

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES SECURITIES)
AND EXCHANGE COMMISSION)

Plaintiff,)

v.)

Case No. 1:15-cv-00659-JMS-MJD

VEROS PARTNERS, INC.,)
MATTHEW D. HAAB,)
JEFFERY B. RISINGER,)
VEROS FARM LOAN HOLDING)
LLC, TOBIN J. SENEFELD,)
FARMGROWCAP LLC, and)
PINCAP LLC,)

Defendants,)

PIN FINANCIAL LLC,)

Relief Defendant.)

**AGREED MOTION TO LIFT AND VACATE
FREEZE OF ASSETS BELONGING TO MATTHEW D. HAAB**

Defendant, Matthew D. Haab (“Haab”), by counsel, respectfully moves the Court for an order lifting and vacating the portions of the Court’s Temporary Restraining Order [Dkt. 12] and Preliminary Injunction Order [Dkt. 48 at 5-6] pertaining to the freezing of certain assets belonging to Haab and permitting the full and unconditional use of funds from the accounts identified below (the “Motion”). In support thereof, Haab states as follows:

1. On April 23, 2015, the Court issued a Temporary Restraining Order (the “TRO”), wherein, *inter alia*, the Court froze certain assets and accounts belonging to Haab and the other named Defendants. [Dkt. 12 at 4-6]. The Court also ordered the Defendants to “hold and retain funds and other assets of defendants...in whatever form such assets may presently exist and wherever located, and shall prevent any withdrawal, sale, payment..., transfer, dissipation,

assignment, pledge, alienation, encumbrance, disposal, or diminution in value of any such funds or other assets, which are hereby frozen....” [*Id.* at 4-5].

2. The Court further ordered that “[a]ll banks, brokerage or other financial institutions...shall hold and retain within their control and prohibit the withdrawal, removal, sale, payment...transfer, dissipation, assignment, pledge, alienation, encumbrance...or other disposal of any such funds or other assets....” [*Id.* at 5].

3. On May 7, 2015, the Court issued a Preliminary Injunction which, *inter alia*, reaffirmed the asset freeze instituted by the TRO (the “Preliminary Injunction”). [Dkt. 48 at 5-7].

4. Haab subsequently reached a settlement agreement with the Plaintiff, and on September 14, 2016, the Court entered a Final Judgment as to Defendant Matthew D. Haab (the “Final Judgment”). [Dkt. 273].

5. The Final Judgment requires Haab to pay a total of \$183,640.00 to the Plaintiff, which is to be paid in three (3) installments: (1) \$120,000.00 within thirty (30) days of the Court’s entry of the Final Judgment; (2) \$31,820.00 within ninety (90) days of the Court’s entry of the Final Judgment; and (3) \$31,820.00 within one hundred and eighty (180) days of the Court’s entry of the Final Judgment. [Dkt. 273 at 6].

6. On October 13, 2016, Haab paid the first installment – in the amount of \$120,000.00 – to the Plaintiff. A true and accurate copy of the receipt for said payment is attached hereto as **Exhibit “A.”**

7. Additionally, Haab has preserved documents and provided the Plaintiff with the detailed accounting required by the Preliminary Injunction. [Dkt. 48 at 7-8].

8. Haab has been fully cooperative with the Plaintiff and the Receiver throughout these proceedings.

9. Prior to filing this Motion, and in light of the payment referenced above in Paragraph 6, Counsel for the Plaintiff, Robert M. Moye, expressed agreement – on behalf of the Plaintiff – that Haab should be relieved from the portions of the Preliminary Injunction pertaining to the freezing of Haab’s assets, and that Haab should have full and unconditional use of all funds previously frozen pursuant to the Preliminary Injunction. Specifically, the Plaintiff agrees that the following assets should be unfrozen:

Account	Account Type	Custodian	Account Number
Huntington Bank	Checking	Huntington National Bank	xxxxxx7974
Matthew D. Haab & Amy N. Haab—Jt. Ten. TOD	Brokerage	TD Ameritrade	xxxxxx3277
Veros Partners 401(k) Plan FBO Matthew Haab	401(k)	TD Ameritrade	xxxxxx2651
Matthew D. Haab—Roth IRA	Roth IRA	TD Ameritrade Clearing	xxxxxx6119

10. Prior to the filing of this Motion, the undersigned provided a copy of the Motion to the Plaintiff.

WHEREFORE, Defendant, Matthew D. Haab, respectfully requests that the Court issue an order relieving Haab from the portions of the Preliminary Injunction pertaining to the freezing of his assets. Specifically, Haab requests that the Court issue an order: (1) unfreezing all of Haab’s assets, including, but not limited to, the specific accounts outlined above; (2) authorizing Haab’s full and unconditional use of all funds previously frozen pursuant to the Preliminary Injunction; (3) precluding the freezing of any other or future assets and/or accounts that otherwise would be frozen pursuant to the Preliminary Injunction; and (4) granting such further relief as the Court may deem just and proper in the premises.

Respectfully submitted,

/s/ John F. McCauley

J. Richard Kiefer (5176-49)

John F. McCauley (20715-12)

BINGHAM GREENEBAUM DOLL LLP

10 West Market Street, Suite 2700

Indianapolis, IN 46204

(317) 635-8900

rkiefer@bgdlegal.com

jmccauley@bgdlegal.com

Attorneys for Defendants,

Veros Partners, Inc., Matthew D. Haab and

Veros Farm Loan Folding LLC

BINGHAM GREENEBAUM DOLL LLP

10 West Market Street, Suite 2700

Indianapolis, IN 46204

(317) 635-8900

jbelle@bgdlegal.com

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2016, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to the following counsel by operation of the Court's electronic filing system:

Robert M. Moyer (MoyerR@sec.gov)

Doressia L. Hutton (HuttonD@sec.gov)

Kathryn A. Pyszka (PyszkaK@sec.gov)

U.S. SECURITIES AND EXCHANGE COMMISSION

Chicago Regional Office

175 West Jackson Boulevard, Suite 900

Chicago, IL 60604

Attorneys for United States Securities and Exchange Commission

Ronald E. Elberger (relberger@boselaw.com)
Jeffrey B. Bailey (jbbailey@boselaw.com)
BOSE MCKINNEY & EVANS LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204

Attorney for Jeffery B. Risinger

Jeanine R. Kerridge (Jeanine.kerridge@btlaw.com)
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204

Attorney for Tobin J. Senefeld

Anne Hensley Poindexter (apoindexter@ckplaw.com)
Rodney T. Sarkovics (rsarkovics@ckplaw.com)
CAMPBELL KYLE PROFFITT LLP
One Penn Mark
11595 North Meridian Street, Suite 701
Carmel, IN 46032

Attorneys for Receiver, William E. Wendling, Jr.

William E. Wendling, Jr. (wwendling@ckplaw.com)
11595 N. Meridian St., Suite 701
Carmel, IN 46032

Receiver

Fred Anthony Paganelli (tony@tonypaganelli.com)
2 Meridian Plaza
10401 North Meridian Street, Suite 209
Indianapolis, IN 46290

Attorney for Veros Partners Inc.

James E. Rossow, Jr. (jim@rubin-levin.net)
Joshua William Casselman (jcasselman@rubin-levin.net)
R. Brock Jordan (brock@rubin-levin.net)
RUBIN & LEVIN, P.C.
135 North Pennsylvania Street Suite 1400
Indianapolis, IN 46204

Attorneys for MAINSOURCE BANK, Creditor/Intervenor

FARMGROWCAP LLC

Pro se, Defendant

PINCAP LLC

Pro Se, Defendant

PIN FINANCIAL LLC

Pro Se, Relief Defendant

/s/ John F. McCauley
Attorney for Defendants,
Veros Partners, Inc., Matthew D. Haab and
Veros Farm Loan Folding LLC

17831194



Receipt

Your payment is submitted

Pay.gov Tracking ID: 25UCREDQ
Agency Tracking ID: 75108347149
Form Name: SEC Enforcement Collections
Application Name: SEC Enforcement Collections

Payment Information

Payment Type: Bank account (ACH)
Payment Amount: \$120,000.00
Transaction Date: 10/11/2016 04:24:15 PM EDT
Payment Date: 10/13/2016

Account Information

Account Holder Name: MATTHEW HAAB
Routing Number: 074014187
Account Number: *****8233

Email Confirmation Receipt

Confirmation Receipts have been emailed to:
mdhaab73@gmail.com



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF INDIANA
 INDIANAPOLIS DIVISION

UNITED STATES SECURITIES)
 AND EXCHANGE COMMISSION)

Plaintiff,)

v.)

Case No. 1:15-cv-00659-JMS-MJD

VEROS PARTNERS, INC.,)
 MATTHEW D. HAAB,)
 JEFFERY B. RISINGER,)
 VEROS FARM LOAN HOLDING)
 LLC, TOBIN J. SENEFELD,)
 FARMGROWCAP LLC, and)
 PINCAP LLC,)

Defendants,)

PIN FINANCIAL LLC,)

Relief Defendant.)

**ORDER GRANTING MOTION TO LIFT AND
 VACATE FREEZE OF ASSETS BELONGING TO MATTHEW D. HAAB**

The Court, having reviewed the Agreed Motion to Lift and Vacate Freeze of Assets Belonging to Matthew D. Haab filed by the Defendant, Matthew D. Haab, and being duly advised in the premises, now finds that said motion should be and hereby is **GRANTED**.

IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED that: (1) all assets belonging to Matthew D. Haab, including, but not limited to, the accounts identified below, are hereby unfrozen:

Account	Account Type	Custodian	Account Number
Huntington Bank	Checking	Huntington National Bank	xxxxxx7974
Matthew D. Haab & Amy N. Haab—Jt. Ten. TOD	Brokerage	TD Ameritrade	xxxxx3277
Veros Partners	401(k)	TD Ameritrade	xxxxx2651

401(k) Plan FBO Matthew Haab			
Matthew D. Haab— Roth IRA	Roth IRA	TD Ameritrade Clearing	xxxxx6119

It is further **ORDERED** that: (1) Matthew D. Haab is hereby relieved from the portions of the Preliminary Injunction, [Dkt. 48], which placed a freeze on all assets and/or accounts belonging to Matthew D. Haab; (2) Matthew D. Haab has full and unconditional use of all funds previously frozen pursuant to the Court’s Preliminary Injunction; (3) no other assets or accounts belonging to Matthew D. Haab shall be frozen unless further ordered by this Court.

SO ORDERED this _____ day of _____, 2016.

Judge, Southern District of Indiana

Distribution via the Court’s ECF system to all counsel of record.