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STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 2008-CP-23- 3665

William F. Tomz and Francis W.)
Tomz, Individually and as Class)
Representatives,)
Plaintiff,)

**ORDER AND RULE
TO SHOW CAUSE**

v.)
Capital Investment Funding,)
LLC and Arthur M. Field)
Defendants.)

2013 APR - 3 A 9: 16
COURT OF COMMON PLEAS
GREENVILLE COUNTY
FACIL B. WILKINSHEN

This order is issued based upon asserted violations of orders of this Court including (i) the order dated August 27, 2009 ("Global Settlement Order") appointing Jerry T. Saad as receiver (the "Receiver") for Capital Investment Funding, LLC ("CIF") and empowering him to take actions as such including obtaining records and information; (ii) the order dated June 29, 2010 ("Production Order") elaborating on the Global Settlement Order by specifying the obligation to produce records, property, and information; and (iii) the order dated October 10, 2011 ("Privilege Order") clarifying the Receiver's authority to waive attorney client privilege on behalf of certain entities.

A Request for Production of Records ("RFP") was served on Arthur M. Field ("Field") by the Receiver by and through his counsel, Curtis Stodghill and counsel for the Class Action Plaintiffs, Stanley T. Case on or about November 28, 2011 (copy attached).

Field has failed to comply with the RFP. A copy of an affidavit of Receiver related to Field's failure to comply with the RFP and orders of this court is attached to this Order and Rule to Show Cause.

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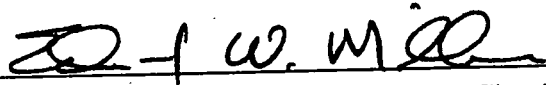
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Counsel for the Receiver and for the Class Action Plaintiffs request the Court to issue this Order and Rule to Show Cause. The Receiver is entitled, pursuant to S.C. Code Ann. § 15-65-10, et seq., Rule 37 of the South Carolina Rules of Civil Procedure, the Global Settlement Order, the Production Order, and the Privilege Order to a hearing requiring Field to show cause why he has not produced the records requested pursuant to Rule 34 of the *South Carolina Rules of Civil Procedure* and the aforementioned Global Settlement Order; Production Order, and Privilege Order, and why Field should not be held in contempt of the aforementioned court orders; and further for an order compelling production of the requested documents.

IT IS THEREFORE ORDERED that Arthur M. Field, TO APPEAR before the Honorable Edward W. Miller of Greenville County at the Greenville County Courthouse, 305 East North Street, Greenville, South Carolina, in Courtroom 4, on the 1st day of May, 2013, at 10:00 a.m. TO SHOW CAUSE why he has not performed pursuant to Rule 34 of the *South Carolina Rules of Civil Procedure* and the aforementioned orders of this court.

IF YOU DO NOT APPEAR AS ORDERED, YOU MAY BE HELD IN CONTEMPT OF COURT, WHICH COULD RESULT IN A FINE and/or JAIL SENTENCE.



Circuit Court Judge, Thirteenth Judicial Circuit

Greenville, South Carolina

April 1, 2013

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2008CP233665

FILED-CLERK OF COURT
GREENVILLE CO. S.C.

PAUL B. WICKENS

2013 NOV 7 PM 3 14

Capital Investment
Funding, et al.,
pw

William F. Tomz and
Francis W. Tomz,
individually and as Class
Representatives

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRC P;
 - Rule 41(a), SCRC P (Vol. Nonsuit);
 - Rule 43(k), SCRC P (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRC P;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

Arthur M. Field's Motion to Alter or Amend is DENIED.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

This judgment was entered on 1st day of October, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 1st day of October, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Gene McCain Connell Jr. PO Drawer 14547 Surfside Beach, SC 29587

Fredrick Scott Pfeiffer 935 S Main St Ste 203 Greenville, SC 296013314
Stanley T. Case PO Drawer 451 Spartanburg, SC 29304
J. Emory Smith Jr. PO Box 11549 Columbia, SC 29211
William Harry Ehlied II 310 Mills Ave., Ste. 201 Greenville, SC 29605
Bruce Wyche Bannister Bannister & Wyatt, LLC P.O. Box 10007 Greenville, SC 29603
Henry Dargan McMaster PO Box 11063 Columbia, SC 29211
Curtis Warren Stodghill PO Box 2431 Greenville, SC 296022431
Bradford Neal Martin Bradford Neal Martin & Associates, PA P.O. Box 10410 Greenville, SC 29603

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

