

FILE COPY

Filed in The District Court
of Travis County, Texas

FEB 21 2013 LAM

At 11:50 A.M.
Amalia Rodriguez-Mendoza, Clerk

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

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
RETIREMENT VALUE, LLC,	§	
RICHARD H. "DICK" GRAY, HILL	§	
COUNTRY FUNDING, LLC, HILL	§	
COUNTRY FUNDING, and	§	
WENDY ROGERS,	§	TRAVIS COUNTY, TEXAS
	§	
Defendants,	§	
	§	
And	§	
	§	
JAMES SETTLEMENT SERVICES,	§	
LLC, et al.,	§	
	§	
Third Party Defendants.	§	126 TH JUDICIAL DISTRICT

AGREED ORDER GRANTING SEVERANCE OF CLASS CLAIMS AGAINST THIRD-PARTY DEFENDANT MICHAEL MCDERMOTT

Before this Court is a Motion for Severance filed by Intervenor Class Representatives Dr. Gary Cain and Barry Edelstein ("Intervenor Class Representatives"). Intervenor Class Representatives filed class action claims against Third-Party Defendant Michael McDermott ("McDermott"). McDermott and Intervenor Class Representatives have reached an agreement regarding severance of said class claims against McDermott. The Court, having considered the Motion, the agreement of the parties, and the interest of justice finds that Intervenor Class Representatives' Motion to Sever their class claims against McDermott should be GRANTED.

IT IS, THEREFORE, ORDERED that Intervenor Dr. Gary Cain and Barry Edelstein's suit against McDermott as set forth in Intervenor's Class Claim against McDermott is hereby severed from this action and that the Clerk of the Court shall assign a new cause number to the

D-1-GV-13 000193

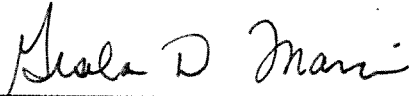
419th

case, styled *Dr. Gary Cain and Barry Edelstein, on behalf of themselves and those similarly situated, vs. Michael McDermott*, and assign the case to Judge Gisela Triana;

IT IS FURTHER ORDERED that the severed case shall be wholly separate from Cause No. D-1-GV-10-000454, *State of Texas v. Retirement Value, LLC, et al.*, for all purposes, including for hearings, motions, discovery, and trial and the trial date and other deadlines as set forth in the Court's Agreed Discovery Control Plan do not apply to the severed case and, if certification is unsuccessful, the parties shall attempt to agree upon applicable deadlines and submit the same to the Court as necessary;

IT IS FURTHER ORDERED that the severed case is subject to the June 23, 2010 Travis County Local Rule 2.6 assignment, and all pre-trial, trial, and post-judgment proceedings in the severed cause are assigned to Judge Gisela Triana.

Signed on this the 21 day of February, 2013

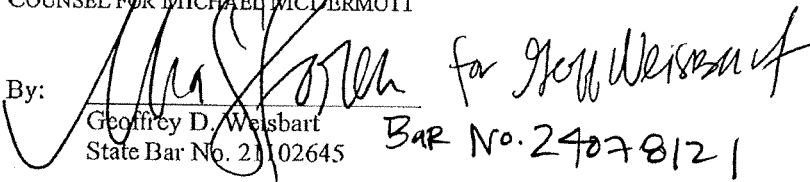


THE HONORABLE GISELA D. TRIANA

AGREED AS TO FORM AND SUBSTANCE:

By: 
Benjamin S. De Leon
State Bar No. 24048426

COUNSEL FOR MICHAEL McDERMOTT

By: 
Geoffrey D. Weisbart
State Bar No. 21102645 BAR No. 24078121

COUNSEL FOR DR. GARY CAIN AND BARRY EDELSTEIN