

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

10-13083

Plaintiff,

District Judge Stephen J. Murphy, III

v.

Magistrate Judge R. Steven Whalen

C.J'S FINANCIAL and
CANDICE D. CAMPBELL,

Defendants.

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ORDER RELEASING FUNDS

Before the Court is Defendant Candice D. Campbell's Request for Release of Reasonable Living Expenses [Docket #20], pursuant to ¶ D of the Temporary Restraining Order entered on August 5, 2010 [Docket #11], which provides as follows:

D. Should Defendant Candice D. Campbell be unable to provide for her own reasonable living expenses out of any personal, non-investor funds as a result of this order, she may petition the Court to unfreeze any personal funds to pay for such living expenses. Any petition must be supported by proof that funds asked to be unfrozen are not investor funds or proceeds from investor funds.

The funds at issue are the balance of a retainer paid to the law firm of Hertz Schram P.C., to retain attorney Walter J. Piszczatowski of that firm. Hertz Schram has deposited said funds into a separate account.

The Court held a telephonic hearing on November 24, 2010. Present were Plaintiff's counsel, Ms. Campbell, and Mr. Piszczatowski. The Court took sworn

testimony from Ms. Campbell regarding the source of the funds used to retain Hertz Schram, P.C. in March of 2010. Based on this testimony, and for reasons stated on the record on November 24, 2010, the Court finds that Ms. Campbell has provided sufficient proof to support, by a preponderance of the evidence, her claims that (1) she requires the funds for reasonable living expenses for her and her two children, and (2) that the funds held by Hertz Schram, P.C. are not investor funds or proceeds from investor funds.

Therefore, IT IS ORDERED that Defendant's Request for Release of Reasonable Living Expenses [Docket #20] is GRANTED.

IT IS FURTHER ORDERED that the law firm of Hertz Schram, P.C. shall release funds held on behalf of Ms. Campbell to her, in the form of a check made payable to Candice D. Campbell.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: November 24, 2010

CERTIFICATE OF SERVICE

I hereby certify on November 24, 2010 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on November 24, 2010: **Walter Piszczatowski, Candice Campbell by electronic mail.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge R. Steven Whalen
(313) 234-5217