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

| EXCHANGE COMMISSION,   | )                                 |
|--|-----------------------------------|
| Plaintiff,   | )<br>)                            |
| v.   | ) Civil Action No. 3:17-CV-420- L |
| PATRICK O. HOWARD;<br>HOWARD CAPITAL HOLDINGS,<br>LLC; and OPTIMAL ECONOMICS<br>CAPITAL PARTNERS, LLC, | )<br>)<br>)<br>)                  |
| Defendants.  | )                                 |

## ORDER MODIFYING AND CLARIFYING ORDER APPOINTING RECEIVER

On this date, the court considered the Receiver's Unopposed Motion to Modify and Clarify the Order Appointing Receiver (Dkt. 10). The court, being familiar with the pleadings and papers on file herein, finds that the motion should be, and is hereby, **granted**. Accordingly, the Order Appointing Receiver issued by the court on February 14, 2017 [Dkt. 10] is hereby modified and clarified as follows:

<u>Paragraph 36</u>: The Receiver's deposit account shall be entitled "W. Craig Stokley, Receiver for Patrick O. Howard and Howard Capital Holdings LLC and Optimal Economics Capital Partners LLC," or, in short form, "W. Craig Stokley, Receiver."

<u>Paragraph 59</u>: In addition to the language in the paragraph, the following is added: "The Receiver may pay up to 80% of the professional fees and 100% of the expenses, on a monthly basis, provided statements are made on a monthly basis to the Commission accompanied by a certification satisfactory to the Commission, no objections thereto have been presented after the

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expiration of ten (10) days, and all prior applications for payment have been timely filed. Any and

all costs incurred by the Receiver shall be paid from the Receivership Assets."

Paragraph 60: The second sentence is modified as follows: "At least ten (10) days prior

to filing each Quarterly Fee Application with the court, the Receiver will serve upon counsel for

the SEC a complete copy of the proposed Application, together with all exhibits and relevant

billing information in a format to be provided by SEC staff."

The court approves the Receiver's engagement of the following Retained Personnel, in

accordance with Section II, Paragraph 7, Subsection F: Howard LLP (accounting firm) and Net

Vida (web services), to assist him in carrying out his duties and responsibilities under the Order

Appointing Receiver.

This clarification and modification is effective retroactively to February 14, 2017.

**It is so ordered** this 14th day of March, 2017.

Sam A. Lindsay

United States District Judge

7. Lindsay