

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<p>SECURITIES AND EXCHANGE COMMISSION,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>PINNACLE DEVELOPMENT PARTNERS LLC and GENE A. O'NEAL,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">CIVIL ACTION NO.</p> <p style="text-align: center;">1:06-CV-2431-JTC</p>
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**NOTICE OF MOTION**

NOTICE IS HEREBY GIVEN that on February 14, 2008, S. Gregory Hays, the Court-appointed Receiver for Pinnacle Development Partners LLC (“Pinnacle”), filed a motion seeking approval of a settlement and compromise with Christopher Kunkel, Christopher Kunkel, Attorney at Law, P.C. (collectively “Kunkel”), the attorney for Pinnacle and the various partnerships formed by Pinnacle, and Westport Insurance Corporation (“Westport”), Kunkel’s professional liability insurance carrier. A copy of the Motion, along with supporting papers, can be found on the Receiver’s website, [www.haysconsulting.net](http://www.haysconsulting.net).

In sum, the settlement provides that Kunkel and/or Westport will pay \$600,000 to the Receiver Estate in exchange for a full release of all claims against Kunkel and Westport related in any way to legal services rendered by Kunkel for or on behalf of Pinnacle or the Pinnacle Partnerships. This payment and the other terms of the settlement are expressly conditioned upon this Court’s entry of an order enjoining Pinnacle investors from filing suit or asserting any claim against Kunkel or Westport that relate in any way to Kunkel’s representation of Pinnacle or the Pinnacle Partnerships.

**Your rights may be affected by the Court’s ruling on this Motion. If you object to or oppose the Motion, you must file a written Objection no later than**

**March 17, 2008.** Any Objection must be filed with the clerk of Court, with a copy served on counsel for the Receiver, who is:

J. David Dantzler, Jr.  
TROUTMAN SANDERS LLP  
Bank of America Plaza, Suite 5200  
600 Peachtree Street, N.E.  
Atlanta, GA 30308-2216

If any Objections are filed and are not able to be resolved between the parties, the Court may schedule a hearing on those Objections.

This 14<sup>th</sup> day of February, 2008.

By: /s/ J. David Dantzler, Jr.  
J. David Dantzler, Jr.  
Georgia Bar No. 205125  
Thomas B. Bosch  
Georgia Bar No. 068740  
Attorneys for S. Gregory Hays,  
Receiver for Defendant Pinnacle  
Development Partners, LLC

Troutman Sanders LLP  
Bank of America Plaza, Suite 5200  
600 Peachtree Street, N.E.  
Atlanta, Georgia 30308-2216