

3. Mr. Fevola is an interested party in this matter because he is one of the named Defendants in this case. In addition, Mr. Fevola owns certain equity interests in Wealth Management, LLC and the funds it managed, the value of which are uncertain at this point.

4. On page 35 of the Proposed Plan, the Receiver made the following assertion:

“Pursuant to the Preliminary Injunction Order entered in this case, Putman and Fevola conceded that the SEC has made a *prima facie* case of violations of securities laws and that the SEC is likely to prevail on the merits of its Complaint, and they agreed not to commit further violations.”

5. The Receiver made a similar assertion at the bottom of page 10 of the Proposed Plan:

“Pursuant to the Preliminary Injunction Order, Defendants have conceded that the SEC has made a *prima facie* case of violations of the securities laws and is likely to prevail on the merits of its complaint, and they agreed not to commit further violations and to cooperate to the fullest extent with the Receiver.”

6. As explained more fully in Mr. Fevola’s Motion to Strike Any Reference to Him in the Court’s May 26, 2009 Preliminary Injunction Order, the contents of which are hereby adopted and incorporated by reference herein, Mr. Fevola has not conceded anything with regard to the SEC’s allegations in this case.

7. The Preliminary Injunction Order does not enjoin Mr. Fevola from any action or require Mr. Fevola to take any affirmative action in this case.

8. Thus, any assertions in the Proposed Plan that the Preliminary Injunction Order applies in any manner whatsoever to Mr. Fevola are in error and should be stricken.

WHEREFORE, for the reasons stated above and for the reasons stated more fully in Mr. Fevola’s Motion to Strike Any Reference to Him in the Court’s May 26, 2009 Preliminary Injunction Order, Mr. Fevola respectfully requests that the Court strike any assertion in the Proposed Plan that the Preliminary Injunction Order applies to Mr. Fevola. Specifically, Mr.

Fevola requests that the Court strike from the Proposed Plan the assertions quoted in paragraphs 4 and 5 above that the Preliminary Injunction Order applies to Mr. Fevola.

Dated: September 30, 2009

Respectfully submitted,

SIMONE FEVOLA

By: s/Stephen J. Senderowitz
One of his Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2009, I caused a copy of the foregoing to be served on all parties of record via the Court's electronic filing system.

By: s/Stephen J. Senderowitz
Attorney