

From "Bobbie G Bayless" <bayless@baylessstokes.com>
Subject **Re: Settlement**
To "Rik Munson" <blowintough@att.net>, "Candace Curtis" <occurtis@sbcglobal.net>
Date Mon, 12 Aug 2013 15:58:15 -0500

I think everyone has to be in one case to get this thing resolved, and I don't see how everyone can be in the federal case—nor has Hoyt indicated he would allow it. I, for one, don't want to be in Hoyt's court. I would like to propose that everyone agree to the same freeze now in place through an order in the case pending in state court in exchange for a dismissal of the case in Hoyt's court. Then let's tee it up where Carole is already a party. Hoyt is going to create nightmares for everyone and he is not going to be easy to deal with in the process.

— Original Message —

From: [Rik Munson](#)
To: [Candace Curtis](#) ; [Bobbie Bayless](#)
Sent: Monday, August 12, 2013 9:42 AM
Subject: Settlement

I have reviewed the information and:

We have managed to wrest control of the trust away from the Harpies and they can no longer use it as their slush fund. They had a chance to prove up and failed miserably and worse...

It's time to discuss exactly what your common objectives are.

NOTE: federal courts are courts of limited jurisdiction. If you settle for a stipulated agreement... WHEN, not if the harpies fail to hold up their end you will have to bring a suit to enforce it and I'm not big on that. That means only a judgment will suffice and that leaves 3 options.

Trial on the merits, defendants make an offer in the form of a judgment and summary judgment. Please don't hesitate to correct me if I have a wheel on the curb as I've never been down this road before.

The constructive fraud/breach of fiduciary is ripe for summary judgment but I worry about putting the cart before the horse. We are in a position to drag out all of the evidence that will send these rats to prison.

Hoyt already ruled that we are entitled to it.

The Harpies have vitiated everything they have touched and since Freed aided and abetted the whole affair the chain of control is broken. There are no valid trust documents.

We will have to add Carole to the list of defendants and I think it would be advantageous to join all the parties under one roof. Is there a strategic advantage to maintaining separate suits?

Bottom line: What will it take to settle this portion? Are they too stuck on stupid for us to be thinking logically about settling this? They have only two choices. They roll over or we roll over them. There is nothing we can do to prevent criminal prosecution but we can walk away as is.

You want to make a Christmas list?