

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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UNITED STATES SECURITIES)
AND EXCHANGE COMMISSION,)
)
Plaintiff,)
)
v.) Case No. 1:15-cv-659-JMS-MJD
)
VEROS PARTNERS, INC.,)
MATTHEW D. HAAB,)
JEFFERY B. RISINGER,)
VEROS FARM LOAN HOLDING LLC,)
TOBIN J. SENEFELD,)
FARMGROWCAP LLC,)
PINCAP. LLC, and)
)
Defendants,)
)
PIN FINANCIAL LLC,)
)
Relief Defendant,)
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**INVESTORS’ MOTION TO WITHDRAW OBJECTION
AND TO SET SCHEDULE RELATING THERETO**

Comes now Eric and Jennifer Armstrong, David and Patricia Bednarz, Jonah and Sara Beer, Don Bice, Isaac and Julie Brewer, Jose and Astrid Cardenas, Patrizia Cavozzoni, Robert Christianson, John Friedman, Doug and Judi Garrison, Jody Friedman, Andre Guillaume, Alvin and Carol Haab, Barry and Glenda Griffin, David Hatchett, Tim and Lori Hillstrom, Bill Harlow, James Hulskotter, Mary Huse, Dannon Hulskotter, Bart Jackson, Samuel Judd, Wendy James, Kelly Keenan, Sam and Karen Kegerreis, Larry Kaelin, Joseph Losco, Jason Luchtefeld, Michael Kluesner, Matt McCrady, Tracy and Julie Miller, Tom and Sandra Mason, David and Barbara Moroknek, George and Marie Napier, Doug and Dana Miller, Kim Prather, Renee Reiner, Gene

and Priscella Rund, Phil and Sheila Roberts, Myron Schroer, Robert and Nancy Poole, Kurt and Loretta Showalter, Erik Streib, Jeremy Reinhardt, Wes Taylor, Anne Turner, Todd Schumacher, Brian Tretter, Jeanne White, Kevin Tretter, Darrell Webb, Tim and Jeanene Williams, Mike Watkins and Jack Whitlock (the “Interested Investors”), by counsel, and move the Court to withdraw their Motion to Stay and Objection to Interim Distribution Methodology, without prejudice, and request the Court set a deadline and briefing schedule for them to resubmit their Objection. In support thereof, the Interested Investors state as follows:

1. The Interested Investors filed a Motion to Stay and Objection to Interim Distribution Methodology on or about October 21, 2016 ([Filing No. 284](#)) in which they objected to the Receiver’s proposed distribution methodology, as well as to the cost and delay associated with the Receiver’s proposed distribution methodology.

2. As set forth therein, the Interested Objectors submitted their own proposed distribution methodology that, in part, depended on certain investors making a distribution determination relating to the Williams Farms settlement. At the time the Interested Investors filed their Motion, that settlement was intended to add another Two Million Five Hundred Ninety-Two Thousand Eight Hundred Seventy-Six Dollars (\$2,592,876.00) to the available distribution funds, over time via an installment payment portion of that agreement. ([Filing No. 259 at ECF p.3](#); [Filing No. 195](#)).

3. On or about November 10, 2016, RJW Williams Farms, Inc. filed a Notice of Chapter 7 Bankruptcy Case. A true and accurate copy of its filing is attached hereto as Exhibit A. The Williams Farms’ bankruptcy is expected to reduce any potential collections pursuant to the Williams Farms settlement. Accordingly, good cause exists for the Interested Investors to discuss and resubmit their proposed Objection and methodology.

4. Further, the Interested Investors and the Receiver are engaged in constructive, good-faith discussions to resolve the Objection and to arrive at a mutually agreeable, just and reasonable distribution methodology. This withdrawal will provide the parties with an opportunity to pursue their settlement negotiations prior to their making additional filings and using Court resources.

5. The Receiver has represented to counsel for the Interested Investors that he will not move forward with any distributions or attempted claw backs in the interim, though he will follow-up with investors and otherwise discharge his duties.

6. Further, this Motion will not prejudice these proceedings or any pending deadlines. In the event the parties are unable to resolve their differences, the Interested Investors shall file their renewed Motion and Objection on or before November 30, 2016. The Receiver and the Securities and Exchange Commission agreed they would respond thereto on or before December 14, 2016.

7. Undersigned counsel discussed this Motion with counsel for the Receiver and the SEC and is authorized to inform the Court they have no objection to the Interested Investors withdrawing their Motion and Objection without prejudice as set forth herein.

WHEREFORE, interested investors Eric and Jennifer Armstrong, David and Patricia Bednarz, Jonah and Sara Beer, Don Bice, Isaac and Julie Brewer, Jose and Astrid Cardenas, Patrizia Cavozzoni, Robert Christianson, John Friedman, Doug and Judi Garrison, Jody Friedman, Andre Guillaume, Alvin and Carol Haab, Barry and Glenda Griffin, David hatchett, Tim and Lori Hillstrom, Bill Harlow, James Hulskotter, Mary Huse, Dannon Hulskotter, Bart Jackson, Samuel Judd, Wendy James, Kelly Keenan, Sam and Karen Kegerreis, Larry Kaelin, Joseph Losco, Jason Luchtefeld, Michael Kluesner, Matt McCrady, Tracy and Julie Miller, Tom and Sandra Mason,

David and Barbara Moroknek, George and Marie Napier, Doug and Dana Miller, Kim Prather, Renee Reiner, Gene and Priscella Rund, Phil and Sheila Roberts, Myron Schroer, Robert and Nancy Poole, Kurt and Loretta Showalter, Erik Streib, Jeremy Reinhardt, Wes Taylor, Anne Turner, Todd Schumacher, Brian Tretter, Jeanne White, Kevin Tretter, Darrell Webb, Tim and Jeanene Williams, Mike Watkins and Jack Whitlock move to Court to withdraw their Motion to Stay and Objection to Interim Distribution Methodology without prejudice with leave to refile on or before November 30, 2016; that any responses thereto shall be filed on or before December 14, 2016 and provide the Interested Investors with all other relief as is just and proper.

Respectfully submitted,

/s/ Hamish S. Cohen

Hamish S. Cohen (22931-53)
Jonathan Mattingly (21011-41)
Mattingly Burke Cohen & Biederman LLP
5255 Winthrop Avenue, Suite 105
Indianapolis, Indiana 46205

Counsel for Interested Party Objectors

CERTIFICATE OF SERVICE

I hereby certify that November 21, 2016, a copy of the foregoing was filed electronically. Service of this filing is being made to the following parties via operation of the Courts CM/ECF system:

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/s/ Hamish S. Cohen
Hamish S. Cohen (22931-53)

EXHIBIT A

Information to identify the case:

Debtor	<u>RJW Williams Farms, Inc.</u>	EIN 37-1116747
	Name	
United States Bankruptcy Court	Central District of Illinois	Date case filed for chapter 7 11/10/16
Case number:	16-91119	

Official Form 309C (For Corporations or Partnerships)

Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

12/15

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	RJW Williams Farms, Inc.	
2. All other names used in the last 8 years		
3. Address	170 East 1500 North Road Cisco, IL 61830	
4. Debtor's attorney Name and address	Andrew Bourey 225 S. Main St. Ste. 100 Decatur, IL 62523	Contact phone 217-422-2400 Email: bkmail@bourevlaw.com
5. Bankruptcy trustee Name and address	Kristin Wilson PO Box 137 611 6th Street Charleston, IL 61920	Contact phone 217-345-3079 Email: kiwilson111@gmail.com
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	203 U.S. Courthouse 201 S. Vine Street Urbana, IL 61802 Visit www.ilcb.uscourts.gov for this court's mandatory electronic filing policy.	Hours open 8:00 am - 5:00 pm Contact phone 217-974-7330 Date: 11/14/16
7. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	December 15, 2016 at 10:30 AM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: Urbana City Building, City Council Chambers, 400 S. Vine Street, Urbana, IL 61801
8. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.	
9. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	

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SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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PIN FINANCIAL LLC,)
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Relief Defendant,)
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**ORDER GRANTING INVESTORS’ MOTION TO WITHDRAW
OBJECTION AND TO SET SCHEDULING RELATING THERERO**

This matter, having come before the Court on the Interested Investors’ Motion to Withdraw their Motion to Stay and Objection to Interim Distribution Methodology and request the Court set a deadline and briefing schedule for them to resubmit their Objection, and the Court being duly advised, hereby GRANTS said Motion.

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Investors’ Motion to Stay and Objection to Interim Distribution Methodology (Filing No. 284) is hereby WITHDRAWN.

IT IS FURTHER ORDERED that the Investors have leave to refile their Objection on or before November 30, 2016; and that any responses thereto shall be filed on or before December 14, 2016.

SO ORDERED.

Date: _____

Judge
United States District Court
Southern District of Indiana

Distribution to:
All ECF registered counsel of record.