

CAUSE NO. D-1-GV-10-000454

Filed in the District Court
of Travis County, Texas
SEP 26 2012
At: Amalia Rodriguez-Mendoza, Clerk

STATE OF TEXAS, § IN THE DISTRICT COURT OF
Plaintiff, §
v. §
RETIREMENT VALUE, LLC, §
ET AL., §
Defendants, § TRAVIS COUNTY, TEXAS
AND §
JAMES SETTLEMENT SERVICES, LLC, §
ET AL. §
Third-Party Defendants § 126th JUDICIAL DISTRICT

ORDER ON MOTION FOR APPROVAL
OF SETTLEMENT WITH MICHAEL MCDERMOTT

On this Sept day of 26 2012, the Court considered the Motion for Approval of Settlement with Michael McDermott. Considering the settlement and noting the agreement of the parties to the settlement, the Court is of the opinion that the motion is well-taken and that it should be granted. It is therefore:

ORDERED that the settlement between Edwardo S. Espinosa, in his capacity as Receiver for Retirement Value, LLC (“RV Receiver”), the State of Texas (the “State”), the Texas State Securities Board (“TSSB”), and John Morgan, in his official capacity as Commissioner of the TSSB (“Commissioner Morgan”), and Gary Cain and Barry Edelstein (the “Intervenors”) and Third-Party Defendant Michael McDermott (“McDermott”), collectively referred to as the “Parties,” is approved, conditioned on fulfillment of the terms and payments called for in the agreement. The legal fees associated with the settlement are also approved. If the terms and payments are not made as called for in the settlement agreement, the agreement will be considered null and void.

Signed this 24 day of Sept, 2012.

Giela D Triana

THE HONORABLE GISELA D. TRIANA,
JUDGE PRESIDING