

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

SECURITIES AND EXCHANGE S.A., COMMISSION §

Plaintiff, §

V. §

MILLENNIUM BANK, §
 UNITED TRUST OF SWITZERLAND S.A., §
 UT of S, LLC, MILLENNIUM FINANCIAL GROUP, §
 WILLIAM J. WISE, §
 d/b/a STERLING ADMINISTRATION, §
 d/b/a STERLING INVESTMENT SERVICES §
 d/b/a MILLENNIUM AVIATION, §
 KRISTI M. HOEGEL, a/k/a KRISTI M. CHRISTOPHER §
 a/k/a BESSY LU, §
 JACQUELINE S. HOEGEL, a/k/a JACQUELINE S. HOEGEL, §
 a/k/a JACKIE S. HOEGEL, §
 PHILIPPE ANGELONI, and BRIJESH CHOPRA, §

Case No.: 7:09-CV-050-0

Defendants, §

And §

UNITED T OF S, LLC, STERLING I.S., LLC, §
 MATRIX ADMINISTRATION, LLC, §
 JASMINE ADMINISTRATION, LLC, §
 LYNN P. WISE, DARYL C. HOEGEL, RYAN D. HOEGEL, §
 and LAURIE WALTON §

Relief Defendants. §

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RICHARD ROPER, RECEIVER §

Plaintiff, §

V. §

ANCILLARY CIVIL ACTION
NO. 7:11-cv-00031-O

MITCHELL ABBOTT, et al., §

Defendants. §

RECEIVER'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Richard Roper, in his capacity as the court-appointed Receiver for Millennium Bank (the “Receiver”), United Trust of Switzerland S.A., UT of S, LLC, Millennium Financial Group, William J. Wise d/b/a Sterling Administration, William J. Wise d/b/a Sterling Investment Services, and William J. Wise d/b/a Millennium Aviation (“Millennium Bank Entities”), files this Motion for Partial Summary Judgment against Defendants Asha Kamnani, M.D., John Wittnebel, Curtis Stall, Lutz Hoefler, Patricia Ann Olivier, Rick Prater, Jimmy Miranda, Vicky Miranda, Tara Small, Sharon K. Olson, Jennifer J. Lee, Edward Kilduff, Barbara Kilduff, Michael Strenge, Theresa Strenge, Stella Durle, Janet Watlington, Doug Mielke, Tammy Mielke, Alexandrina Silva, Davi P. Silva, LeighAnn Love, Amber Mitchell, Alice Snyder, Douglas Herrold, Aida Herrold, Jacqueline Lacasse, Carol J. George, Oleg Klyachman, Svetlana Klyachman, Natalia Munoz, Jacqua Silva, Richard Metz, Dick E. Dale, Max Karavanchenko, and Jack Baugher (collectively, the “Net Winning Defendants”).¹

Each of the matters required by Local Rule 56.3(a) are set forth in the Receiver’s Brief accompanying this Motion. Based on the materials, arguments, and authorities contained in the Receiver’s contemporaneously filed Brief and Appendix in support of this Motion, there is no genuine issue of material fact that the Net Winning Defendants received “interest” payments in excess of their investment in the Millennium Bank Entities. These “interest” payments were nothing more than fraudulent transfers, and pursuant to the California Uniform Fraudulent Transfer Act, the Receiver is entitled to “clawback” those “interest” payments. The Receiver is entitled to summary judgment against the Net Winning Defendants in the amounts specified in Table 1 in the Receiver’s Brief.

¹ This is a Motion for Partial Summary Judgment because many of the defendants in this action have not answered. Therefore, the Receiver is not pursuing summary judgment against those defendants, but instead will pursue default judgment.

Further, the Receiver requests that he be granted any other relief, both special and general, to which he may be justly entitled.

Dated this 24th day of January, 2012.

Respectfully submitted,

THOMPSON & KNIGHT, LLP

/s/ Jennifer Ecklund

William L. Banowsky
State Bar No. 01697125

Jennifer Ecklund
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COUNSEL TO THE RECEIVER, RICHARD B. ROPER

CERTIFICATE OF SERVICE

On January 24, 2012, I electronically submitted the foregoing document to the Clerk of the Court for the United States District Court for the Northern District of Texas using the electronic case filing system of the Court.

/s/ Jennifer Ecklund
Jennifer Ecklund

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