

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

SECURITIES & EXCHANGE COMMISSION,)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION FILE
)	NO. 3:02-CV-128-DCK
FREDERICK J. GILLILAND,)	
Defendant,)	
)	
and)	
)	
MM APMC BANQUE DE COMMERCE, INC.,)	
Relief Defendant.)	

RECEIVER’S OBJECTIONS TO CLAIMS

TO THE HONORABLE DAVID C. KEESLER, UNITED STATES MAGISTRATE JUDGE:

COMES NOW, Michael J. Quilling, the Receiver appointed by the Court in these proceedings (“Receiver”) and files this his Objections to Claims. In support of such, the Receiver would show unto the Court as follows:

1. On May 22, 2003, the Court issued an Order appointing the Receiver. Thereafter, on October 2, 2003, the Receiver filed a Motion to Establish Claim Procedures and Approve Claim Form, which the Court granted by Order dated November 24, 2003.

2. Subsequent to the entry of the Order approving the claim form, the Receiver distributed the claim form to potential claimants. The Receiver has filed two motions to allow claims, which cover the vast majority of the claims submitted to the Receiver. However, the claims discussed below are believed by the Receiver to be objectionable for the reasons stated and need to be addressed by the Court.

3. In particular, the Receiver objects to the following claims:

- **Brower, Dwight** - The amount of the claim submitted is \$10,000.00. It appears to relate to a cash transaction between the claimant and an aggregator of funds associated with Mammoth Capital. No supporting documentation regarding the cash was attached and the Receiver has no records from which to confirm the transaction.
- **Damiani, Peter** - The amount of the claim submitted is \$487.00 and relates to legal fees paid by the claimant to some third party. In that allowed claims in these proceedings will only be paid a fraction of the principal invested, there is no basis to allow interest, fees, and the like.
- **Ernst & Young, Liquidators** - The amount of the claim submitted is \$150,000.00, but there are no records of the money having ever been submitted to an account that is the subject of the Receivership.
- **Ernst & Young, Liquidators** - The amount of the claim submitted is \$25,000.00, but there are no records of the money having ever been submitted to an account that is the subject of the Receivership.
- **Folino, William** - The amount of the claim submitted is \$100,000.00. Despite requests by the Receiver, no proof as to who owns the funds has been provided. Mr. Folino is a well-known aggregator and will not disclose who gave him the funds.
- **Folino, William** - The amount of the claim submitted is \$75,000.00. Despite requests by the Receiver, no proof as to who owns the funds has been provided. Mr. Folino is a well-known aggregator and will not disclose who gave him the funds.
- **Gallaway, Grant** - The claim submitted did not state a dollar amount and no documentation of any sort was provided along with it.

- **Henderson, Sr., James** - The amount of the net claim submitted is \$70,000.00. However, the funds relating to this claim appear to have been sent to a different financial fraud, Denel Finance, Ltd. They do not appear to be deposited into any account that is the subject of these receivership proceedings.
- **Knights Express, Receiver** - The amount of the claim submitted is \$100,000.00 and relates to an investment that occurred after the receivership proceeding was instituted and therefore could not have been deposited into any account that is the subject of these receivership proceedings.
- **Knights Express, Receiver** - The amount of the claim submitted is \$100,000.00 and relates to an investment that occurred after the receivership proceeding was instituted and therefore could not have been deposited into the subject of any account that is the subject of these receivership proceedings.
- **Miller, Jonathan** - The amount of the net claim is \$425.00 and appears to relate to funds sent to a third party. In any event, the funds were not deposited into any account that is the subject of these receivership proceedings.
- **Miller, Jonathan** - The amount of the net claim is \$1,512.50 and appears to relate to funds sent to a third party. In any event, the funds were not deposited into any account that is the subject of these receivership proceedings.
- **Mohr, Christian August** - No amount was stated in the claim form submitted. Mr. Mohr is already well known to this Court, as he was a primary figure in 3:01-CV-205 (WDNC). As in those proceedings, any claims filed by Mr. Mohr are not legitimate in that he did not contribute any funds but only stole them from the investors.

- **Prescott, Gregg** - The amount of the claim submitted is \$0.00 and he appears to have gotten his money back from some third party.
- **Reiling, Gregg** - The amount of the claim submitted is \$2,300.00 and relates to legal fees paid by the claimant to some third party. In that allowed claims in these proceedings will only be paid a fraction of the principal invested, there is no basis to allow interest, fees, and the like.
- **Ross, Stephen** - The amount of the claim submitted is \$1,000.00 and relates to an apparent investment with some third party, which is not reflected in any of the bank accounts that are the subject of these receivership proceedings.
- **Ross, Stephen** - The amount of the claim submitted is \$1,000.00 and relates to an apparent investment with some third party, which is not reflected in any of the bank accounts that are the subject of these receivership proceedings.
- **Strickland, Virgil and Nadine** - The amount of the claim submitted is \$76,000.00. However, the funds relating to this claim appear to have been sent to a different financial fraud, Dannel Finance, Ltd. They do not appear to have been deposited into any account that is the subject of these receivership proceedings.
- **Taylor, Charles** - The amount of the claim submitted is \$2,000.00 and relates to an investment with some third party. They do not appear to have been deposited into any account that is the subject of these receivership proceedings.
- **Vasquez, Richard** - The amount of the claim submitted is \$900,000.00 and is duplicative of claims filed and allowed in 3:01-CV-205 (WDNC). They do not appear to have been deposited into any account that is the subject of these receivership proceedings.

- **Yoder, Michael and Virginia** - The amount of the claim submitted is \$6,000.00 and relates to an investment with some third party. They do not appear to have been deposited into any account that is the subject of these receivership proceedings.
- **Yoder, Ervin and Louise** - The amount of the claim submitted is \$8,000.00 and relates to an investment with some third party. They do not appear to have been deposited into any account that is the subject of these receivership proceedings.

WHEREFORE, PREMISES CONSIDERED, the Receiver requests that upon final consideration of this Motion the Court disallow each of the foregoing claims for the reasons stated and for such other and further relief, general or special, at law or in equity, to which the Receiver may show himself justly entitled.

Respectfully submitted,

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ATTORNEYS FOR RECEIVER