

Partners, L.L.C. (“O/E Partners”). However, no specifics regarding her actual involvement in the sending of the allegedly “fraudulent” email were described in the Motion. Therefore, the Motion is factually deficient to establish civil contempt. The Receiver must establish by clear and convincing evidence that, “1) a Court Order was in effect, 2) the Order required or prohibited specified conduct by the Respondent, and 3) the Respondent failed to comply with the Court’s Order” *See Waste Mgmt. of Washington, Inc. v Kattler*, 776 F.3d 336, 341 (5th Cir. 2015).

The Receiver has failed to establish that HORNE committed any proscribed conduct. Specifically, Receiver complains of conduct it attributes to HORNE regarding an email sent to O/E Capital Partner’s investors dated April 8, 2017. (Motion APP_4). The Receiver is claiming that HORNE violated the Order Appointing Receiver (“Order”) after being warned on March 21, 2017 at a meeting with the Receiver, and was, “...sternly admonished that she (HORNE) was not authorized to send any communications that were not truthful to any investors...” (Motion p.8)

The Receiver has failed to provide specific instances of conduct or statements for which HORNE is responsible that violate the Order. The Receiver states, “...it (the April 8, 2017 email) was organized by Soblinskas with whom Howard, HORNE, and Scherer were involved to varying degrees...” (Document 57, p.17). To what degree specifically is HORNE allegedly involved? In fact, the Receiver states multiple times that someone besides HORNE was responsible for sending the email on April 8, 2017. Also, in the Motion the Receiver cites, in Exhibit A-5 on page 10, the allegedly misleading information in a chart, and nowhere in the allegedly misleading statements is even one statement attributed to HORNE. In fact, the Receiver attributes the statements characterized as misleading and false to Dovile Soblinskas,

not HORNE. On page 11 of the Motion, in the third column on the right hand side, Receiver states, “The use of ‘I’ at the beginning, and ‘we’ along with the parenthetical is misleading and probative of the fact that Soblinskas wrote this email”.

At the bottom of page 12, on the left hand side of the Motion, the Receiver includes the names of certain “OE Captial (sic) Partners Investors. The list includes HORNE, as well as many others, who interestingly are not a subject of the Motion. On the right hand side of the same row, the Receiver states, “Horne, while **possibly** an investor, was really an employee who raised money from investors under false pretenses. To omit the fact makes her inclusion as simply and (sic) investor fraudulent”. (Document 57, p.16).

The Receiver should check his facts before stating something false. It is easily verifiable that HORNE IS AN INVESTOR in O/E Capital Partners to the amount of \$96,182.12. HORNE was also an employee of O/E Capital Partners and had been an employee for a total of ten (10) business days. HORNE raised no money from any investor during the ten days she was employed at O/E Capital Partners. The omission of the fact of her employment for a total of ten days is not fraudulent in any way, in an email she did not send, is in no way fraudulent. HORNE did not raise money under false pretenses, as stated by the Receiver. It seems odd to use the language that HORNE is “...possibly an investor...”, when as the Receiver, one should know who all of the investors are and how much they invested.

The specific allegations pertaining to HORNE are contained on page 23 of the Motion. As best as Counsel can surmise, the Receiver is stating that HORNE knew statements in an email, which she did not send, were false and misleading. These statements as stated in the Motion concern HORNE’s name being included on the April 8, 2017 email. The Receiver is asking this Court to hold HORNE in contempt for statements in an email attributed, by the

Receiver, to someone else. HORNE specifically denies that she made any knowingly false statements to any investor, which hindered, obstructed, or otherwise interfered with the Receiver.

PRAYER FOR RELIEF

HORNE respectfully requests the Court deny any relief sought in the Receiver's Motion to Show Cause and grant all other relief at law and equity to which HORNE is entitled.

DATED: MAY 18, 2017

Respectfully Submitted,

s/ BRADY THOMAS WYATT, III

Brady Thomas Wyatt, III
SBN - 24008313
3300 Oak Lawn, Suite 600
Dallas, Texas 75219
T: 214-559-9115
F: 214-528-6601

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon the following counsel in accordance with the Federal Rules of Civil Procedure on this 18th day of May 2017:

PALTER STOKELY SIMS PLLC
8115 Preston Rd., Suite 600
Dallas, Texas 75225
Telephone: (214) 888-3106
Facsimile: (214) 888-3109

s/ BRADY THOMAS WYATT, III

Brady Thomas Wyatt, III

Attorney for Christine Horne