

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

<b>SECURITIES AND EXCHANGE</b>	)	
<b>COMMISSION,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:17-cv-420-E</b>
	)	
<b>PATRICK O. HOWARD;</b>	)	
<b>HOWARD CAPITAL HOLDINGS, LLC;</b>	)	
<b>and OPTIMAL ECONOMICS CAPITAL</b>	)	
<b>PARTNERS, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER GRANTING RECEIVER’S MOTION TO APPROVE  
(I) PROPOSED SETTLEMENT AGREEMENT WITH FORMER COUNSEL; AND  
(II) PAYMENT OF HIS SPECIAL LITIGATION COUNSEL’S  
FEES AND EXPENSES RELATED TO THE SETTLEMENT**

Before the Court is the Receiver’s Motion to Approve (I) Proposed Settlement Agreement with Former Counsel; and (II) Payment of His Special Litigation Counsel’s Fees and Expenses Related to the Settlement (the “Motion”), filed on November 19, 2019.<sup>1</sup> The Court determines that the Motion should be, and is hereby, **GRANTED**. Accordingly, the Receiver is authorized to sign the Settlement Agreement and to pay his special litigation counsel’s fees and expenses related to the settlement.

Nothing herein or in the Settlement Agreement shall be interpreted as altering or waiving any rights under the Order Appointing Receiver.

Nothing herein or in the Settlement Agreement shall be interpreted as a settlement of any claims against Law Firm A<sup>2</sup> or to support a defense in favor of Law Firm A based on doctrines of

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<sup>1</sup> Capitalized terms used herein have the same meanings ascribed to them in the Motion.

<sup>2</sup> Law Firm A is generally described in the Receiver’s Unopposed Motion to Approve the Proposed Settlement ¶ 3, filed November 19, 2019. Law Firm A is specifically identified in the Settlement Agreement ¶ 7, which is filed under

preclusion or estoppel. The Receiver shall retain all rights, claims, defenses, and causes of action against Law Firm A, including, but not limited to, a malpractice claim against Law Firm A based on the acts and omissions of (i) Law Firm A, (ii) the two individual attorneys who served as the engagement partners for the receivership entities, and (iii) other Law Firm A partners, associates, employees, and/or agents.

It is so ordered this \_\_\_\_ day of \_\_\_\_\_, 2019.

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The Honorable Ada E. Brown  
United States District Judge

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seal as Exhibit A to the Receiver's Unopposed Motion to File Under Seal the Proposed Settlement Agreement with Former Counsel to Receivership Entities, dated November 19, 2019.