

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO: 12-cv-81311-MIDDLEBROOKS**

UNITED STATES COMMODITY  
FUTURES TRADING COMMISSION,

Plaintiff,

v.

HUNTER WISE COMMODITIES, LLC,  
*et al.*,

Defendants.

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**ORDER ON RECEIVER'S RESPONSES TO CLAIMANTS' APPEALS OF  
RECEIVER'S FINAL DETERMINATION OF THEIR CLAIMS**

THIS CAUSE comes before the Court upon the Receiver's Omnibus Response to Claimants' Appeals of Receiver's Final Determinations of their Claims (DE 340), filed on December 15, 2014 by Receiver Melanie E. Damian (the "Receiver"). The Response addresses the appeals filed by claimants William Deppe (DE 325), H. Wayne Pruett (DE 326), Donald Dammann (DE 328), Carla Marullo (DE 329), Mark Pavlick (DE 336), Todd McKinley (DE 337), Charlie Benton (DE 338), and Lensford A. McKenzie (DE 339). Also before the Court is the Receiver's Response (DE 341) to Appeal and Request for Reconsideration of Receiver's Final Determination of Claim of Dewey & LeBoeuf Secured Lender Trust (DE 324), filed on December 15, 2014. Finally, before the Court is Receiver's Response (DE 343) to Claimants' Appeal of Receiver's Final Determinations of Claim (DE 342), filed on December 17, 2015, which addresses appeals by claimants Arthur Martens and Elevate8. Having thoroughly reviewed each appeal, and for the reasons set forth in the Receiver's Responses (DE 340, 341, 343), it is hereby

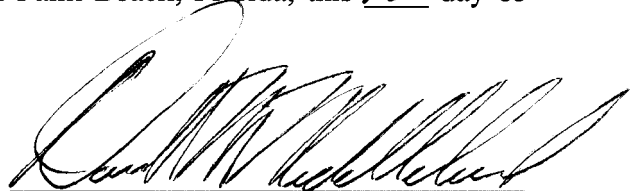
**ORDERED AND ADJUDGED** as follows:

1. The Appeal of William Deppe (DE 325) is **DENIED**. The Court upholds the Receiver's final determination of Mr. Deppe's claim and authorizes the Receiver to make the initial distribution to Mr. Deppe as proposed in the Receiver's final determination;
2. The Appeal of H. Wayne Pruett (DE 326) is **DENIED**. The Court upholds the Receiver's final determination of Mr. Pruett's claim and authorizes the Receiver to make the initial distribution to Mr. Pruett as proposed in the Receiver's final determination;
3. The Appeal of Donald Dammann (DE 328) is **DENIED**. The Court upholds the Receiver's final determination of Mr. Dammann's claim and authorizes the Receiver to make the initial distribution to Mr. Dammann as proposed in the Receiver's final determination;
4. The Appeal of Carla Marullo (DE 329) is **DENIED**. The Court upholds the Receiver's final determination of Ms. Marullo's claim and authorizes the Receiver to make the initial distribution to Ms. Marullo as proposed in the Receiver's final determination;
5. The Appeal of Mark C. Pavlick (DE 336-1) is **DENIED**. The Court upholds the Receiver's final determination of Mr. Pavlick's claim and authorizes the Receiver to make the initial distribution to Mr. Pavlick as proposed in the Receiver's final determination;
6. The Appeal of Todd McKinley (DE 337-1) is **DENIED**. The Court upholds the Receiver's final determination of Mr. McKinley's claim and authorizes the Receiver to make the initial distribution to Mr. McKinley as proposed in the Receiver's final determination;
7. The Appeal of Charlie Benton (DE 330) is **DENIED**. Mr. Benton's Motion for Leave to Proceed *in forma pauperis* (DE 338) is also **DENIED**. The Court upholds the Receiver's final determination of Mr. Benton's claim and authorizes the Receiver to make the initial distribution to Mr. Benton as proposed in the Receiver's final determination;
8. The Appeal of Lensford A. McKenzie (DE 339-1) is **DENIED**. The Court upholds the Receiver's final determination of Mr. McKenzie's claim and authorizes the Receiver to make the initial distribution to Mr. McKenzie as proposed in the Receiver's final determination;
9. The Appeal and Request for Reconsideration of Receiver's Final Determination of Claim of the Dewey & LeBoeuf Secured Lender Trust (DE 324) is **DENIED**. The

Court upholds the Receiver's final determination denying the claim of the Dewey & LeBoeuf Secured Lender Trust in its entirety; and

10. The Appeal of Arthur Martens and Elevate8 Inc. (DE 342) is **DENIED**. The Court upholds the Receiver's final determination denying the claims of Mr. Martens and Elevate8, Inc. in their entirety.

**DONE AND ORDERED** in Chambers in West Palm Beach, Florida, this 18 day of  
May, 2015.



DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record;  
William Deppe  
8480 22th Ave.  
Maquoketa, IA 52060;  
H. Wayne Pruett  
HC Box 1100,  
Sonoita, AZ 85637;  
Donald Dammann  
7849 Dairy Ave.  
Glencoe, MN 55336;  
Carla Marullo  
P.O. Box 84  
Durango, CO 81302;  
Mark Pavlick  
125 Finch Road  
Ringwood, NJ 07456;  
Todd McKinley  
1000 E. Shelby Street  
Seattle, WA 98102;  
Charlie Benton  
288 Brooke Road  
Cheraw, SC 29520;  
Lensford A. McKenzie  
3710 Stillview Drive  
Houston, TX 77068; and  
Arthur Martens and Elevate8  
13051 86th Road North  
West Palm Beach, FL 33412