

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

MARK W. RASMUSSEN, RECEIVER	§	
FOR ARISEBANK,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
RICHARD SMITH, JR., and	§	Civil Action No. 3:18-cv-1034-M
KURT F. MATTHEW, JR.,	§	
	§	
Defendants.	§	
	§	

JOINT REPORT ON SETTLEMENT CONFERENCE

Pursuant to the Court’s Scheduling Order (Dkt. 19), the parties provide this Joint Report on their Settlement Conference.

1. On May 24, 2019, at 2:00 p.m., the parties, through counsel, conducted a telephone settlement conference. The participants were as follows:

<u>Participant</u>	<u>Capacity</u>
Richard J. Johnson (Jones Day)	Counsel for the Receiver
James A. Cox (Jones Day)	Counsel for the Receiver
John Teakell (Law Office of John Teakell)	Counsel for Defendants Richard Smith, Jr. and Kurt F. Matthew, Jr.

2. During the conference, the parties discussed a settlement proposal for Defendant Richard Smith, Jr., under which Smith would agree to entry of a judgment by the Receivership Estate against Smith in the amount of \$200,000. In exchange, the Receiver would agree to withhold

efforts to enforce that judgment to permit Smith to pay the Receivership Estate \$5,000 in cash immediately, followed by four additional monthly installments of \$5,000, for a total of \$25,000. If Smith makes all payments as agreed, the Receiver agrees to execute appropriate documentation indicating the judgment has been satisfied; if Smith fails in any respect to make each of the payments as agreed, the Receiver is free to enforce the entirety of the \$200,000 judgment against Smith. By email dated May 28, 2019, Smith's counsel indicated Smith's acceptance of this proposal. This settlement is subject to documentation in an executed settlement agreement and approval of this Court.

3. The Receiver asked for a settlement proposal from Defendant Kurt Matthew, Jr., but was informed that that Matthew had declined to authorize his attorney to make any such offers. Thus, the parties did not discuss any settlement proposals for Matthew and the case has not settled as to him.

Dated: May 30, 2019

Respectfully submitted,

/s/ Richard J. Johnson

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 30, 2019, the foregoing document was submitted to the clerk of the Court for the U.S. District Court, Northern District of Texas, and served on counsel for all parties through the electronic service system.

/s/ Richard J. Johnson

Richard J. Johnson