

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

U.S. COMMODITY FUTURES TRADING)	
COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	3:09-CV-106
)	
BARKI, LLC;)	
BRUCE C. KRAMER,)	
)	
Defendants,)	
)	
and)	
)	
RHONDA A. KRAMER; and)	
FOREST GLEN FARM, LLC,)	
)	
Relief Defendants.)	
-----)	

**RELIEF DEFENDANT RHONDA KRAMER’S MOTION FOR ADDITIONAL
INTERIM ALLOWANCE FOR LIVING EXPENSES**

Relief Defendant Rhonda Kramer, through undersigned counsel, respectfully moves the Court for entry of an Order granting Ms. Kramer an interim allowance for living expenses for an additional 60-day period. In support of this Motion, Ms. Kramer sets forth the following facts.

1. On April 23, 2009, the Court entered an Order granting an interim allowance for living expenses to Ms. Kramer through June 30, 2009. This Order noted that if it is ultimately determined that any of the frozen assets in this case may be returned to Ms. Kramer, then any amounts paid to her by the Receiver for the interim allowance should be

deducted from any frozen assets that are paid to her.

2. The amount authorized by the Court's Interim Order was supported by the Affidavit of attorney Barrie Wiggins. In addition, neither the Receiver nor the CFTC objected to the amount of living expenses authorized by the Court.

3. On May 18, 2009, the Receiver filed his First Report in this matter. The Receiver's First Report identifies assets that are pre-Barki assets, including a Term Protective life insurance policy in the amount of \$100,000.00, and a Genworth Life Insurance Company/First Colony life insurance policy in the amount of \$100,000.00. Ms. Kramer is the beneficiary of these policies.

4. On May 21, 2009, Ms. Kramer was deposed by the Receiver and the CFTC.

5. Counsel for Ms. Kramer is hopeful that the CFTC's and Receiver's evaluation of Ms. Kramer's status as a Relief Defendant will be completed in the near future. Upon completion of its evaluation, it is counsel for Ms. Kramer's belief that she will be entitled to a portion of the frozen assets, including proceeds from the two life insurance policies previously identified. Because the Receiver's and CFTC's evaluation is still ongoing, Ms. Kramer respectfully requests that the Court authorize the Receiver to pay an interim allowance in July and August 2009 to Ms. Kramer for essential living expenses.

6. Ms. Kramer continues to work 25 hours per week for the law firm of McKaig & McCutcheon. She is paid a salary of \$15.00 per hour. Additional funds are needed by Ms. Kramer to pay for her essential living expenses. The amount of any living expenses that are forwarded to her may be deducted from the total amount of any frozen assets that are

subsequently ordered to be returned to Ms. Kramer.

7. Ms. Kramer seeks an interim allowance of \$1,750.00 for the month of July 2009, and \$1,750.00 for the month of August 2009. This amount is supported by the previously-filed affidavit of Barrie Wiggins, and is less than the average monthly interim allowance authorized previously.

8. Counsel for Ms. Kramer has communicated with the Receiver and counsel for the CFTC concerning this Motion. The CFTC and the Receiver do not object to the granting of this Motion.

9. A Proposed Order is being submitted to the Court contemporaneous with the filing of this Motion.

This the 23rd day of June, 2009.

Respectfully Submitted,

s/Robert A. Blake, Jr.

Robert A. Blake, Jr.

NC Bar #20858

James F. Wyatt, III

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Attorneys for Relief Defendant

Rhonda Kramer

CERTIFICATE OF SERVICE

This is to certify that on this date a true and accurate copy of the foregoing pleading was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 23rd day of June, 2009.

s/Robert A. Blake, Jr.
ROBERT A. BLAKE, JR.