

COMES NOW, Plaintiff above named, **S. Gregory Hays**, Receiver for **Lighthouse Financial Partners, LLC** (“**Lighthouse**”), by and through his counsel of record, pursuant to Fed. R. Civ. P. 59(e) and 60(b) and LR 7.2(E), and respectfully requests that the Court reconsider its June 10, 2014 Order dismissing the Complaint in this action (the “**Order**”) in order to correct three clear errors of law and one clear error of fact, and to prevent manifest injustice. Specifically,

- 1. The Court erred in holding that Defendants’ disclosure of ongoing criminal conduct would violate the attorney-client privilege because**
 - (a) under the crime-fraud exception, knowledge of ongoing criminal or fraudulent conduct is not protected by the attorney-client privilege; and**
 - (b) the individual committing the crime, Benjamin DeHaan (“DeHaan”) was not the Defendants’ client.**

- 2. The Court erred in holding that Defendants had no duty to report known, ongoing criminal conduct to the appropriate authorities or to otherwise act on knowledge of ongoing theft from its client because**
 - (a) under Bar Rule 1.13(b), Defendants had a duty to always act in the best interest of their client, Lighthouse, and to first report DeHaan’s criminal conduct within the organization, which they failed to do;**
 - (b) under Bar Rule 1.13(c), if no one within the organization would take the appropriate action, Defendants would have had the duty to report DeHaan’s theft to regulators if it was in the best interest of Lighthouse to do so (which it clearly was);**

- (c) under Bar Rule 4.1.b., Defendants had a duty to disclose criminal conduct outside the organization if necessary to avoid assisting in the crime, which Defendants also failed to do; and
 - (d) Bar Rules 1.2(d) and 4.1.a. prohibit an attorney from assisting in criminal or fraudulent conduct or from making any false statements to third parties, and Defendants also violated both of these Rules.
- 3. The Court erred in ruling that Defendants' conflict of interest in representing DeHaan in his SEC deposition was not the proximate cause of any damage to Lighthouse because
 - (a) the Order was factually mistaken that no money was stolen after the SEC deposition when in fact more than \$2.5 million was stolen after the SEC deposition.
- 4. The Court erred in ruling that Defendants' failure to meet the standard of care in the conduct of the 2010 and 2011 mock audits was not the proximate cause of any damage to Lighthouse because
 - (a) the financial records that Defendants' failed to properly review or evaluate were the exact documents that ultimately uncovered DeHaan's fraud in 2012 during the SEC investigation.

Accordingly Plaintiff respectfully requests that the Court reconsider and reverse the Order, which was based on four clear errors of law or fact and would thus result in manifest injustice.

This 27th day of June, 2014.

Respectfully submitted,

DOVIN MALKIN & FICKEN LLC

/s/
Edward J. Dovin
Georgia Bar No. 227645

/s/
Allison S. H. Ficken
Georgia Bar No. 355875

**Attorneys for Plaintiff
S. Gregory Hays, Receiver for
Lighthouse Financial Partners, LLC**

**Monarch Plaza
3414 Peachtree Road, NE
Suite 625
Atlanta, Georgia 30326
(770) 829-3869 - phone
(770) 829-3865 - fax**

CERTIFICATE OF SERVICE

This is to certify that, in accordance with the Local Rules for the Northern District of Georgia, LR 5.1A, I have this day electronically filed the within and foregoing PLAINTIFF'S MOTION FOR RECONSIDERATION in the above-styled case with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

H. Lane Young
Christine L. Mast
Zachary Lewis

I further certify, in accordance with LR 7.1(D), that this PLAINTIFF'S MOTION FOR RECONSIDERATION was prepared using Times New Roman 14-point, a font and point selection approved by the Court in LR 5.1(C).

This 27th day of June, 2014.

DOVIN MALKIN & FICKEN LLC

Monarch Plaza
3414 Peachtree Road, NE
Suite 625
Atlanta, Georgia 30326
(770) 829-3869 - phone
(770)829-3865 - fax

/s/ _____
Allison S. H. Ficken
Georgia Bar No. 355875

Attorneys for Plaintiff
S. Gregory Hays, Receiver for
Lighthouse Financial Partners, LLC