

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

CHRISTOPHER LONGO,) CASE NO. CV-2022-05-1754
)
Plaintiff,) JUDGE PATRICIA A. COSGROVE
)
v.)
)
THE AEM SERVICES, LLC, *et al.*,)
)
Defendants.)

ORDER APPROVING RETENTION OF McCARTHY, LEBIT,
CRYSTAL & LIFFMAN CO., LPA AS SPECIAL LITIGATION
COUNSEL FOR THE RECEIVER

2022 DEC - 8 PM 2:52
SANDRA KUPTI

Upon the Application (the “**Application**”) of Mark E. Dottore, the duly appointed and acting Receiver herein for approval of McCarthy, Lebit, Crystals & Liffman Co., LPA (“**MLCL**”) and attorneys Robert T. Glickman (“**Glickman**”) and Hugh D. Berkson (“**Berkson**”) as special litigation counsel for the Receiver, and the Court having reviewed the Application and the Court having determined that the legal and factual bases set forth in the Application establish just cause for an order authorizing such employment and retention; and based upon review and consideration of the foregoing, the Court hereby finds that:

1. The Receiver requires the services of MLCL, Glickman and Berkson to represent his interests and assist him in carrying out his duties under this Court’s orders. MLCL, Glickman and Berkson are qualified to undertake the representation.

2. MLCL, Glickman and Berkson have indicated a willingness to act on behalf of the Receiver in such capacity going forward.

3. Neither MLCL, Glickman or Berkson represent an interest adverse to that of the parties and the Receivership Estate.

NOW THEREFORE IT IS ORDERED THAT:

1. Subject to the terms of this Order, the Application is GRANTED; and
2. The Receiver is authorized to retain and employ MLCL, Glickman and Berkson as his attorneys on the terms, conditions and hourly rates stated and disclosed in the Application to perform the following services:
 - a. assisting the Receiver in matters involving litigation whether against and on behalf of the Receivership Entity and the Defendants and advising the Receiver as to when the Receiver can or should institute, prosecute or intervene in any proceeding and/or lawsuit and as to when it is appropriate with withdraw the defense of a pending lawsuit;
 - b. assisting with the identification and prosecution of claims and causes of action which might be asserted by the Receiver on behalf of the estate, including but not limited to, causes of action based on one or more of the following legal theories: breach of contract, breach of fiduciary duty, avoidance of liens and/or encumbrances filed against Receivership property, fraudulent transfer, fraud, conversion, and civil conspiracy;
 - c. reviewing the validity, priority, or extent of liens or other interests in the Assets and filing proceedings to determine the payment priority of each lien or other interest;
 - d. using the legal process to further investigate the acts, conduct, assets, liabilities, and financial condition of the Defendants, the Receivership Entities and any other appropriate parties and any matters relevant to this receivership, including but not limited to the examination of persons and parties with knowledge pursuant to orders obtained from this Court;
 - e. taking those actions required under the law to recover assets for the estate;
 - f. representing the Receiver in any action to obtain an injunction or other equitable relief or to recover Receivership Property;

- g. appearing on behalf of and representing the Receiver in any case brought by the Receiver or defended by the Receiver to the extent necessary to take control of and to defend Assets and the Receivership Entities against the claims of others;
- h. preparing all necessary court pleadings, applications, motions, objections, legal memoranda, and other documentation as may be necessary to the general administration of the estate and generally to represent the Receiver at hearings and other proceedings; and
- i. performing all other legal services for the Receiver which may be required or deemed to be in the interest of the body of interest holders, including secured or general unsecured creditors, interest holders and taxing authorities in accordance with his powers and duties as set forth in the Order Appointing Receiver.

IT IS SO ORDERED.



JUDGE PATRICIA A. COSGROVE

Submitted by:

/s/ Mary K. Whitmer

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One of the Attorneys for the Receiver