

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

H. THAYNE DAVIS	:	Case No: 3:04cv0059
Plaintiff,	:	Magistrate Judge Sharon L. Ovington
v.	:	(By Consent of the Parties)
LIFETIME CAPITAL, INC.	:	
Defendant.	:	
	:	

**ORDER GRANTING RECEIVER'S MOTION TO EMPLOY
FINANCIAL PROFESSIONALS, (Doc # 33) and ORDER DENYING DUPLICATE
MOTION (Doc. # 32)**

This matter is before the Court upon the Receiver's Motion for Authority to Employ Financial Professionals (Doc. #33). The Court, having reviewed the same and being fully advised in the premises, hereby orders that, for good cause presently shown, the motion (Doc. #33) is granted as more specifically described herein, and subject to the Court's continuing jurisdiction to amend as justice requires. This matter is also before the Court upon the Receiver's Motion for Authority to Employ Financial Professionals (Doc. #32), which appears to be identical and a duplicate of Doc. # 33 except for the addition of attachments. As such, the Court denies the duplicate motion (Doc. #32).

Accordingly, IT IS HEREBY ORDERED that the Receiver's employment of the actuarial firm of Lewis & Ellis, of Kansas City, Missouri, is hereby approved.

IT IS FURTHER ORDERED that the Receiver may enter into such instruments and

agreements as are necessary to formally engage the services of Lewis & Ellis for the purpose and upon the terms as set forth in the Receiver's Application, and to facilitate the prompt commencement and completion of the evaluation of the LifeTime Capital life insurance policy portfolio.

IT IS FURTHER ORDERED that Lewis & Ellis, the employment of which is hereby approved, shall make application for compensation insofar as its consulting services are concerned and be paid by the Receiver in accordance with the orders of this Court which may be entered into from time to time during the course of this equitable proceeding.

June 21, 2004

s/ Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge