

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

SECURITIES AND EXCHANGE )  
COMMISSION, )

Plaintiff, )

v. )

BILLY WAYNE McCLINTOCK )  
individually, and dba MSC )  
HOLDINGS, DIANNE )  
ALEXANDER aka LINDA )  
DIANNE ALEXANDER, )

Defendants, )

MSC HOLDINGS USA, LLC, )  
MSC HOLDINGS, INC., MSC GA )  
HOLDINGS, LLC, )

Relief Defendants. )

CIVIL ACTION FILE

NO. 1:12-CV-04028-SCJ

**RECEIVER'S MOTION FOR ORDER PERMITTING THE**  
**RECEIVER TO PURSUE THIRD PARTY CLAIMS**

The Receiver hereby moves for the Court's approval of his June 14, 2013 Report and Recommendation [Docket Entry No. 30] that the Receivership be continued to allow the Receiver to pursue claims against third parties and, ultimately, distribute the amounts collected by the Receivership Estate to investors, pursuant to an administrative claims process approved by the Court.

The four categories of claims available to the Receivership Estate and their legal bases are detailed in the Receiver's June 14, 2013 Report and Recommendation. The Receiver recommends pursuit of these claims because they appear viable, are supported by the facts uncovered in the Receiver's investigation to date, and there is a reasonable likelihood that pursuit of these claims will yield a positive net recovery for the Receivership Estate (after the costs and expenses of litigation) and expand the amounts to be ultimately distributed to investors.

Lead counsel for the SEC in this action, Pat Huddleston II, has reviewed the Report and Recommendation and indicates that the SEC has no objection to the continuation of this action to pursue these claims with the goal of accumulating a larger pool of funds for distribution to approved claimants. In addition, the Receiver will pursue third party claims on a contingent fee basis and, therefore, his fees are dependent upon success and will not needlessly dissipate the assets of the Receivership Estate. Instead, the Receiver will bear the risks of an unsuccessful outcome.

Accordingly, the Receiver requests an Order allowing him to pursue third party claims on behalf of the Receivership Estate. A proposed Order is attached as "Exhibit A."

Respectfully submitted this 26<sup>th</sup> day of July, 2013.

**CAUTHORN, NOHR & OWEN**

/s Jason L. Nohr  
Georgia Bar No. 545435

Receiver

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**CERTIFICATE OF SERVICE**

This certifies that I have this day served a copy of the foregoing *Receiver's Motion for an Order Permitting the Receiver to Pursue Third Party Claims* via the CM/ECF electronic filing system which will send notice of such filing to counsel of record.

This this 26<sup>th</sup> day of July, 2013.

/s Jason L. Nohr  
\_\_\_\_\_  
Georgia Bar No. 545435  
Receiver

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