

overpayments that Plaintiffs allege were erroneously distributed to Defendants. *See* Dkt. 1. The amounts in question are listed on Exhibit 1 to this Order under the column titled “Lump Sum Overpayment Amount.” The amounts are also listed on Exhibit 2 to the Complaint under the column titled “Lump Sum Overpayment Amount.” *See* Dkt. 1-2.

2. Plaintiffs also filed a motion for preliminary injunction, seeking a preliminary injunction imposing a constructive trust and/or equitable lien over all monies allegedly erroneously paid to Defendants and enjoining Defendants from spending, transferring, or otherwise disposing of such monies. *See* Dkt. 6.

3. Each Consenting Defendant is currently holding the amount of the alleged overpayment in an eligible retirement plan, account, or annuity.

4. Consenting Defendants deny that any monies are owed to Plaintiffs.

5. Plaintiffs and Consenting Defendants have consented to the entry of this preliminary injunction pending final resolution of this matter.

6. Nothing contained in this Consent Order shall be deemed to have waived any rights, remedies, or defenses of any party. This Consent Order is being entered solely for purposes of judicial economy and efficiency.

7. Because Plaintiffs and Consenting Defendants have consented to this Order, inquiry into the likelihood of success on the merits, irreparable harm, public interest, and any balancing of the hardships is not necessary at this time.

Until further order of this Court, **IT IS ORDERED THAT**

1. Pending final resolution of this matter, each Consenting Defendant is enjoined from spending, transferring, disposing of, or otherwise diminishing the monies that Plaintiffs claim were erroneously distributed to Consenting Defendants. The amounts in question in this

action and that are subject to this Consent Order are listed on Exhibit 1 of this Order under the column titled “Lump Sum Overpayment Amount” and Exhibit 2 to the Complaint under the column titled “Lump Sum Overpayment Amount.” See Dkt. 1-2.

2. Nothing in this Consent Order shall limit or restrict the Consenting Defendants from making investment changes within the Consenting Defendants investment accounts wherein the amounts in question in this action are currently being held, except that Consenting Defendants shall make no changes that diminish the monies that Plaintiffs claim were erroneously distributed to Consenting Defendants.

3. This Consent Order shall become effective upon entry by the Court.

IT IS SO STIPULATED AND AGREED, this 21st day of March, 2014.

/s/J. Scott Flowers

J. Scott Flowers (State Bar No. 31525)
Sarah D. Miranda (State Bar No. 29354)
HUTCHENS LAW FIRM
4317 Ramsey Street
Fayetteville, NC 28311
Phone: (910) 864-6888
Fax: (910) 864-6848
scott.flowers@hskplaw.com
sarah.miranda@hskplaw.com

William J. Delany
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Phone: (215) 963-5066
Fax: (215) 963-5000
wdelany@morganlewis.com
Counsel for Plaintiffs

/s/Thomas S. Babel

Thomas S. Babel (State Bar. No. 35004)
WARD AND SMITH, P.A.
Post Office Box 7068
Wilmington, NC 28406
Phone: (910)794-4839
Fax: (910)794-4877
tsb@wardandsmith.com
*Counsel for Consenting Defendants Mark
Steven Brewer, Harold E. Corbett, Warrant
Albert Garrison, James F. Holland, William
Lacey Nelson, Sidney Hugh Rhodes, and
Jimmie Ray Sellers*

/s/ H. Mitchell Baker, III

H. Mitchell Baker, III (State Bar No. 6990)
BAKER & SLAUGHTER, P.A.
705 Princess Street
Wilmington, NC 28401
Telephone: (910) 762-3000
Facsimile: (910) 763-1139
mbaker@bakerandslaughter.com
*Counsel for Consenting Defendants David W.
Allen, Joseph Alexander Bellamy, Jerome
Bryant, Kelvin L. Galloway, Mendell W. Smith,
and Otella Irene Webb*

/s/W. Cory Reiss

W. Cory Reiss (State Bar No. 41549)

SHIPMAN & WRIGHT, LLP

575 Military Cutoff Road

Wilmington, NC 28405

Phone: (910) 762-1990

Fax: (910) 762-6752

creiss@shipmanlaw.com

Counsel for Defendant Rodney B. Smith

/s/ H. Scott Overholt

H. Scott Overholt (State Bar No. 18462)

Post Office Box 1288

Wilmington, NC 28402-1288

Telephone: (910) 798-5900

Facsimile: (910)799-8496

Email/ Scott@overholtlaw.com

Counsel for Defendant Michael Lynn Bass

/s/ Michael S. Davenport

Michael S. Davenport (State Bar No. 23956)

2505 South College Road

Wilmington, North Carolina 28412

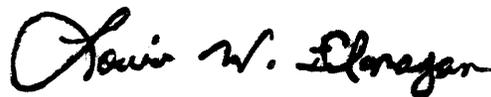
Telephone/ (910) 362-9500

Facsimile/ (910) 799-8496

Email/ msd@mdavenportlaw.com

Counsel for Defendant Michael Lynn Bass

IT IS SO ORDERED, this 24th day of March, 2014.



The Honorable Louise Wood Flanagan
U.S.D.J.