

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

RONALD FRIEDMAN, as trustee for)
The SportCo Creditors' Liquidation)
Trust,)
)
)
Plaintiff,)
)
)
)
v.)
)
WELLSPRING CAPITAL)
MANAGEMENT LLC, WELLSPRING)
CAPITAL PARTNERS IV, L.P., WCM)
GENPAR IV, L.P., WCM GENPAR IV GP,)
LLC, ALEXANDER E. CARLES,)
BRADLEY JOHNSON, F. HEWITT)
GRANT, CHARLES E. WALKER, JR.,)
TODD BOEHLY, BERNARD ZIOMEK,)
and ANDREW KUPCHIK,)
)
Defendants.)
)
_____)

Adversary No. 19-80071-dd

**DEFENDANT TODD BOEHLY'S MOTION TO DISMISS
AND JOINDER TO THE WELLSPRING DEFENDANTS' MOTION TO DISMISS**

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*Motion for Admission *Pro Hac Vice* Pending

Attorneys for Defendant Todd Boehly

Defendant Todd Boehly, by and through his undersigned counsel, hereby moves the Court, pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Bankr. P. 7012(b)(6), to dismiss the First Amended Complaint (the “Complaint” or “Compl.”) with prejudice, on the grounds that the Complaint fails to state a plausible claim for relief against him.

The Complaint alleges nothing regarding Mr. Boehly other than that he was a relatively small, minority equity holder in SportCo Holdings, Inc., and therefore received a pro rata distribution along with all other SportCo shareholders in the 2012 and 2013 transactions that the Trustee attacks. Compl. ¶¶ 16, 41. The Complaint does not allege that Mr. Boehly played any role in structuring those transactions or that he made any misrepresentations to Prospect Capital Corporation or any other creditor of the Debtors. The Trustee sues Mr. Boehly solely as an alleged transferee of less than two percent of the total distributions at issue, in Counts 1 and 2 of the Complaint.

Defendants Wellspring Capital Management LLC, Wellspring Capital Partners IV, L.P., WCM GenPar IV, L.P., WCM GenPar IV GP, LLC, and Alexander E. Carles (collectively, the “Wellspring Defendants”) have filed a Motion to Dismiss and Memorandum of Law in Support. [Doc 91]. The claims against Mr. Boehly fail as a matter of law for all the reasons set forth by the Wellspring Defendants. [See Doc 91; Doc 91-1 through Doc 91-11]. Rather than repeat those reasons in an additional memorandum of law, Mr. Boehly incorporates by reference Argument Section I, A-D, of the Motion to Dismiss filed by the Wellspring Defendants. [Doc 91].

Accordingly, the claims against Mr. Boehly should be dismissed with prejudice.

[SIGNATURE BLOCK ON FOLLOWING PAGE.]

Respectfully Submitted,

/s/J.W. Nelson Chandler
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February 19, 2020

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RONALD FRIEDMAN, as trustee for)
The SportCo Creditors' Liquidation)
Trust,)

Plaintiff,)

v.)

WELLSPRING CAPITAL MANAGEMENT)
LLC, WELLSPRING CAPITAL)
PARTNERS IV, L.P., WCM GENPAR IV,)
L.P., WCM GENPAR IV GP, LLC,)
ALEXANDER E. CARLES, BRADLEY)
JOHNSON, F. HEWITT GRANT,)
CHARLES E. WALKER, JR., TODD)
BOEHLY, BERNARD ZIOMEK, and)
ANDREW KUPCHIK,)

Defendants.)

Adversary No. 19-80071-dd

**[PROPOSED]
ORDER GRANTING DEFENDANT TODD BOEHLY'S MOTION TO DISMISS**

Before the Court is Defendant Todd Boehly's motion to dismiss the First Amended Complaint (the "Motion to Dismiss"). The Court, having considered all papers in support and opposition to the Motion to Dismiss, having heard argument from counsel, and for good cause shown, hereby GRANTS the motion as follows:

IT IS HEREBY ORDERED that the First Amended Complaint is dismissed as to Todd Boehly with prejudice.