

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Robert T. DeVaney, et al.

Plaintiffs,

v.

Davis Wright Tremaine LLP, a Washington
limited liability partnership,

Defendant.

Civil No. 10-CV-6134-HO

DECLARATION OF MICHAEL A.
GRASSMUECK IN SUPPORT OF
JOINT MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

Ken and Patricia Houghmaster, et al.

Plaintiffs,

v.

K&L Gates LLP, a Delaware limited liability
partnership; and Thompson & Knight LLP, a
Texas limited liability partnership,

Defendant.

Case No. 10-cv-6321-HO

I, Michael A. Grassmueck, declare:

1. I am the Court-appointed Receiver in *SEC v. Sunwest Management, Inc.*, et al, No. 09-cv-6056-HO (D. Or.) (the "SEC Action"), and the Court-appointed Claims Administrator in *DeVaney v. Davis Wright Tremaine LLP*, 10-CV-6134-HO and *Houghmaster v. K&L Gates LLP*, Case No. 6:10-cv-06321-HO. I make this declaration of my own personal knowledge.

2. Through my role as Receiver in the SEC Action, I possess records pertaining to investors in the Sunwest Enterprise, which is the subject of the *DeVaney*

and *Houghmaster* actions. From these records, I identified 1,908 potential class members in the *DeVaney* and *Houghmaster* actions.

3. Pursuant to ¶ 14 of the Order Approving Class Action Settlements (“Preliminary Approval Order”), on November 8, 2010, I caused the Court-approved class notice to be mailed to each of the potential class members via first class mail. A true and correct copy of the notice that was mailed to potential class members is attached hereto as Exhibit A.

4. Pursuant to ¶ 14 of the Preliminary Approval Order, I caused the Court-approved summary notice to be published in *The Oregonian* on December 1, 2010. A true and correct copy of the summary notice is attached hereto as Exhibit B.

5. I previously established a website, on which various documents and information relating to the SEC Action are posted. Pursuant to ¶ 14 of the Preliminary Approval Order, on November 11, 2010, I caused documents of interest to class members to be posted on the website. The documents include the class notice, summary notice, settlement agreements, preliminary approval order, and Distribution Plan. The address of the website is www.grassmueckgroup.com/sunwest.php.

6. Pursuant to ¶ 14 of the Preliminary Approval Order, I also caused to be set up a toll-free telephone number for class members to use to ask questions about the claims administration process. The toll-free telephone number became operational on November 3, 2009. The hotline was opened for use in the SEC Action at the beginning of the claims process.

7. As of December 20, 2010, the U.S. Post Office returned 24 class notices as undeliverable without forwarding addresses. Additionally, as of December 20, 2010, the U.S. Post Office returned less than 10 class notices with forwarding addresses, which I promptly caused to be re-mailed to these potential class members.

8. As of December 20, 2010, I have received no requests for exclusion and no objections to the Settlements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 20, 2010



Michael A. Grassmueck