

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

<p><b>U.S. COMMODITY FUTURES TRADING COMMISSION,</b></p> <p style="text-align:center"><b>Plaintiff,</b></p> <p>v.</p> <p><b>BARKI, LLC, a North Carolina limited liability company; BRUCE C. KRAMER, an individual,</b></p> <p style="text-align:center"><b>Defendants, and</b></p> <p><b>RHONDA A. KRAMER, an individual, and FOREST GLEN FARM, LLC, a North Carolina limited liability company,</b></p> <p style="text-align:center"><b>Relief Defendants.</b></p>	<p style="text-align:center"><b>CASE NO. 3:09-CV-106 (GCM)</b></p>
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**ORDER GRANTING RECEIVER'S MOTION FOR APPROVAL OF SETTLEMENT**

This matter came before the Court upon *Receiver's Motion for Approval of Settlement* (the "Motion") related to a settlement reached with Jennifer Puckett ("Puckett") with respect to "Net Gains" of Barki Account 1.04, filed by Joseph W. Grier, III, the Court-appointed receiver ("Receiver") in this action, through counsel, on May 10, 2010. (D.E. 160). The Court, having reviewed the Motion and pleadings filed in response thereto, finds as follows:

1. The Court finds that it has jurisdiction over this matter.
2. The relief requested in the Motion did not draw any response or objection.
3. Upon review of the Motion the Court finds and concludes that the Motion should be granted.

The settlement requires that Ms. Puckett surrender 80% of a forthcoming tax refund. This tax refund relates to Barki-scheme false profits earned by Ms. Puckett and her late husband. Eighty percent of the refund amounts to roughly 40% of the net gains realized by Ms. Puckett's

late husband. Ms. Puckett has virtually no income potential and the tax refund is essentially the only asset belonging to her and her late husband's estate.

This Motion is opposed by Ronald E. And Lucinda L. Chaney ("the Chaney's"). The Chaney's argue that Ms. Puckett should surrender 100% of the tax refund. The Chaney's state that the Receiver promised that the Pucketts were a "special case" and would be pursued vigorously because the Pucketts had recruited investors into the Braki Scheme; indeed, some of the "net gains" were actually payments for client referrals. The Chaney's point out that other Net Gain investors have agreed to repay 80% of their total net gains, whereas Ms. Puckett would pay significantly less.

The Receiver supports his decision to pursue less than 100% of the tax refund because Ms. Puckett's cooperation will be a necessary part of processing the refund and resolving outstanding issues with her late husband's estate—that cooperation might not be forthcoming if the Receiver went after the whole refund.

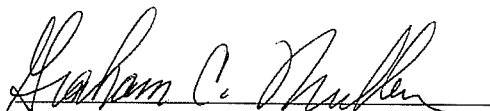
The Court recognizes the pain that the Chaney's, and their fellow victims, have endured, and the Court understands the Chaney's' desire to have Ms. Puckett treated like any other Net Gain given Mr. Puckett's involvement with the scheme. The little consolation that the Court can give is by way of allowing for monetary relief to the Barki victims, and 80% of the tax refund is far better than noting—which is a possible outcome if Ms. Puckett refuses to cooperate.

IT IS, THEREFORE, ORDERED that:

- 1) The Motion is GRANTED; and
- 2) The settlement agreement reached between the Receiver and Ms. Puckett with respect to the "Net-Gain" related to Barki is approved.

SO ORDERED.

Signed: August 12, 2010

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE

U.S. COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

vs.

BARKI, LLC,  
BRUCE C. KRAMER,

Defendants,

vs.

RELIEF DEFENDANTS  
RHONDA A. KRAMER,  
FOREST GLEN FARM, LLC.

**Civil Docket Number: 3:09-cv-106**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that copies of the *Order on Receiver's Motion for Approval of Settlement* were served by CM/ECF system upon the following parties:

Investors by email

Stephen M. Humenik  
Anne M. Termine  
Gretchen L. Lowe  
U.S. Commodity Futures Trading Commission  
Division of Enforcement  
Three Lafayette Center  
1151 21<sup>st</sup> St., NW  
Washington, DC 20851  
Email: [shumenik@cftc.gov](mailto:shumenik@cftc.gov)  
Email: [atermine@cftc.gov](mailto:atermine@cftc.gov)  
Email: [glowe@cftc.gov](mailto:glowe@cftc.gov)

Robert A. Blake, Jr.  
James F. Wyatt, III  
Wyatt & Blake, LLP  
435 East Morehead Street  
Charlotte, NC 28202

Email: [rblake@wyattlaw.net](mailto:rblake@wyattlaw.net)  
Email: [jwyatt@wyattlaw.net](mailto:jwyatt@wyattlaw.net)

James C. Smith, Esq.  
Bradley Arant Boult & Cummings  
Bank of America Corporate Center  
100 N. Tryon St., Ste. 2690  
Charlotte, NC 28202  
Email: [jsmith@babco.com](mailto:jsmith@babco.com)

Gene B. Tarr  
PO Drawer 25008  
Winston-Salem, NC 27114-5008  
Email: [gbt@blancolaw.com](mailto:gbt@blancolaw.com)

Marc R. Gordon  
Giordano, Gordon & Burns, PLLC  
319 S. Sharon Amity Road, Ste. 230  
Charlotte, NC 28211  
Email: [mg@ggandblaw.com](mailto:mg@ggandblaw.com)

Robert J. Wishart  
Megan Sadler  
Wishart Norris Henninger & Pittman, PA  
6832 Morrison Blvd.  
Charlotte, NC 28211  
[Bob.wishart@wnhplaw.com](mailto:Bob.wishart@wnhplaw.com)  
[Megan.sadler@wnhplaw.com](mailto:Megan.sadler@wnhplaw.com)

Jennifer J. Puckett  
5500 Providence Country Club Drive  
Charlotte, NC 28277  
Via electronic mail

This the 12<sup>th</sup> day of August, 2010.

/s/ Anna S. Gorman  
Anna S. Gorman  
Grier Furr & Crisp, PA  
101 N. Tryon St., Ste. 1240  
Charlotte, NC 28246  
(704) 332-0208  
(704) 332-0215 - Fax