

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-81565-CV-HURLEY/HOPKINS

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**CREATIVE CAPITAL CONSORTIUM,
LLC, et al.,**

Defendants.

**ORDER GRANTING RECEIVER’S UNOPPOSED MOTION FOR APPROVAL OF
SETTLEMENT OF ACTION AGAINST BANK OF AMERICA, N.A.**

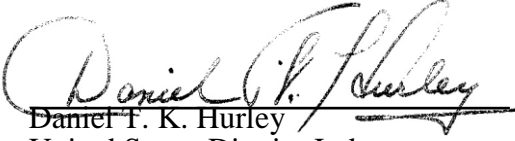
THIS CAUSE comes before the Court upon the Unopposed Motion for Approval of Settlement of Action Against Bank of America, N.A. [ECF No. 283], filed by Jonathan E. Perlman, Esq., the Court-appointed Receiver for the George Theodule Receivership Entities. Under his appointment, Receiver may “institute” and “settle legal actions,” and “make . . . such agreements as may be reasonable, necessary, and advisable in discharging [his] duties.” Order Appointing Receiver, ¶¶ 2, 6, 8 [ECF No. 8]. In performance of his duties, Receiver filed a claim against Bank of America, claiming that Theodule not only used Bank of America to deposit the proceeds of his scheme, but that Bank of America aided and abetted it. *Perlman v. Bank of America, N.A.*, No. 11-80331-CIV-HURLEY/HOPKINS (S.D. Fla.). To settle Receiver’s claim, Bank of America has agreed to pay Receiver \$2,750,000. Having reviewed the six factors enumerated in *Bennett v. Behring Corp.*, 737 F.2d 982, 986 (11th Cir. 1984), *cited in*

Sterling v. Stewart, 158 F.3d 1199, 1203 & n.6 (11th Cir. 1998), the Court finds this settlement to “fair, adequate, and reasonable,” *Sterling*, 158 F.3d at 1203. Accordingly, it is hereby

ORDERED and **ADJUDGED** that:

The Unopposed Motion for Approval of Settlement of Action Against Bank of America, N.A. [ECF No. 283] is **GRANTED**.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida this 8th day of January, 2015.


Daniel F. K. Hurley
United States District Judge

Copies provided to counsel of record