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

SECURITIES AND EXCHANGE COMMISSION,	:	
Plaintiff,	:	Civil Action File No. 1:12-CV-1996-TWT
v.	:	
BENJAMIN DANIEL DEHAAN AND LIGHTHOUSE FINANCIAL PARTNERS, LLC,	:	
Defendants.	:	

JOINT MOTION BY RECEIVER, PAGE PERRY, LCC, AND DEFENDANT BENJAMIN DANIEL DEHAAN TO: 1) RESOLVE ISSUES REGARDING PRODUCTION OF FILES AND DEPOSITION OF DEHAAN; AND 2) REQUEST THE IN-CAMERA INSPECTION AND REVIEW BY THE COURT OF CERTAIN FILES AND MEMORANDUM OF LAW IN SUPPORT THEREOF

COME NOW, S. Gregory Hays, the Receiver (the "Receiver") for Lighthouse Financial Partners, LLC ("Lighthouse") appointed in the above captioned case pursuant to a certain Order of this Court of July 2, 2012, Appointing a Receiver for Lighthouse Financial Partners, LLC and the Continuation of an Asset Freeze (the "Appointment Order"), Page Perry, LLC ("Page Perry"), and Benjamin Daniel DeHaan ("DeHaan"), by and through their respective undersigned counsel, and hereby file this Joint Motion (the "Joint

Motion") pursuant to Rule 37(a) and (b) of the Federal Rules of Civil Procedure, to: 1) resolve issues regarding the production of files and electronic documents of Lighthouse maintained by Page Perry (collectively, the "Files) and the deposition of DeHaan; and 2) request that the Court conduct an in-camera inspection and review of 104 pages (the "Withheld Production") of the Files withheld by DeHaan in order to determine: a) the validity of the assertion of an individual attorney-client or work product privilege (the "DeHaan Privilege") asserted by DeHaan in the Withheld Production; and b) whether any portion of the Withheld Production should be produced to the Receiver, and Memorandum of Law in support thereof. In support of the Joint Motion, the Receiver, Page Perry, and DeHaan (collectively, the "Movants") show the Court as follows:

BACKGROUND

1. Between 2008 and 2012, Page Perry: a) represented Lighthouse as outside corporate counsel; and b) accumulated and maintained the Files as counsel for Lighthouse.

2. Upon request by the Receiver that Page Perry produce the Files to the Receiver pursuant to the terms of the Appointment Order and subpoenas issued by the Receiver at the request of Page Perry, DeHaan asserted a purported right to, prior to the production of the Files to the Receiver, inspect and review the Files for

a determination by DeHaan regarding which Files may be subject to the DeHaan Privilege.

3. The Receiver disputed and continues to dispute whether DeHaan has any legitimate DeHaan Privilege in and to any of the Files.

4. On August 10, 2012, DeHaan filed a Motion for a Protective Order (Doc. No. 15, the "Motion for Protective Order") incident to which DeHaan requested until September 10, 2012, to review the Files.

5. On August 14, 2012, the Receiver filed a: a) Response (Docket No. 17, the "Response") by the Receiver to the Motion for Protective Order; and b) Motion (Docket No. 18, the "Motion to Compel") by the Receiver for the entry of an Order: a) compelling the production of the Files; b) finding certain parties in contempt of an order of this Court; and c) scheduling the deposition of DeHaan.

6. After counsel for DeHaan had an opportunity to review all of the Files, DeHaan: a) alleged that the Withheld Production was subject to the DeHaan Privilege; b) asserted that the Withheld Production should not be produced to the Receiver; and c) agreed that all Files other than the Withheld Production should be released to the Receiver (approximately 36,000 pages).

7. Based on the privilege log agreed to by counsel for DeHaan with regard to the Withheld Production, the Receiver asserted that the Withheld

Production: a) may contain information of benefit to the Receiver in the administration of the receivership of Lighthouse; and b) is not subject to any legitimate DeHaan Privilege.

8. Page Perry takes no position on DeHaan's privilege claim and does not waive its right to any lawful use of Withheld Production.

9. Counsel for DeHaan and the Receiver conferred in good faith and, after extensive negotiations, DeHaan and the Receiver have been unable to reach an accord regarding whether: a) any DeHaan Privilege in and to any of the Files actually exists; and b) any of the Withheld Production should be produced to the Receiver.

10. In an attempt to move forward, the Movants have agreed that: a) all of the Files other than the Withheld Production shall be produced to the Receiver by Friday, September 7, 2012; b) the Withheld Production shall be submitted to the Court for in-camera review and inspection for a determination by the Court regarding the: i) validity of the DeHaan Privilege; and ii) whether any portion of the Withheld Production shall be produced to the Receiver; and c) the request in the Motion to Compel for a finding of contempt with regard to Page Perry shall be withdrawn by the Receiver.

11. DeHaan and the Receiver have further agreed that: a) DeHaan shall schedule and appear at a deposition to be conducted by the Receiver to occur on or before September 28, 2012.

12. Upon the filing of this Joint Motion, both the DeHaan Motion for Protective Order and the Motion to Compel of the Receiver to compel production of the Files and for a finding of contempt against Page Perry and DeHaan are to be withdrawn without prejudice to the position of the Receiver that the Withheld Production should be produced to the Receiver in accordance with the authority set forth in the Motion to Compel.

REQUESTED RELIEF

13. By this Joint Motion, the Movants request that the Court review and inspect in-camera the Withheld Production in order for the Court to determine: a) the validity of the assertion of DeHaan Privilege in and to the Withheld Production; and b) whether any of the Withheld Production shall be produced to the Receiver.

AUTHORITY

14. The party asserting a privilege has the burden of establishing the existence of the asserted privilege. *See In Re Grand Jury Subpoena Bierman*, 765 F.2d 1014, 1019 (11th Cir. 1985).

15. After extensive and good faith efforts by DeHaan and the Receiver to resolve the issues related to the production of the Withheld Production, the Movants are unable to determine without the involvement of the Court: a) the validity of the assertion of the DeHaan Privilege; and b) whether any portion of the Withheld Production shall be produced to the Receiver.

WHEREFORE, the Movants respectfully request that the Court:

1. Grant this Joint Motion;

2. Enter an Order granting the relief sought herein substantially in the form as the Consent Order attached hereto as Exhibit "A" and incorporated herein by reference;

3. Order either DeHaan or Page Perry, or both, to deliver to the Chambers of the Court the Withheld Production in order that the Court may review the Withheld Production for in-camera inspection;

4. Review the Withheld Production and determine the validity of the DeHaan Privilege in and to the Withheld Production;

5. Return to DeHaan any portion of the Withheld Production that is validly subject to a DeHaan Privilege and make available to the Receiver any portion of the Withheld Production that is determined to not be subject to a DeHaan Privilege; and

6. Grant such other and further relief as is just and proper.

Respectfully submitted, this the 7th day of September, 2012.

/s/
James C. Frenzel
Georgia Bar No. 276830
Counsel for S. Gregory Hays, Receiver for Defendant, Lighthouse Financial Partners, LLC

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EXHIBIT A

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

SECURITIES AND EXCHANGE COMMISSION,	:	
Plaintiff,	:	Civil Action File No. 1:12-CV-1996-TWT
v.	:	
BENJAMIN DANIEL DEHAAN AND LIGHTHOUSE FINANCIAL PARTNERS, LLC,	:	
Defendants.	:	

CONSENT ORDER DIRECTING THE IN-CAMERA INSPECTION AND REVIEW BY THE COURT OF CERTAIN FILES

Upon the Joint Motion (the "Joint Motion") by S. Gregory Hays, the Receiver (the "Receiver") for Lighthouse Financial Partners, LLC ("Lighthouse") appointed in the above captioned case, Page Perry, LLC ("Page Perry"), and Defendant Benjamin Daniel DeHaan ("DeHaan") pursuant to Rule 37(a) and (b) of

the Federal Rules of Civil Procedure to: 1) resolve issues regarding the production of files and electronic documents of Lighthouse maintained by Page Perry (collectively, the "Files) and the deposition of DeHaan; and 2) request that the Court conduct an in-camera inspection and review of 104 pages (the "Withheld Production") of the Files withheld by DeHaan in order to determine: a) the validity of the assertion of an individual attorney-client or work product privilege (the "DeHaan Privilege") asserted by DeHaan in the Withheld Production; and b) whether any portion of the Withheld Production should be produced to the Receiver, and Memorandum of Law in support thereof, and the consent of the Receiver, Page Perry, and DeHaan as indicated by the signatures of their respective counsel set forth below, for good cause shown, no notice or hearing being required, the Court hereby:

1. GRANTS the relief sought in the Joint Motion;
2. ORDERS the party in possession of the originals of the Withheld Production, DeHaan or Page Perry, to deliver copies of the Withheld Production to the Chambers of the Court in order that the Court may perform an in-camera inspection of the Withheld Production to determine the validity of the DeHaan Privilege in and to the Withheld Production and whether any portion of the Withheld Production should be produced to the Receiver;

3. After the Court has concluded its review of the Withheld Documentation, the Court shall: a) inform the Receiver, Page Perry, and DeHaan whether any portion of the Withheld Production is to be produced to the Receiver or remain available only to DeHaan and Page Perry; and b) direct that any portion of the Withheld Production that is determined not to be subject to a DeHaan Privilege be made immediately available to the Receiver.

Prepared, presented, and consented to by:

/s/
James C. Frenzel
Georgia Bar No. 276830
Counsel for S. Gregory Hays, Receiver for Defendant, Lighthouse Financial Partners, LLC

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CERTIFICATE OF COMPLIANCE

This is to certify that to the best of my knowledge this document has been prepared with one of the font and point selections approved by the Court in LR 5.1B, pursuant to LR 7. Specifically, the above-mentioned document has been prepared using Times New Roman font, 14 point.

This, the 7th day of September, 2012.

Respectfully submitted,

/s/

James C. Frenzel
Georgia Bar No. 276830
Counsel for S. Gregory Hays, Receiver for Defendant, Lighthouse Financial Partners, LLC

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SECURITIES AND EXCHANGE COMMISSION,	:	
Plaintiff,	:	Civil Action File No. 1:12-CV-1996-TWT
v.	:	
BENJAMIN DANIEL DEHAAN AND LIGHTHOUSE FINANCIAL PARTNERS, LLC	:	
Defendants.	:	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the JOINT MOTION BY RECEIVER, PAGE PERRY, LCC, AND DEFENDANT BENJAMIN DANIEL DEHAAN TO: 1) RESOLVE ISSUES REGARDING PRODUCTION OF FILES AND DEPOSITION OF DEHAAN; AND 2) REQUEST THE IN-CAMERA INSPECTION AND REVIEW BY THE COURT OF CERTAIN FILES AND MEMORANDUM OF LAW IN SUPPORT THEREOF in a sealed envelope by first class mail with postage adequate to insure delivery to:

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U.S. Securities and Exchange Commission
3475 Lenox Road
Suite 1000
Atlanta, GA 30326

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This, the 7th day of September, 2012.

Respectfully submitted,

/s/
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