

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

H. THOMAS MORAN, II, : Case No. 3:05-CV-0072  
Plaintiff, : (U.S. District Judge Thomas M. Rose)  
 : (Magistrate Judge Michael J. Newman)  
v. :  
 : RECEIVER'S STATUS REPORT  
DAVID W. SVETE, :  
Defendant. :

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Pursuant to the Court's September 13, 2013 Order, the undersigned provide the following report on behalf of the Receiver.

As previously noted, the Defendant was granted a discharge by the Bankruptcy Court for the Central District of California. However, shortly prior to receiving his discharge, the Defendant filed an amended schedule of assets which included a number of what he deemed, "contingent and unliquidated claims" against the Receiver, Examiner and their attorneys and others which he frivolously valued at \$8,025,000,000. In the hope of eliminating these claims as potential ongoing wastes of time and money, the Receiver retained California bankruptcy counsel to move to have the Defendant's bankruptcy case reopened and then attempt a settlement of the Defendant's claims with the Bankruptcy Trustee.

In late June, the California Bankruptcy Court reopened the Defendant's bankruptcy case and since that time, counsel has attempted to resolve the Defendant's frivolous claims with the

Trustee with the belief that a nuisance value settlement would be wise. After considerable negotiation with the California Bankruptcy Trustee, during which he discussed the potential time and cost to administer these claims, the Receiver, Examiner, and counsel concluded that an economically viable settlement would not be possible and agreed that further negotiations were unlikely to lead to an acceptable settlement. Bankruptcy counsel was instructed to contact the Bankruptcy Court to request that the Defendant's bankruptcy case be closed. The Defendant's bankruptcy case was closed on October 29, 2013. Therefore, this case may be placed back on this Court's active docket.

Respectfully submitted,

/s/ Joseph C. Oehlers

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was sent by Regular U.S. Mail, postage prepaid, this 30th day of October, 2013 to Defendant, David W. Svete, Reg. #05779-017, FCI Terminal Island, P. O. Box 3007, San Pedro, CA 90731.

BIESER, GREER & LANDIS LLP

By: /s/ Joseph C. Oehlers  
Joseph C. Oehlers

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