

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

**U.S. COMMODITY FUTURES TRADING  
COMMISSION,**

**Plaintiff,**

**v.**

**CAPITALSTREET FINANCIAL, LLC,  
SEAN F. MESCALL,**

**Defendants, and**

**GERALD T. MESCALL and  
GAINCAPITAL, INC.,**

**Relief Defendants.**

**CASE NO. 3:09-CV-387 (DCK)**

**NOTICE OF RECEIVER'S MOTION FOR (1) APPROVAL OF DISTRIBUTION  
PRIORITY SCHEME, (2) PROPOSED CLAIMS VERIFICATION PROCEDURES &  
BAR DATE, (3) ESTABLISHMENT OF CLAIMS REVIEW & APPROVAL PROCESS,  
(4) APPROVAL OF MANNER TO ADDRESS TAX ISSUES AND (5) APPROVAL OF  
DISTRIBUTION METHOD**

**NOTICE IS HEREBY GIVEN** that Joseph W. Grier, III, Receiver, has filed a **MOTION FOR (1) APPROVAL OF DISTRIBUTION PRIORITY SCHEME, (2) PROPOSED CLAIMS VERIFICATION PROCEDURES & BAR DATE, (3) ESTABLISHMENT OF CLAIMS REVIEW & APPROVAL PROCESS, (4) APPROVAL OF MANNER TO ADDRESS TAX ISSUES AND (5) APPROVAL OF DISTRIBUTION METHOD** (the "Motion"). Copies of the Motion are being distributed to CapitalStreet Financial, LLC investors via email. The Motion will be posted on the CapitalStreet Financial, LLC Receivership webpage at [www.Grierlaw.com/capitalstreet](http://www.Grierlaw.com/capitalstreet).

If you do not want the Court to approve the Motion, or if you want the Court to consider your views, then on or before June 10<sup>th</sup>, 2010, you or your attorney must do the following:

1. **File with the Court a written response explaining your position.** The response must be filed electronically with the United States District Court for the Western District of North Carolina, [www.nwd.uscourts.gov](http://www.nwd.uscourts.gov). Under certain circumstances, if you are an individual who is not represented by an attorney, you may hand deliver your response to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. If you qualify to file by hand delivery, you must deliver the response to the Court on or before the date stated above.

2. **On or before the date stated above for filing your written response, you must also mail, fax or email a copy of your written response to:**

Joseph W. Grier, III  
Grier, Furr & Crisp, P.A.  
101 N. Tryon St., Suite 1240  
Charlotte, NC 28246  
Fax: 704 332-0215  
Email: [jgrier@grierlaw.com](mailto:jgrier@grierlaw.com)

**If the Court schedules a hearing**, you or your attorney must attend the hearing, which will be held at a time and date which will be noticed only to any party who files a response, at the United States District Court, 401 West Trade Street, Charlotte, NC 28202.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Motion and may enter an order approving the Motion.

Dated this 20<sup>th</sup> day of May, 2010.

/s/ Joseph W. Grier, III  
Joseph W. Grier, III (State Bar No. 7764)  
Grier Furr & Crisp, PA  
101 North Tryon Street, Suite 1240  
Charlotte, North Carolina 28246  
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[jgrier@grierlaw.com](mailto:jgrier@grierlaw.com)

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WESTERN DISTRICT OF NORTH CAROLINA  
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U.S. COMMODITY FUTURES  
TRADING COMMISSION,

Plaintiff,

v.

CAPITALSTREET FINANCIAL, LLC,  
And Sean F. Mescall,

Defendants, and

Gerald T. Mescall, and  
Gaincapital, Inc.,

Relief Defendants.

CASE NO. 3:09-cv-00387 (RJC-DCK)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that copies of the *Notice of Receiver's Motion for (1) Approval of Distribution Priority Scheme, (2) Proposed Claims Verification Procedures and Bar Date, (3) Establishment of Claims Review and Approval Process, (4) Approval of Manner to Address Tax Issues and (5) Approval of Distribution Method*, were served by CM/ECF system, electronic mail or U.S. Mail as indicated below, upon the following parties:

Investors by email

August A. Imholz, III  
Kassra Goudarzi  
Michael Solinsky  
U.S. Commodity Futures Trading Commission  
Division of Enforcement  
Three Lafayette Center  
1151 21<sup>st</sup> St., NW  
Washington, DC 20851  
Email: [aimholtz@cftc.gov](mailto:aimholtz@cftc.gov)  
Email: [kgoudarzi@cftc.gov](mailto:kgoudarzi@cftc.gov)  
Email: [msolinsky@cftc.gov](mailto:msolinsky@cftc.gov)

Sean F. Mescall (individually)  
4605 River Hills Drive  
Denver, NC 28037

Sean F. Mescall (on behalf of CapitalStreet Financial, LLC)  
4605 River Hills Drive  
Denver, NC 28037

Sean F. Mescall (on behalf of Gaincapital, Inc.)  
4605 River Hills Drive  
Denver, NC 28037

Gerald Mescall  
4605 River Hills Drive  
Denver, NC 28037

Rimas R. Gavelis  
897 E. Broadway  
Boston, MA 02127

Elvin Zimmerman  
7950 Fenner Road  
Plymouth, OH 44865

Horace Gilliam  
825 Featherstone St.  
Cleburn, TX 76033-4753

St. John Cobb, Inc.  
Acct: 25439-17462  
PO Box 2385  
Davidson, NC 28036

MI-Connection  
PO Box 90  
Mooresville, NC 28115-0090

The Lake Norman Company  
PO Box 1120  
Davidson, NC 28036

Morris Law Firm  
Bradley C. Morris  
Attorney for the Lake Norman Company  
122 Gateway Blvd., Ste. 200  
Mooresville, NC 28117

James M. Sullivan  
Assistant U.S. Attorney  
Suite 1700, Carillon Bldg.  
227 West Trade St.  
Charlotte, NC 28202  
[James.Sullivan2@usdoj.gov](mailto:James.Sullivan2@usdoj.gov)

Internal Revenue Service  
PO Box 21126  
Philadelphia, PA 19114

North Carolina Department of Revenue  
PO Box 1168  
Raleigh, NC 27601

Assist. United States Attorney's Office  
227 West Trade St., Ste. 1650  
Charlotte, NC 28202

Roy Cooper  
N.C. Attorney General  
North Carolina Department of Justice  
114 West Edenton Street  
P.O. Box 629  
Raleigh NC 27602

This the 20<sup>th</sup> day May, 2010.

/s/ Joseph W. Grier, III  
Joseph W. Grier, III (NC St. Bar No. 7764)  
Grier Furr & Crisp, PA  
101 N. Tryon St., Ste. 1240  
Charlotte, NC 28246  
(704) 332-0215 - Fax