

UNITED STATES DISTRICT COURT  
Western District of North Carolina

FILED  
CHARLOTTE, NC

JAN 19 2010

PROSPECT CAPITAL CORPORATION,  
individually and derivatively on behalf of  
ESA ENVIRONMENTAL SPECIALISTS,  
INC.,

Plaintiff(s),

-against-

NATHAN M.BENDER, DAVID C.  
EPPLING, JACOB COLE, JOHN M.  
MITCHELL, SHELTON SMITH, SANDRA  
DEE COLE, MICHAEL ANTHONY  
HABOWSKI, DENNIS M. MOLESEVICH,  
TRACEY HAWLEY CHERRY BEKAERT  
& HOLLAND, LLP, ELLIOT & WARREN,  
ADKISSON, SHERBERT & ASSOCIATES,  
HOULIHAN SMITH, CHESTER J.  
BANUELL and SUNTRUST BANKS, INC.,

Defendant(s).

CONSENT ORDER GRANTING  
SUBSTITUTION OF ATTORNEY

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

CASE NUMBER.: 3:09-cv-00546-RLV-DSC

Notice is hereby given that, subject to approval by the court, Adkisson, Sherbert & Associates substitutes Sharpless Stavola PA and Frederick K. Sharpless, Esq., State Bar No.: 1255 / as counsel of record in place of MARTIN CLEARWATER & BELL, LLP and Michael F. Lynch, Esq.

Contact information for new counsel is as follows:

Firm Name: Doc. 125 Sharpless Stavola PA  
Address: 200 South Elm Street, Suite 400  
Telephone: 336-333-6400  
Facsimile: 336-333-6399  
E-mail: fks@sharpless-stavola.com

I consent to the above substitution.

Date: 1/8/2010

Adkisson, Sherbert & Associates

William Sherbert

William Sherbert, CPA

I consent to being substituted.

Date: January 13, 2010

MARTIN CLEARWATER & BELL LLP

Michael F. Lynch

Michael F. Lynch, Esq.

I consent to the above substitution.

Date: January 12 2010

Sharpless Stavola PA

Frederick K. Sharpless

Frederick K. Sharpless, Esq.

The substitution of attorney is hereby approved and so ORDERED.

Date: 1-19-10

D. Slamm

Judge