

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

SECURITIES AND EXCHANGE )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BILLY WAYNE McCLINTOCK )  
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

**AMENDED MOTION FOR ORDER  
ESTABLISHING DEADLINE FOR FILING  
OBJECTIONS TO PLAN OF DISTRIBUTION**

The Receiver for MSC Holdings filed his original Motion to Approve Plan of Distribution setting forth Claim determinations and seeking authorization for an initial interim distribution of \$1,600,000 on December 9, 2016 [Doc. No. 118]. Since that date, the Receiver has received additional Claim forms. In addition, multiple Claimants have filed objections to the Claim determinations set forth in the original proposed Plan.

The Receiver has now filed an Amended Motion to Approve the Plan of Distribution [Doc. No. 132] providing Claim determinations for these additional Claims (as set forth in Exhibit B) and seeking to increase the amount of the initial interim distribution to \$1,622,515.

The Receiver hereby moves for an Order from this Court establishing a deadline of March 31, 2017 for any Claimant who wishes to file an objection to the original or amended Plan of Distribution, including the Claim determinations. A proposed Order establishing this deadline is attached as “Exhibit A.” The Receiver proposes filing a response to all objections to either the original or amended Claim determinations (including those that have already been filed with the Court) in a single response submitted after the proposed deadline of March 31, 2017.

Within ten (10) days of filing this Motion and the Receiver’s Amended Motion to Approve the Plan, the Receiver will provide Claimants listed in Exhibit B by mail the following: (a) their Claim Number, (b) the amount of any Allowed Claim and Class to which their Claim was assigned, (c) the proposed amount each Claimant will receive from the initial interim distribution under the Plan, and (d) copies of this Motion and the proposed order (Exhibit A) setting forth the proposed deadline of March 31, 2017 for filing objections to the Plan and instructions for

filing any objection. These filings will also be posted on the Receiver's website, along with the original and Amended Plan of Distribution.

Accordingly, the Receiver respectfully moves for entry of this proposed Order (Exhibit A) setting a deadline of March 31, 2017 for any objections to the Receiver's proposed original or Amended Plan of Distribution and Claim determinations.

Respectfully submitted, this 27th day of February, 2017.

Receiver for MSC Holdings

/s/ Jason L. Nohr  
Georgia Bar No. 545435

212 Church Street  
Marietta, Georgia 30060  
770-528-0150  
770-528-0160 – facsimile  
[jln@cauthornnohr.com](mailto:jln@cauthornnohr.com)

**CERTIFICATE OF SERVICE**

This certifies that I have this day served a copy of the foregoing *Receiver's Amended Motion For Order Establishing Deadline For Filing Objections* via the CM/ECF electronic filing system which will send notice of such filing to counsel of record.

This 27th day of February, 2017.

/s Jason L. Nohr  
Georgia Bar No. 545435

212 Church Street  
Marietta, Georgia 30060  
770-528-0150  
770-528-0160 – facsimile  
[jln@cauthornohr.com](mailto:jln@cauthornohr.com)

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**ORDER SETTING OBJECTION DEADLINE  
FOR RECEIVER’S PLAN OF DISTRIBUTION**

This matter has come before the Court on the Receiver’s original and amended Motions to Approve Plan of Distribution [Doc. Nos. 118 and 132] and Amended Motion for an Order Establishing Deadlines For Objections to the Plan [Doc. No. 133].

**IT IS HEREBY ORDERED THAT ALL OBJECTIONS TO THE  
RECEIVER’S PROPOSED CLAIM DETERMINATIONS AND/OR PLAN**

**OF DISTRIBUTION MUST BE FILED WITH THE CLERK OF THIS COURT NO LATER THAN MARCH 31, 2017.**

Any Claimant who wishes to object to the Receiver's proposed Claim Determinations and/or Plan of Distribution must file an objection in writing with the Clerk of the District Court, United States District Court for the Northern District of Georgia, Atlanta Division, Richard B. Russell Federal Building and Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303-3309. A copy of that objection must also be sent to the Receiver's office at 212 Church Street, Marietta, Georgia, 30060.

At a minimum, any Objection must contain the following:

- (a) A caption setting forth the name of the Court, the names of the plaintiff and defendants, and the case number as noted above;
- (b) The name of the Claimant, Claim Number, and a description of the basis for the amount of the Claim;
- (c) A concise statement setting forth the reasons why the Claim should not be disallowed or modified as set forth in the Plan of Distribution, and/or why the Claim should be a different amount or in a different class, and/or why another distribution method would be more equitable for all Claimants;

(d) All documentation or other evidence of the Claim upon which Claimant will rely in opposing the Claim Determination and Plan of Distribution; and,

(e) The address to which the Receiver may send Claimant any reply to the Objection.

Claimant may, but is not required to, retain the services of an attorney to file any such Objection. If no Objection is received by the stated deadline of March 31, 2017, the Court may enter an Order approving the Plan, including allowing or disallowing the Claims as set forth in the Plan of Distribution.

The Receiver is authorized to file a response to any and all objections to the original or amended Plan of Distribution in a single pleading after the March 31, 2017 deadline, in accordance with the provisions of N.D. Ga. L.R. 7.1 B.

**SO ORDERED**, this \_\_\_\_ day of \_\_\_\_\_, 2017.

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THE HONORABLE STEVE C. JONES  
UNITED STATES DISTRICT JUDGE