

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 William F. Tomz and Francis W. Tomz, )  
 Individually and as Class Representatives, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 Capital Investment Funding, LLC, and )  
 Arthur M. Field, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2008-CP-23-3665

**ORDER AND RULE TO SHOW CAUSE**

This Order is issued based upon asserted violations of Orders of this Court the Global Settlement Agreement (“GSA”) signed by the parties on February 24, 2017 and approved by order of this Court on December 1, 2017; and, derivatively, the prior orders of this Court compelling Defendant Kirsten White (“Defendant White”) to comply with the GSA – specifically the orders of this Court as they pertain to Defendant White entered on October 27, 2017 and on December 1, 2017.

It has been asserted that Defendant White has failed to comply the GSA and prior orders of this Court (identified above). A copy of the following Affidavit of the Court-Appointed Receiver Jerry Saad (signed June 19, 2018), detailing Defendant White’s non-compliance with the GSA is attached to, and incorporated with, this Order and Rule to Show Cause

Counsel for the Receiver and for the Class Action Plaintiffs have requested 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, and the Global Settlement Agreement to a hearing requiring Defendant Kirsten White to show cause why she has not complied with the terms of the Global Settlement Agreement and why White should not be held in contempt of the aforementioned Court Orders; and further, for an Order requiring White to return the insurance funds she improperly converted to her personal use and benefit, and for payment of all outstanding monies otherwise owed under the GSA, as

well as attorney's fees and costs associated with seeking Defendant White's compliance with the same.

IT IS, THEREFORE, ORDERED that Kirsten White APPEAR before the Honorable Edward W. Miller of Greenville County at the Greenville County Courthouse, 305 East North Street, Greenville, South Carolina, in Courtroom 8, on the 2<sup>nd</sup> day of July, 2018 at 10:30 AM. TO SHOW CAUSE why she should not be held in contempt for her failure to comply with the prior 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.

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Edward W. Miller  
Circuit Court Judge  
Thirteenth Judicial Circuit of South Carolina

Greenville, South Carolina  
June 20, 2018

Respectfully submitted,

s/s George Brandt, III

George Brandt, III SC Bar No. 00855

HENDERSON, BRANDT & VIETH, P.A.

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Attorney for Jerry T. Saad, Receiver

Date: June 20, 2018

s/s Stanley T. Case

Stanley T. Case SC Bar No.001158

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Attorney for the Class Action Plaintiffs

(William F. Tomz and Francis W. Tomz,

Individually and as Class Representatives)

Date: June 20, 2018

Spartanburg, South Carolina



Greenville Common Pleas

**Case Caption:** William F Tomz , plaintiff, et al vs. Capital Investment Funding Llc ,  
defendant, et al  
**Case Number:** 2008CP2303665  
**Type:** Order/Rule To Show Cause

So Ordered

s/ Edward W. Miller