials filed with the Court, the Examiner shall preserve his time and billing records. Any party may respond to a Report and Recommendation of the Examiner in the same time and manner provided for a response brief under the Local Rules of this Court; the Examiner may, if he chooses in his sole discretion, file a Reply of Examiner to any responsive brief in the same time and manner provided for a reply brief under the Local Rules of this Court. Any party may reply to any Brief of Examiner in response to a motion in the same time and manner provided for a reply brief under the Local Rules of this Court.

The Examiner shall not be required to post a bond unless directed by the Court. Except for an act of willful malfeasance or gross negligence, the Examiner shall not be liable for any loss or damage incurred by the Receivership Estate, or any of Defendants, the Defendants' clients or associates, or their subsidiaries or affiliates, their officers, directors, agents, and employees, or by any of Defendants' creditors or equity holders, or by any Investor because of any act performed or not performed by the Examiner or his agents or assigns in connection with the discharge of his duties and responsibilities under this Order. This Order does not give rise to any attorney-client or fiduciary relationship, or any other duty, between the Examiner and any individual Investor or group of Investors, or any other party.

The Examiner is not authorized to retain any person outside of his law firm to provide services to the Examiner, except by application to the Court. The Examiner shall file with the Court periodic requests for approval of reasonable and necessary fees and expenses incurred by the Examiner and any person or entity retained by him, to be paid by the Receiver out of Receivership assets. The Examiner shall avoid, to the greatest extent possible, duplication of activities or efforts conducted by the Receiver, except as necessary to present the interests of the Investors to the Court that would not otherwise be presented, as the Examiner in his sole discretion shall see fit.

The appointment of the Examiner will take effect upon the Examiner filing in the papers of this action an affidavit disclosing whether there is any ground for disqualification under 28 U.S.C. § 455.

Signed April 20, 2009.


David C. Godbey
United States District Judge