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Attorney for Receiver

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

John E. Semasko, et al.

Plaintiffs,

v.

Thompson & Knight LLP, a Texas limited
liability partnership and Geffen Mesher &
Company, P.C., an Oregon professional
corporation,

Defendant.

Securities and Exchange Commission,

Plaintiffs,

v.

Sunwest Management, Inc. et al,

Civil No. 10-cv-06335

UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Civil No. 6:09-cv-06056

Defendants,
and
Darryl Fisher et al,
Relief Defendants.

Plaintiffs respectfully move the Court for an order (1) conditionally certifying the Settlement Class, (2) granting preliminary approval of the proposed settlement, (3) approving the proposed notice program and directing that notice be disseminated to the Settlement Class as provided therein, (4) appointing the law firm Esler, Stephens & Buckley as Class Counsel, (5) appointing Michael Grassmueck as the Claims Administrator; and (6) establishing a schedule setting forth deadlines and other relevant dates related to the Class Settlement, including a Final Approval hearing no sooner than thirty days from the date Preliminary Approval is entered. The grounds for this motion are set forth more fully in the accompanying Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement, which is respectfully incorporated herein by reference.

If the Court deems oral argument on the Unopposed Motion for Preliminary Approval appropriate, the parties are prepared to appear before the Court at the earliest date that is convenient for the Court. The parties' proposed schedule for a fairness hearing (and final approval of the settlement) is set forth at pages 14-15 of the Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement. The schedule is an expedited one to permit the Receiver to apply these settlement proceeds with proceeds collected from other Third Party litigation recoveries and distribute the funds without delay. To comply
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with statutory and other legal requirements, the parties have proposed that the fairness hearing be conducted not less than 30 days following entry of a Preliminary Approval Order.

DATED: August 8, 2011.

Respectfully submitted,

/s/ Michael J. Esler

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