

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

SUNTRUST EQUIPMENT FINANCE AND  
LEASING CORP.,

Plaintiff,

-vs-

Case No. 6:13-cv-657-Orl-28KRS

BLUECHIP POWER, LLC, BLUECHIP  
ENERGY, LLC, et al.,

Defendants.

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**ORDER**

This case is before the Court on Suntrust Equipment Financing and Leasing Corp.'s Motion to Disburse Auction Proceeds (Doc. No. 142) filed September 3, 2013, and a Stipulated Motion for Relief from the Receivership Injunction (Doc. No. 147) filed September 18, 2013. The United States Magistrate Judge has submitted a report recommending that both motions be granted.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. That the Report and Recommendation filed October 16, 2013 (Doc. No. 162) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Suntrust Equipment Financing and Leasing Corp.'s ("Suntrust Equip.") Motion to Disburse Auction Proceeds ("Motion") (Doc. No. 142) is **GRANTED**. Suntrust Equip. is

authorized to disburse funds consistent with the Motion and Suntrust Equip.'s Settlement Agreement with the Seminole Tax Collector (Doc. No. 156).

3. The Stipulated Motion for Relief from the Receivership Injunction (Doc. No. 147) is **GRANTED**.

4. Bank Sinopac ("Sinopac") is granted relief from the injunction in the Receivership Order (Doc. No. 56) to the extent necessary to litigate the Sinopac Case (Case No. 6:12-cv-01797-Orl-28DAB) to entry of judgment.


5. Solely to the extent necessary to defend themselves in the Sinopac Case, the Lessee Defendants (Defendants BlueChip Energy, LLC, BlueChip Power, LLC, Advanced Solar Photonics, LLC, Laser Photonics, LLC, ICT Investments, LLC, and US Investing Corp.) and Guarantors (Defendants Demitri Nikitin and Svetlana Nikitina) are granted relief from the injunction in the Receivership Order; provided, however, that such relief does not extend to allowing the Lessee Defendants or Guarantors to utilize any assets under the Receiver's control for this purpose.

6. Unless otherwise agreed by the Parties, for the duration of the effect of the Receiver's appointment, Sinopac may only seek to collect upon any judgment it may receive in the Sinopac Case by amending the claim it filed with the Receiver in this case.

7. Any judgment lien rights Sinopac receives as a result of a judgment in the Sinopac Case will be inferior to the lien of SunTrust on Suntrust's collateral.

DONE and ORDERED in Chambers, Orlando, Florida this 6 day of November,

2013.



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JOHN ANTOON II  
United States District Judge

Copies furnished to:

United States Magistrate Judge  
Counsel of Record  
Unrepresented Party