IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

FEDERAL TRADE COMMISSION	*	
Plaintiff	*	
v.	*	**Case No. JFM-14-cv-2312**
MIDWAY INDUSTRIES, LLC, et al.	*	
Defendants	*	

* * * * * * * * * * * * *

STIPULATION AND ORDER TO RELEASE CERTAIN FROZEN FUNDS

Plaintiff Federal Trade Commission ("FTC"), Defendant Brian K. Wallen, and the Temporary Receiver Peter Keith, through their undersigned counsel, hereby stipulate and agree that the asset freeze provisions of the Temporary Restraining Order entered by the Court on July 21, 2014 and extended on July 29, 2014 (the "TRO") shall be modified as follows:

1. MML Investor Services IRA Account xxxx2813 (the "MML Account") in the name of Brian Wallen, shall be released from the asset freeze provisions of the TRO to the extent of $15,825.00 (the "Released Funds"). In addition to the Released Funds, funds shall be released from the MML Account to the extent that MML is required to withhold any such funds for income taxes and penalties that may be due in connection with the Released Funds.

2. The Released Funds represent the amount of a tuition payment for Brian Wallen's son to attend the Jemicy School in Owings Mills, Maryland. The tuition payment was made by Jane Carrigan, Brian Wallen's mother, (through a check signed by her husband, William Carrigan). The Released Funds shall be used to reimburse Jane Carrigan for the payment.

3. MML shall issue a check in the amount of $15,825.00 made payable to Jane Carrigan, and the check shall be provided to Mr. Wallen's counsel: Ira L. Oring, Esquire, Fedder and Garten Professional Association, 36 South Charles Street, Suite 2300, Baltimore, Maryland 21201.

4. This agreement shall be without prejudice to the rights of any party to seek modification of its terms.

SO STIPULATED:

/s/
HARRIS A. SENTURIA
Attorney for Plaintiff Federal Trade Commission

/s/
IRA L. ORING
Fedder and Garten Professional Association
Attorneys for Defendants Brian K. Wallen,
Environmental Industries, LLC, Mid Atlantic Industries LLC,
Midway Management, LLC, and B & E Industries, LLC

/s/
PETER E. KEITH
Gallagher Evelius & Jones LLP
Temporary Receiver

/s/
MARK S. SAUDEK
Gallagher Evelius & Jones LLP
Attorney for the Temporary Receiver

IT IS SO ORDERED this _____ day of October, 2014.

J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2014, copies of the foregoing Stipulation and Order to Release Certain Frozen Funds were served via the Court's electronic filing system upon the following:

Harris A Senturia, Esquire
Amy Cadle Hocevar, Esquire
Marci Frederick, Esquire
111 Superior Avenue, Suite 200
Cleveland, OH 44114
Attorneys for FTC

George G. Mahfood, Esquire
Rhett Traband, Esquire
Broad and Cassel
One Biscayne Tower, 21st Floor
2 South Biscayne Boulevard
Miami, FL 33131

Peter E. Keith, Esquire
Gallagher Evelius & Jones LLP
218 North Charles Street, Suite 400
Baltimore, MD 21201
Court-Appointed Temporary Receiver

Mark S. Saudek, Esquire
Brian T. Tucker, Esquire
218 North Charles Street, Suite 400
Baltimore, MD 21201
Attorneys for Court-Appointed Temporary Receiver

Gregory Todd Lawrence, Esquire
Hannah Kon, Esquire
Conti Fenn and Lawrence LLC
36 S. Charles Street, Suite 2501
Baltimore, MD 21201
Counsel for: Midway Industries LLC, Commercial Industries LLC, National LLC, State Power & Lighting LLC, Standard Industries LLC, Essex Industries, LLC, Johnson Distributing LLC, Hansen Supply LLC, and Eric A. Epstein

/s/
Ira L. Oring