

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
PLAINTIFF,)	
)	
v.)	Civil Action No. 3:17CV-420- L
)	
)	
PATRICK O. HOWARD;)	
HOWARD CAPITAL HOLDINGS, LLC;)	
AND OPTIMAL ECONOMICS CAPITAL)	
PARTNERS, LLC,)	
)	
DEFENDANTS.)	

**RECEIVER’S UNOPPOSED MOTION TO ALLOW INITIAL PAYMENTS BY
RECEIVER RELATED TO EMPLOYEE WAGES**

Receiver W. Craig Stokley (“Receiver”) files this Unopposed Motion to Allow Initial Payments by Receiver Related to Employee Wages and, in support, would respectfully show the Court as follows:

1. On February 14, 2017, the Securities and Exchange commission (“SEC”) initiated these proceedings and sought the appoint of a receiver. On that same day, the Court issued its Order Appointing Receiver, by which W. Craig Stokley was appointed Receiver. Paragraph 7 of the Order provides the powers of the Receiver to make payments contemplated by this Motion.

2. Specifically, payroll was processed on February 14, 2017, the same day that the Order Appointing Receiver was entered. Paychex, Inc., the payroll company for Optimal Economics Capital Partners, LLC (“OE Capital”) processed and paid payroll of OE Capital on that date. However, the Asset Freeze resulted in the payment to Paychex, Inc. being returned.

Therefore, Paychex, Inc. is entitled to payment for the amounts paid for payroll, and the taxes associated with payroll are due to be paid.

3. Further, based on the information the Receiver has obtained to date, certain employee wages have not been paid by OE Capital to interns of OE Capital who were not paid through payroll.

4. Accordingly, the Receiver requests authorization, pursuant to the Receiver's powers in Paragraph 7 of the Order Appointing Receiver, to make the following payments:

- a. Wages in the amount of \$500.00, to each of the three interns of interns of Optimal Economics Capital Partners, LLC ("OE Capital")(in the total amount of \$1,500.00);
- b. Reimbursement of amounts paid for employee payroll for the period of February 1, 2017 through February 14, 2017, to Paychex, Inc., in the amount of \$38,237.62;
- c. Payment of taxes related to the February 14, 2017 payroll, in the following amounts:
 - i. Federal unemployment in the amount of \$422.61;
 - ii. Florida State unemployment in the amount of \$427.32;
 - iii. Texas State unemployment in the amount of \$1,761.16; and
 - iv. Texas State surcharge in the amount of \$67.73;

d. Any further wages or payroll or related expenses incurred, consistent with the powers of the Receiver in Paragraph 7 of the Order Appointing Receiver.

WHEREFORE, PREMISES CONSIDERED, the Receiver requests that the Court enter the Unopposed Order Granting Receiver's Unopposed Motion to Allow Initial Payments by Receiver related to Employee Wages and for such other and further relief to which the Receiver

may show himself justly entitled.

Dated: February 28, 2017.

Respectfully submitted,



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ATTORNEY FOR RECEIVER

W. CRAIG STOKLEY

CERTIFICATE OF CONFERENCE

On February 27, 2017, I conferred with Timothy S. McCole, counsel for the United States Securities and Exchange Commission, and Phil Bezanson of Bracewell LLP, counsel for Defendant Patrick O. Howard, about the content of this Motion. Counsel advised me that they are unopposed to the Motion.



KIMBERLY M.J. SIMS

CERTIFICATE OF SERVICE

On February 28, 2017, I electronically filed the Receiver's Unopposed Motion to Allow Initial Payments by Receiver Related to Employee Wages via the Court's CM/ECF filing system, which will send a notice of electronic filing to all CM/ECF participants. I further certify that I served a true and correct copy of the foregoing document and the notice of electronic filing via UPS and electronic mail on all non-CM/ECF parties and/or their counsel.

A handwritten signature in black ink that reads "Kimberly Sims". The signature is written in a cursive style with a large, looped "S" at the end.

KIMBERLY M.J. SIMS