

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JAMES G. TEMME and
STEWARDSHIP FUND, LP,

Defendants.

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Civil Action No. 4:11-CV-00655-MHS

**JOINT RESPONSE TO NONPARTIES FINCH AND BARRY
GROUP'S MOTION TO COMPEL**

Nonparties Home Solutions Advisors, LLC, Home Solutions GP, LP, Home Solutions Partners I, LP, Home Solutions Partners II, LP, Home Solutions Partners III, LP, Harbour Portfolio I, LLC, Harbour Portfolio II, LLC and Cavco Holdings, LLC¹ ("Respondents") jointly file this Response ("Response") to the Finch and Barry Group's Second Motion to Compel ("Motion") (Dkt. No. 100).

OVERVIEW

In its Motion, the Finch and Barry Group ("F&B Group" or "Movants") ask this Court to compel the Receiver to produce confidential documents provided by the Respondents to the Receiver. The F&B Group are not parties to this action and, under the circumstances of this case, discovery pursuant to Federal Rule of Civil Procedure 34 is not available to them. The F&B Group fails to identify any rule or authority supporting its non-party Motion. For purposes

¹ The Finch and Barry Group states in its Motion that it is primarily seeking to compel production of "information obtained by the Receiver from the Home Solutions Entities". Respondents are not "affiliated" as the F&B Group claims without support. Each responding entity has a separate legal existence, unique limited partners, and individual management (located in separate offices in some cases).

of their Response, Respondents assume that the F&B Group brings its Motion pursuant to Rule 37, Fed. R. Civ. P. (although they dispute the authority of the F&G Group to do so).

The Court should deny the F&B Group's Motion for three independently dispositive reasons. First, the Court need not reach the substance of the Motion because it is procedurally infirm in a number of respects. Second, even if the F&B Group had standing to seek discovery pursuant to Rules 34 and 37, it has failed to make the threshold showing required for the Court to order production. Third, as a practical matter, the relief requested in the Motion would unjustifiably disrupt the orderly administration of the Receivership. For these reasons, the Court should deny the F&B Group's Motion and award Respondents any and all relief to which they are entitled.

BACKGROUND FACTS

I. Both Movants and Respondents are investors harmed by the Defendants' schemes.

The F&B Group and Respondents are not parties to this action. Both the F&B Group and Respondents lost significant sums of money in their dealings with James G. Temme, Stewardship Fund, LP and other entities subject to the Receivership Orders in this case.

II. The Motion is harassing and duplicative.

The F&B Group has repeatedly attempted to discover Respondents' confidential documents and information. The Movants have variously requested the following relief, among others:

1. Two Texas Rule 202 Petitions for Depositions Before Suit;
2. Notice of Potential Claimant in this action;
3. Show-cause hearing arguments in this action claiming interests in "The Subject 440 Mortgages";
4. Objections to the settlement agreements between the Receivership and the Harbour Portfolio and Boyce Entities;
5. Motion for Relief from Stay;
6. Amended Motion for Relief from Stay;
7. Requests for production; and

8. Two motions to compel.

In the Motion currently before the Court, without citing authority or even identifying the rule(s) under which it seeks relief, the F&B Group requests an order compelling the Receiver to produce documents received from Respondents during Rule 408 compromise communications regarding certain investors (not the F&B Group) affected by the misconduct alleged in the Complaint.

ARGUMENTS AND AUTHORITIES

I. Legal Standard

The F&B Group served the Receiver with requests for production purportedly pursuant to Federal Rule of Civil Procedure 34. *See* Motion at Exhibit A. Rule 34 reads in pertinent part:

A party may serve on any other party a request within the scope of Rule 26(b): (1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control . . . (emphasis supplied).

Compliance with Rule 34 obligations is enforced through Rule 37, which states in pertinent part:

On notice to other parties and all affected persons, **a party may move** for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action. (emphasis supplied).

Further, the Court may require an entity that brings a motion to compel that is not substantially justified to pay the reasonable expenses of those who were forced to oppose it. Rule 37(a)(5)(B), Fed. R. Civ. P. Rule 37(a) was designed to protect courts and opposing parties from harassing tactics. *Cunningham v. Hamilton County, Ohio*, 527 U.S. 198, 199, 119 S. Ct. 1915, 1917, 144 L. Ed. 2d 184 (1999).

II. The Motion is procedurally improper and should be denied.

The Court need not reach the substance of F&B Group's Motion because it is procedurally improper. First, no member of the F&B Group has appeared as a party in this action, and thus, no member of the F&B Group has standing to serve discovery requests under Rule 34. In order to become a party to a pending action, a non-party must intervene. However, intervention is not available to the F&B Group in this receivership. Merely being a claimant in a receivership does not authorize intervention because the claimant's rights are sufficiently protected by a court-appointed receiver supervised by a federal district court. *See, e.g., Commodity Futures Trading Com'n v. Heritage Capital Advisory Services, Ltd.*, 736 F.2d 384, 386 (7th Cir. 1984) (“[Claimant] may assert this claim in the claims procedure established by the receiver and supervised by the district court.”). No member of the F&B Group is a party with the right to discovery pursuant to Rules 34 and 37. Second, the F&B Group did not serve all parties with its requests for production as required by Federal Rule of Civil Procedure 5. *See generally* F&B Groups' Motion to Compel; *see also Ledbetter v. United States*, 1996 WL 739036, at *1 (N.D. Tex. Dec. 18, 1996) (“A request for production must be served on the party to whom it is directed, as well as all other parties to the action, generally through the parties' attorney of record.”).

There is no authority that supports the proposition that Rule 34 can be used to force production of documents from a party to a nonparty. And, the F&B Group has failed to follow the procedure required by the Federal Rules of Civil Procedure. For these reasons, the F&B Group's motion to compel is procedurally improper and should be denied.

III. The F&B Group has not made the threshold showing required by Rules 26, 34, and 37.

Ordinarily, the burden is on the party who opposes its opponent's request for production to show that the subject requests are improper or that the documents requested are not relevant. *See S.E.C. v. Brady*, 238 F.R.D. 429, 436 (N.D. Tex. 2006) ("The burden is on the party who opposes its opponent's request for production to show specifically how ... each [request] is not relevant or how each [request] is overly broad, burdensome or oppressive."). However, the requesting party must meet a threshold requirement that the documents or information sought are relevant to a claim or defense in the action. Fed. R. Civ. P. 26(b) ("[P]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense . . ."); *see also* Fed. R. Civ. P. 34 ("A party may serve on any other party a request within the scope of Rule 26(b) . . ."). The F&B Group have asserted no claim in this action; therefore, it is impossible for the F&B Group to show that the documents requested are relevant to one or more claims or defenses of the F&B Group. In fact, the F&B Group seeks these documents only because it believes they may be relevant to a claim or defense in some future action. The F&B Group has also not shown—and no risk exists—that the evidence it seeks will be destroyed or not available in the future. *See Jackson v. Good Shepherd Services*, 683 F. Supp. 2d 290, 293 (S.D.N.Y. 2009) ("In order to obtain depositions under Rule 27, the petitioner is obliged to show that she expects to file an action cognizable in federal court that cannot yet be filed, the substance of the proposed deponents and the reasons why it is important, and a risk that the testimony will be lost if not preserved."); *see also In re I-35W Bridge Collapse Site Inspection*, 243 F.R.D. 349, 352 (D. Minn. 2007). Because the F&B Group *cannot* and *has not* made the required showing, its Motion should be denied.

IV. Policy reasons mandate denial of the F&B Group's Motion.

Movants move to compel the production of Respondents' documents that are in the possession of the Receiver. These documents were provided to the Receiver by Respondents, pursuant to Rule 408, Fed. R. Evid. to assist the Receiver in deciding whether to compromise potential Receivership claims in this enforcement action. The subject documents were provided to the Receiver as part of the Receiver's orderly and efficient administration of the estate.

If the Receiver is forced to respond to the F&G Group's discovery requests—and those of potentially other nonparties in this Receivership—significant Receivership resources will be consumed in nonparty discovery. This would frustrate the very purpose of the Receiver's authority and responsibilities. *See In re I-35W Bridge Collapse Site Inspection*, 243 F.R.D. 349, 354 (D. Minn. 2007) (“If this Court were to allow [nonparties] to inspect the site, this Court would also have to permit other lawyers and their experts and investigators to do the same. This the Court will not do.”); *see also S.E.C. v. Hardy*, 803 F.2d 1034, 1038 (9th Cir. 1986) (“[A] primary purpose of equity receiverships is to promote orderly and efficient administration of the estate by the district court for the benefit of creditors.”); *S.E.C. v. Friedlander*, 49 Fed. Appx. 358, 360 (2d Cir. 2002). The Court should not permit this type of interference in the orderly administration of the Receivership Estate. *See, e.g., In re Application of Caratube Int'l Oil Co., LLP*, 730 F. Supp. 2d 101, 107 (D.D.C. 2010); *Lazaridis v. Int'l Ctr. for Missing & Exploited Children, Inc.*, 760 F. Supp. 2d 109, 116 (D.D.C. 2011) *aff'd sub nom. In re Application for an Order Pursuant to 28 U.S.C. § 1782*, 473 Fed. Appx. 2 (D.C. Cir. 2012). Because granting the F&B Group's Motion would disrupt the orderly administration of this case, the F&B Group's Motion should be denied.

CONCLUSION

For the reasons described herein, Respondents request that the Court deny the F&B Group's Motion and grant Respondents any and all relief to which they are entitled.

DATE: August 20, 2012.

Respectfully submitted,

LOEWINSOHN FLEGLE DEARY, LLP

/s/ Jim L. Flegle

JIM L. FLEGLE

Texas Bar No. 07118600

MICHAEL J. DONLEY

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Dallas, Texas 75251

(214) 572-1700

(214) 572-1717 (fax)

ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above pleading was served on the parties identified below on August 20, 2012:

H. Allen Pennington, Jr.
Jacob T. Fain
Pennington Hill, LLP
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Fort Worth, Texas 76012
Fax – 817-488-4545

Via Facsimile

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Jay L. Krystinik
Bryan Cave, LLP
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2200 Ross Avenue, Suite 3300
Dallas, Texas 75201

Via ECF

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Securities and Exchange Commission
Fort Worth Regional Office
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Fort Worth, Texas 76102

Via ECF

John Helms
Helms Roberts & Diaz
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Dallas, Texas 75206

Via ECF

Michael Quilling
Quilling, Selander, *et al.*
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Via Facsimile

/s/ Michael J. Donley

Michael J. Donley

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Civil Action No. 4:11-CV-00655

JAMES G. TEMME,
STEWARDSHIP FUNDS, LP

Defendants.

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO THE RECEIVER

To: Mr. Keith Miles Aurzada, Receiver, by and through his attorney of record, Mr. Jay L. Krystinik, Bryan Cave, LLP, 2200 Ross Ave., Suite 3300, Dallas, Texas 75201.


Pursuant to Federal Rule of Civil Procedure Rule 34, MDA Realty Holdings, LLC, MVB Realty Holdings, LLC, LF Realty Holdings, LLC and F & B Note Holding, LLC (the "Finch and Barry Group") serve the following First Request for Production of Documents upon the Receiver, Keith Miles Aurzada, Esquire, by and through his attorneys of record.

The Receiver is requested to produce all documents set forth herein (as they are kept in the ordinary course of business, or organized and labeled to correspond with categories in each request) for inspection and copying, not more than 30 days after service of this request, at Pennington Hill, LLP, 509 Pecan Street, Suite 101, Fort Worth, TX 76102, or the undersigned counsel is agreeable to reviewing the responsive documents at the office of the office of the Receiver and his counsel in Dallas, Texas upon notice that same is preferred.

In the event of the setting of a hearing on either or both of the Receiver's Motions to Approve Settlement, filed on April 25, 2012 in this action, or on either or both of the Objections to such Motions filed on May 15, 2012 in this action, documents responsive to this request must be made available to the undersigned counsel at least 48 hours before such hearing, so they will be available for use at the hearing.

Respectfully submitted,

PENNINGTON HILL, LLP.

By: 
H. Allen Pennington, Jr.
State Bar No. 15758500

Tindall Square—Warehouse No. 3
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Telephone: (817) 332-5055
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ATTORNEYS FOR MDA REALTY HOLDINGS,
LLC, MVB REALTY HOLDINGS, LLC, LF
REALTY HOLDINGS, LLC AND F & B NOTE
HOLDING, LLC

CERTIFICATE OF SERVICE

I certify that on May 22, 2012, a true and correct copy of the foregoing document was served on the following counsel of record via certified mail, return receipt requested.

Mr. David B. Reece
U.S. Securities and Exchange Commission
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Attorney for SEC

Via CMRRR

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Via Hand Delivery

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Attorney for Non-Party Charles A. Vose, III

Via CMRRR

Mr. Michael J. Quilling
Quilling, Selander, et al.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201
Attorney for Non-Party Robert Boyce

Via CMRRR



H. Allen Pennington, Jr.

DOCUMENTS TO BE PRODUCED

1. All correspondence, documents exchanged and emails between the Receiver, and/or counsel for the Receiver, on the one hand, and Charles Vose, any Home Solutions entity, any Harbour Portfolio Entity, or any attorney for any of such parties, on the other hand (except for documents which are simply service of filed pleadings in this case).

RESPONSE:

2. All correspondence, documents exchanged and emails between the Receiver, and/or counsel for the Receiver, on the one hand, and Robert Boyce, or his attorneys, on the other hand (except for documents which are simply service of filed pleadings in this case).

RESPONSE:

3. All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Charles Vose, any Home Solutions entity, and any Harbour Portfolio entity, or their attorneys, on the other hand, regarding any potential settlement between or among any of these parties.

RESPONSE:

4. All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Robert Boyce, or his attorneys, on the other hand, regarding any potential settlement between or among any of these parties.

RESPONSE:

5. All signed copies, if any, of the settlement agreements which are the subject of the Receiver's pending Motions to approve Settlement Agreements filed in the captioned action on or about April 25, 2012.

RESPONSE:

6. All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Charles Vose, any Home Solutions entity, and any Harbour Portfolio entity, or their attorneys, on the other hand, regarding the Finch and Barry Group, or any claims of the Finch and Barry Group.

RESPONSE:

7. All correspondence, emails and documents exchanged between the Receiver, or his attorneys, on the one hand, and Robert Boyce, or his attorneys, on the other hand, regarding the Finch and Barry Group, or any claims of the Finch and Barry Group.

RESPONSE:

8. All documents provided to the Receiver on behalf of any Home Solutions entity or any Harbour Portfolio entity showing proof of ownership of any mortgages, which were provided in response or opposition to the Receiver's Amended Motion to Show Cause filed in this matter on or about February 7, 2012.

RESPONSE:

9. All documents evidencing the July, 2008 agreement involving Harbour Portfolio I, LLC referenced in paragraph 3 of the Receiver's Motion to Approve Settlement Agreement with the Vose Entities filed on April 25, 2012.

RESPONSE:

10. All documents evidencing the November, 2008 agreement involving Harbour Portfolio II, LLC referenced in paragraph 6 of the Receiver's Motion to Approve Settlement Agreement with the Vose Entities filed on April 25, 2012.

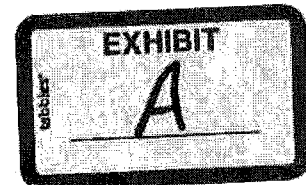
RESPONSE:

11. All documents developed by the Receiver which indicate the current ownership, or alleged ownership, of any of the mortgages set forth on the list attached hereto as Exhibit "A".

RESPONSE:

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Street Address	City	State	Zip
07 Eufaula Avenue	Birmingham	AL	35208
3 Highland Drive	Horseshoe Lake	AR	72348
0 WEST 4TH STREET	Mulberry	AR	72947
15 W VERNON AVE	PHOENIX	AZ	85009
01 North 35Th Drive	Phoenix	AZ	85019
08 NORTH 40TH AVENUE	Phoenix	AZ	85019
40 N 73RD DR	PHOENIX	AZ	85035
10 NORTH 50TH LN	Phoenix	AZ	85035
1 Q STREET	Rio Linda	CA	95673
05 West 47Th Avenue	Denver	CO	80211
16 STONE AVENUE	PUEBLO	CO	81004
PUTNAM ST	MERIDEN	CT	6450
34 West 3rd Street	Wilmington	DE	19805
64 Mcintire Rd	Brooksville	FL	34601
36 HWY 273	CAMPBELLTON	FL	32426
65 Nw 90 Avenue #207	Coral Springs	FL	33065
71 RIVERSIDE DR	Coral Springs	FL	33065
8 Fairmont Rd	Daytona	FL	32114
1 Mulberry St	Daytona Beach	FL	32114
90 LAKE DRIVE # 120	Doral	FL	33166
40 NORTHWEST 21ST STREET #126	FORT LAUDERDALE	FL	33313
7 CLARA ST	FORT MYERS	FL	33916
49 MARAVILLA AVENUE APT B4	Fort Myers	FL	33901
30 ARAGON WAY #13-303	FORT MYERS	FL	33912
38 WALNUT STREET	Green Cove Sprngs	FL	32043
UNCLE PETE RD	HAINES CITY	FL	33844
35 HARVARDSTON LOOP	HOLIDAY	FL	34691
33 EISENHOWER	HOLIDAY	FL	34691
37 PRIMROSE DRIVE	HOLIDAY	FL	34691
21 Grant Street	Jacksonville	FL	32202
31 W. 6th Street	Jacksonville	FL	32209
44 E 19TH STREET	JACKSONVILLE	FL	32206
16 W 28TH STREET	JACKSONVILLE	FL	32209
ANDRESS STREET	Jacksonville	FL	32208
59 LENOX AVENUE	JACKSONVILLE	FL	32254
79 IMAGES CIRCLE UNIT # 108	Kissimmee	FL	34746-4742
3 SOUTH C STREET	LAKE WORTH	FL	33460
726 GAGE LOOP UNIT #47	Land O Lakes	FL	34639
50 Nw 21St Street, Unit 209-F	Lauderhill	FL	33313
40 NW 52ND AVENUE	LAUDERHILL	FL	33313
3 GERALD AVENUE UNIT 426	LEHIGH ACRES	FL	33972
3 RICHMOND AVE S	LEHIGH ACRES	FL	33936
108 PEREGRINES PERCH PL APT 303	Lutz	FL	33558-2793
36 COURTYARD DRIVE	Margate	FL	33063
560 SW 80TH STREET UNIT K105	Miami	FL	33193
NW 40 ST	Miami	FL	33127



06 E. JACKSON AVE	Mount Dora	FL	32757
45 PUMP ROAD	MULBERRY	FL	33860-0000
9 NW 9TH ST	Mulberry	FL	33860
31 W. LAKEVIEW BLVD #7	NORTH FORT MYERS	FL	33903
08 Jolly Road	North Fort Myers	FL	33903
0 FAIRWAYS CIRCLE	OCALA	FL	34472
1 Bahman Avenue	Opa Locka	FL	33054
6 AHMAD STREET	Opa Locka	FL	33054
20 Yount Drive	Orlando	FL	32822
35 South Conway Road Unit G8	Orlando	FL	32812
02 FOREST CITY ROAD UNIT D	Orlando	FL	32810
.64 RALEIGH ST. #1612	Orlando	FL	32835
350 SW 1ST STREET APT 106	Pembroke Pines	FL	33027
0 SW 111TH AVENUE UNIT 7-103	PEMBROKE PINES	FL	33025
18 ALTON ROAD	Pensacola	FL	32507
25 W FAIRFIELD DRIVE UNIT A-7	Pensacola	FL	32506
101 NORTHWEST 4 TERRACE #191	POMPANO BEACH	FL	33064
143 ADMINISTRATION STREET	PORT CHARLOTTE	FL	33948-9669
49 SW CYCLE STREET	Port Saint Lucie	FL	34953
1435 NE 236TH COURT	Salt Springs	FL	32134
.06 40TH STREET	Sarasota	FL	34234
77 SUMMERSIDE LANE	SARASOTA	FL	34231
99 TARRYTOWN DR	SPRING HILL	FL	34606
155 10TH AVENUE SOUTH	St Petersburg	FL	33705
124 3RD AVE. NORTH	ST. PETERSBURG	FL	33710
500 NW 34 PLACE #105	SUNRISE	FL	33351
220 N Brooks St	Tampa	FL	33612
16 MAYDELL CT	Tampa	FL	33619
37 41ST ST	WEST PALM BEACH	FL	33407
720 N CONGRESS AVE #B203	West Palm Beach	FL	33401
330 LAKE DRIVE NW	Winter Haven	FL	33881
32 Dover St SW	Atlanta	GA	30310
34 East North Street	Marshalltown	IA	50158
2548 Main Street	Mediapolis	IA	52537
32 SW FIRST	MELCHER	IA	50163
29 Maple Street	Murray	IA	50174
MARIAN DRIVE	Muscatine	IA	52761
34 WRIGHT STREET	PARKERSBURG	IA	50665
05 S CARROLL STREET	ROCK RAPIDS	IA	51246-1439
20 4TH STREET	SIBLEY	IA	51249
308 Lafayette Street	Waterloo	IA	50703
0537 S CORLISS AVE	CHICAGO	IL	60628
363 SOUTH SHORE DRIVE UNIT #308	Chicago	IL	60649
34 West 58th Street	Chicago	IL	60621
1240 SOUTH STEWART	CHICAGO	IL	60628
413 SOUTH CARPENTER STREET	Chicago	IL	60621
07 SHERIDAN	DANVILLE	IL	61832

5 POST PLACE	EAST SAINT LOUIS	IL	62205
ROSELAWN AVENUE	Fairview Heights	IL	62208
34 EAST LOSEY STREET	Galesburg	IL	61401
331 HONORE AVE	HARVEY	IL	60426
724 S Wood St	Harvey	IL	60426
3 N PARK AVE	KANKAKEE	IL	60901
2 W. WASHINGTON AVE.	LEWISTOWN	IL	61542
19 Oak Grove Road	Metropolis	IL	62960
5 Andrew Street	Paris	IL	61944
35N Gale Ave	Peoria	IL	61604
200 S MICHIGAN AVENUE	RIVERDALE	IL	60827
314 SOUTH WABASH AVE	Riverdale	IL	60827
36 13Th Street	Rock Island	IL	61201
38 SOUTH 5TH STREET	Rockford	IL	61104
4 N PLUM STREET	ALBANY	IN	47320
7 EAST GRANT STREET	ALEXANDRIA	IN	46001
3 WEST 2ND STREET	ANDERSON	IN	46016
13 E. 37th St.	Anderson	IN	46013
24 BROWN STREET	Anderson	IN	46013
15 VERMONT AVENUE	CONNERSVILLE	IN	47331
7 NORTH CROSS STREET	Danville	IN	46122
98 WASHINGTON STREET	DELONG	IN	46922
11 Pulaski Street	East Chicago	IN	46312
5 Thomas St	Elkhart	IN	46516
6 JEFFERSON STREET	ELKHART	IN	46516
1 VINE ST	Elkhart	IN	46517
4 MIDDLEBURY STREET	ELKHART	IN	46517
1 EAST EMERALD STREET	Elkhart	IN	46514
23 STRATHMORE STREET	FORT WAYNE	IN	46802
01 THOMPSON AVENUE	FORT WAYNE	IN	46807
32 Barthold	Fort Wayne	IN	46808
17 FERNWOOD AVENUE	Fort Wayne	IN	46809
33 ALVERADO DRIVE	Fort Wayne	IN	46816
6 JACKSON ST	GARY	IN	46402
50 RHODE ISLAND STREET	GARY	IN	46409
61 VAN BUREN STREET	GARY	IN	46407
12 HAMLIN ST	GARY	IN	46406
154 JEFFERSON ST	Gary	IN	46408
14 W 43Rd Ave	Gary	IN	46408
132 CAROLINA STREET	GARY	IN	46407
136 Alabama Ave	Hammond	IN	46323
28 CATON AVE	HAMMOND	IN	46320
132 HARRISON AVENUE	HAMMOND	IN	46320
118 JACKSON AVENUE	Hammond	IN	46324
159 W. PROSPECT ROAD	Hanover	IN	47243
39 E. MAIN ST.	HARTFORD CITY	IN	47348
354 PARK STREET	Huntington	IN	46750

INDIANA STREET	Huntington	IN	46750
17 BRENTWOOD DRIVE	INDIANAPOLIS	IN	46235
3 NORTH CONCORD STREET	Indianapolis	IN	46222
19 COTTAGE AVE	INDIANAPOLIS	IN	46203
36 SAMOA ST	INDIANAPOLIS	IN	46201
24-1826 E Maryland	Indianapolis	IN	46201
38 N SHERIDAN AVE	INDIANAPOLIS	IN	46226
3 S RYBOLT AVE	Indianapolis	IN	46241
30 S Randolph	Indianapolis	IN	46227
NORTH WALCOTT STREET	INDIANAPOLIS	IN	46201
3-541 North Oakland Avenue	Indianapolis	IN	46201
25 N Oakland Avenue	Indianapolis	IN	46218
38-2040 North Olney Street	INDIANAPOLIS	IN	46240
34 RUTH DRIVE	INDIANAPOLIS	IN	46235
48 KINGSBORO COURT	Indianapolis	IN	46208
14 N Capital Avenue	INDIANAPOLIS	IN	46219
NORTH HAWTHORNE AVE	INDIANAPOLIS	IN	46219
2 SOUTH HAWTHORNE LANE	Indianapolis	IN	46219
44-2246 ADMIRAL DRIVE	Indianapolis	IN	46205
15 North Kingsley Drive	Indianapolis	IN	46217
02 West Sumner Avenue	KOKOMO	IN	46901
2 SOUTH LOCKE ST	LEWIS	IN	47858
27 WEST COUNTY ROAD 850 SOUTH	LOGANSPORT	IN	46947
5 TANGUY STREET	Marion	IN	46953
0 E. 22Nd Street	MUNCIE	IN	47302
10 EAST 23RD STREET	New Castle	IN	47362
3 N 20TH STREET	New Haven	IN	46774
149 Seward Street	OSGOOD	IN	47037
104 NORTH FINKS ROAD	RICHMOND	IN	47374-5607
3 S 13TH STREET	RISING SUN	IN	47040
190 STATE ROAD 56 N	RUSHVILLE	IN	46173
.8 NORTH SPENCER STREET	SHOALS	IN	47581
1929 RAMA DYE ROAD	South Bend	IN	46628
116 Sibley Avenue	South Bend	IN	46616
5 N Allen St	SOUTH BEND	IN	46617
2 E HOWARD ST	SOUTH BEND	IN	46617
1 NAPOLEON ST	South Bend	IN	46613
128 East Bowman Street	TERRE HAUTE	IN	47804
223 N. 17TH STREET	WICHITA	KS	67208
226 N GLENDALE	CYNTHIANA	KY	41031
34 N. ELMARCH AVENUE	Greensburg	KY	42743
22 SOUTH MCCULLUM AVENUE	LOUISVILLE	KY	40208
210 TENNESSEE AVE	Louisville	KY	40211
401 Elliot Ave	Mayfield	KY	42066
18 South 16Th St	BAKER	LA	70714
506 GREENWOOD LANE	Chalmette	LA	70043
008 Loyds			

0 W Solidelle	Chalmette	LA	70043
4 WEST 59TH STREET	Cutoff	LA	70345
03 NORTH UNIVERSITY	LAFAYETTE	LA	70506
6 N FRANKLINTOWN RD	Baltimore	MD	21223
50 W. NORTH AVENUE	BALTIMORE	MD	21216
3 BRISTOL ST	ADRIAN	MI	49221
1 WALLACE STREET	CADILLAC	MI	49601
5 EAST HIGHWAY 134	CEDARVILLE	MI	49719
20 MEAD ST	DEARBORN	MI	48126
53 Pelham St	Dearborn Heights	MI	48125
132 Andover	Detroit	MI	48203
001 SYRACUSE	Detroit	MI	48234
176 Coyle	Detroit	MI	48235
45 Delta Avenue	Detroit	MI	48212
29 ALTER ROAD	DETROIT	MI	48215
838 Nottingham	Detroit	MI	48224
396 Dwyer Street	Detroit	MI	48234
212 Fenton St	Detroit	MI	48219
54 CLARK ST	DETROIT	MI	48209
21 BADGER	Detroit	MI	48213
70 Illinois Street	Detroit	MI	48207
105 BLACKMORE	DETROIT	MI	48234
50 BEACONSFIELD ST	DETROIT	MI	48224
800 Gable Street	Detroit	MI	48234
86 NOTTINGHAM	DETROIT	MI	48224-0000
1669 Eureka Street	Detroit	MI	48234
1291 HUBBELL	Detroit	MI	48227-0000
171 Edwards Street	Detroit	MI	48210
1667 CEDARGROVE	DETROIT	MI	48205
1750 ALLONBY ST	DETROIT	MI	48227
146 MAXWELL ST	DETROIT	MI	48213
1316 LAMPHERE	DETROIT	MI	48223
1369 Holmur	Detroit	MI	48238
129 PROCTOR ST	Detroit	MI	48210
1434 KENTFIELD	DETROIT	MI	48219
1509 IRVINGTON	Detroit	MI	48203
1947 Marlowe	Detroit	MI	48227
1686 Cascade Street	Detroit	MI	48204
303 Grandville Avenue	Detroit	MI	48228
3025 BELAND	DETROIT	MI	48234-3837
319 PLAINVIEW AVE	DETROIT	MI	48228
508-15510 WABASH ST	DETROIT	MI	48238
75-577 KING STREET	DETROIT	MI	48202
1343 Rosemary	Detroit	MI	48213
20 Gladstone Street	Detroit	MI	48202
7856 RUNYON	Detroit	MI	48234
3116 Hickory	Detroit	MI	48205

016 BAGLEY STREET	DETROIT	MI	48209
0214 GREENLAWN	DETROIT	MI	48221
5385 Washburn	Detroit	MI	48238
5713 PATTON STREET	DETROIT	MI	48223
5841 TACOMA STREET	Detroit	MI	48205
1813 ENGLSIDE ST	DETROIT	MI	48205
3000 Woodbine St	Detroit	MI	48219
1 West Broadway Street	Ecorse	MI	48229
195 W Williamson Avenue	Flint	MI	48507
17 W JAMIESON ST	Flint	MI	48504
710 CLEMENT STREET	Flint	MI	48504
35 BRANDT	Garden City	MI	48135
481 NORTH M-18	GLADWIN	MI	48624
12 Olympia St SW	Grand Rapids	MI	49503
412 College Avenue Ne.	Grand Rapids	MI	49505
05-407 GENIE	GWINN	MI	49841
31-133 FURY	GWINN	MI	49841
055 MOORE ST.	INKSTER	MI	48141
9947 SPRING ARBOR DR	INKSTER	MI	48141
10 Union Street	Jackson	MI	49203
010 MAPLE	JACKSON	MI	49203
05 North Pleasant St	Jackson	MI	49201
434 PRINCETON AVE.	KALAMAZOO	MI	49007
21 ELM STREET	Kalamazoo	MI	49007
29 Farrand	Lansing	MI	48906
512 INGHAM STREET	LANSING	MI	48910
49 Wisconsin Avenue	Lansing	MI	48915
29 E MAIN STREET	LINCOLN	MI	48742
091 Cicotte Ave	Lincoln Park	MI	48146
61 Park Ave	Lincoln Park	MI	48146
235 HILTON LN	Mt Morris	MI	48458
384 PALMER AVE	MUSKEGON	MI	49441
041 Hoyt	Muskegon Heights	MI	49444
395 Ash Street	National City	MI	48748
2101 MORTON ST	Oak Park	MI	48237
5 W. HOPKINS	Pontiac	MI	48342
1 Kimball Street	Pontiac	MI	38342
0462 Sumner	Redford	MI	48240
9141 WAKENDEN	REDFORD	MI	48240
12 WALNUT ST	RIVER ROUGE	MI	48218
638 CADILLAC AVE	WARREN	MI	48089
608 MEADOW ST	WARREN	MI	48091
2555 Masch Avenue	Warren	MI	48091
204 LOZIER AVENUE	WARREN	MI	48089
98 Dartmoor St	Whitmore Lake	MI	48189
701 Dover Court	Ypsilanti	MI	48198
1607 Bryant Ave N	Minneapolis	MN	55412

39 WASHBURN AVE N	MINNEAPOLIS	MN	55411
23 UPTON AVE NORTH	MINNEAPOLIS	MN	55412
12 18Th Ave N	Minneapolis	MN	55411
42 North Market Street	Saint Louis	MO	63135
16 East Olive Street	Springfield	MO	65802
09 PROPER STREET	CORINTH	MS	38834
3 S WASHINGTON AVENUE	Greenville	MS	38701
5 N WST ST	HOLLY SPRINGS	MS	38635
38 PALMYRA STREET	JACKSON	MS	39204
16-1718 GRAND AVENUE	Jackson	MS	39209
3 RUTHERFORD B HAYES CIRCLE	JACKSON	MS	39213
10 S Charleston Drive	Jackson	MS	39212
01 40TH AVE.	MERIDIAN	MS	39307
09 PERSHING STREET	HIGH POINT	NC	27260
9 Sagebrush Trail	Lexington	NC	27292
1 VERMILLION DRIVE	PARKTON	NC	28371
05 STAR STREET	ROCKY MOUNT	NC	27804
9 PERRY ROAD	TROUTMAN	NC	28166
32 E PARK RD	Williamston	NC	27892
09 FOOTHILL SW	ALBUQUERQUE	NM	87105
H & HEMSTREET	Vaughn	NM	88353
THOMPSON STREET	BUFFALO	NY	14207
WHEELOCK STREET	BUFFALO	NY	14206
DAVIDSON AVE	BUFFALO	NY	14215
8 WEST HUDSON STREET	Elmira	NY	14904
8 E HUDSON ST	ELMIRA	NY	14904
7 BAUM ROAD	HASTINGS	NY	13076
5 GLENWOOD AVE	MEDINA	NY	14103
1 HURON STREET	SYRACUSE	NY	13207
5 CUYAHOGA ST	Akron	OH	44304
09 Fultz Street	Akron	OH	44307
2 MERTON AVE.	AKRON	OH	44306
9 BELL STREET	AKRON	OH	44307
13 BLANCHE STREET	AKRON	OH	44307
16 ROSELAWN AVENUE	AKRON	OH	44306
12 STANTON AVENUE	AKRON	OH	44301
13 COURTLAND AVE	AKRON	OH	44307
15 WORK DRIVE	Akron	OH	44320-0000
163 East Avenue	Akron	OH	44306
14 CLEARVIEW AVENUE	AKRON	OH	44314
190 EASTWOOD AVENUE	AKRON	OH	44305
111 EAST SUMMIT STREET	ALLIANCE	OH	44601
115 WOOSTER ROAD	Barberton	OH	44203
116 HILL ST	BELPRE	OH	45714
16 NORTH CHERRY STREET	BRYAN	OH	43506
222 Arbor Road Sw	Canton	OH	44710
112 FAIRMONT AVENUE	CINCINNATI	OH	45214

109 SETON AVENUE	CINCINNATI	OH	45205
156 KIRKUP AVENUE	Cincinnati	OH	45213
15 Earnshaw Avenue	Cincinnati	OH	45219
18 East 156th Street	Cleveland	OH	44110
173-1175 ROZELLE AVENUE	CLEVELAND	OH	44112
1814 PEPPER AVE	CLEVELAND	OH	44110
133 East 106Th Street	Cleveland	OH	44105
121 East 103Rd Street	Cleveland	OH	44104
155 WEST 98TH STREET	Cleveland	OH	44102
149E 158Th St	Cleveland	OH	44128
116 EAST 38TH STREET	Cleveland	OH	44115
119 Melrose Avenue	Columbus	OH	43211
1-87 North Yale Avenue	Columbus	OH	43222
148-1750 E. MOUND STREET	Columbus	OH	43205
186 Moonlight Lane	Columbus	OH	43207
185 THAMES DR	Columbus	OH	43219
191 East Kenworth Road	COLUMBUS	OH	43224
173 WILSON AVENUE	COLUMBUS	OH	43205
15 NORTH OAKLEY AVENUE	COLUMBUS	OH	43204
15 ONION STREET	COLUMBUS	OH	43204
152 SHAFTSBURY ROAD	CRESTON	OH	44217
144 Rugby Road	DAYTON	OH	45406
11 S Kilmer St	Dayton	OH	45404
16 WHITMORE AVENUE	Dayton	OH	45417
12 OSMOND AVENUE	DAYTON	OH	45417
179 LARKSPUR DRIVE	Dayton	OH	45417
150 ELMER AVENUE	DAYTON	OH	45406
174 BECKER DRIVE	DAYTON	OH	45417
19 LEXINGTON AVE	DAYTON	OH	45427
120 VALLEY ST	DAYTON	OH	45407
141 CARLYON	DAYTON	OH	45404
1651 FOX AVE UNIT C	EAST CLEVELAND	OH	44112
143 Carver Road	EUCLID	OH	44123
175 Cherry Street	Franklin Furnace	OH	45629
140 FRANKLIN STREET	Galion	OH	44833
12 1st Avenue	HAMILTON	OH	45011
155 Biltz Rd	Hebron	OH	43025
126 EAST OHIO STREET	Ken	OH	44240
109 WEST 14TH STREET	KENTON	OH	43326
151 HAMILTON AVENUE	LORAIN	OH	44052
13 PENN AVE	Lorain	OH	44052
154 GRACE STREET	MANSFIELD	OH	44903
115 THOMAS ST	Mansfield	OH	44902
188 SOUTH BOULEVARD	MAPLE HEIGHTS	OH	44137-0000
1619 GARDENVIEW DR	Maple Heights	OH	44137
121 7TH STREET SW	MAPLE HEIGHTS	OH	44137
18 8TH STREET SOUTH WEST	Massillon	OH	44647
	Massillon	OH	44647

3 RACE ST	MECHANICSBURG	OH	43044
6 BEACH DR	MEDWAY	OH	45341
9 HARRISON AVENUE	MT HEALTHY	OH	45231
Hobson St.	Napoleon	OH	43545
1 CEDAR AVENUE	NILES	OH	44446
1 MORSE AVENUE	Painesville	OH	44077
1 Main Street	Pleasant City	OH	43772
1 HARDING AVENUE	PORTSMOUTH	OH	45662
100 KANSAS RD	SALESVILLE	OH	43778
1 NORTH RACE ST	Springfield	OH	45504
15 HEARD AVENUE	SPRINGFIELD	OH	45501
1-948 Oak Street	Springfield	OH	45505
1 MONTGOMERY AVENUE	SPRINGFIELD	OH	45506
10 Morton Dr	Springfield	OH	45505
18 Chase Street	Toledo	OH	43611
15 Western Avenue	Toledo	OH	43609
15 POTTER ST	TOLEDO	OH	43605
2 MCKINLEY AVE	TOLEDO	OH	43605-2921
28 CAROLINE AVE	TOLEDO	OH	43612
34 FORAKER AVE	Toledo	OH	43609
30 Walker Ave	Toledo	OH	43612
32 FORTUNE DR	Toledo	OH	43611
4 BANK STREET	TORONTO	OH	43964
78 FERNDAL SW	WARREN	OH	44485
1 SUMMIT STREET NW	WARREN	OH	44485
35 IRMA AVENUE	YOUNGSTOWN	OH	44502
80 RUSSELL STREET	ZANESVILLE	OH	43701
63 W Oklahoma Avenue	Sapulpa	OK	74066
1 DONAHOE STREET	Avella	PA	15312
4 TURKEY HOLLOW ROAD	BELLE VERNON	PA	15012
24 ROUTE 104	CHAPMAN TWP.	PA	17853
1 WEST MINISTER AVENUE	GREENSBURG	PA	15601
109 N 5th Street	Harrisburg	PA	17110
125 Florida Ave	Johnstown	PA	15902
1 EUCLID AVENUE	MCKEES ROCKS	PA	15136
115 FREEMONT STREET	MCKEESPORT	PA	15132
17 NORRIS STREET	Norristown	PA	19401
102 STATE RTE 1042 BOX 170	NU MINE	PA	16244
116 WEST ALLEGHENY AVENUE	Philadelphia	PA	19132
1 N DEARBORN STREET	PHILADELPHIA	PA	19139
411 N JUDSON ST	Philadelphia	PA	19140
516 ASPEN STREET	PHILADELPHIA	PA	19104
200 FRANKLIN AVENUE	PITTSBURGH	PA	15221
14 Todd Street	Pittsburgh	PA	15221
908 BREVARD AVENUE	PITTSBURGH	PA	15227
956 MERWYN AVENUE	PITTSBURGH	PA	15204
83 HOWARD STREET	PITTSBURGH	PA	15235

18 HARMONY AVENUE	ROCHESTER	PA	15074
10 WATER STREET	Saegertown	PA	16433
17 SOUTH IRVINE AVENUE	SHARON	PA	16146
14 LINHART STREET	TURTLE CREEK	PA	15145
140 Sycamore Street	Washington	PA	15301
105 ST	WICONISCO	PA	17097
131 PARK AVENUE	WILLIAMSPORT	PA	17701
11 Bow String Rd	Elgin	SC	29045
15 WASHINGTON AVENUE	Gaffney	SC	29340
129/1131 Weston St	North Augusta	SC	29841
340 ROOSTER CIRCLE	PINEWOOD	SC	29125
15 GRANT STREET	LEOLA	SD	57456
12 South Lindsey Street	Jackson	TN	38301
144 DEWEY AVENUE	BELOIT	WI	53511
324 - 2824A N. ST.	Milwaukee	WI	53206
145 N 11TH STREET	MILWAUKEE	WI	53206
374 N. 64 STREET	Milwaukee	WI	53218
136 S 20TH STREET	Milwaukee	WI	53204

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JAMES G. TEMME and
STEWARDSHIP FUND, LP,

Defendants.

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Civil Action No. 4:11-CV-00655-MHS

ORDER

On this day came on to be heard the Finch and Barry Group's Second Motion to Compel (Dkt. No. 100). After consideration of the Motion, responses, any reply, evidence and arguments, it is the Court's opinion that the Finch and Barry Group's Motion to Compel be DENIED.