

Jeremiah A. Denton III
Jeremiah A. Denton IV
Christopher W. Palermo-Re

DENTON & DENTON

Attorneys at Law
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Whatever you do unto the least of these...

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December 14, 2021

VIA HAND DELIVERY:

Cynthia Morrison, Clerk
Portsmouth Circuit Court
1345 Court Street
Portsmouth, VA 23704

Re: Structured Asset Funding, LLC, etc., *et al.*
v. Terrence E. Taylor
Case No. CL15-3022

Dear Ms. Morrison:

Enclosed for filing are:

1. Terrence Taylor's Motion to Disqualify Attorney Stanley;
2. Defendant Terrence Taylor's Memorandum of Law in Support of His Motion to Disqualify Attorney Stanley; and
3. Notice of Hearing

Thank you.

Very truly yours,



Jeremiah A. Denton III

JAD:csm

Enclosure(s)

cc: Edward Stone, Esq.
Robert T. Hall, Esq.
William M. Stanley, Jr, Esq.
Louis N. Joynes, II, Esq.
Kerrigan C.K. O'Malley, Esq.
Stephen Harris, Esq.

Donna Joyce Hall, Esq.
Douglas M. Evans, Esq.
The Hon. Charles J. Maxfield
Madison Avery Settlement Fund, LLC
Flamingo Investment Trust
Stephen E. Heretick, Esq.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH

STRUCTURED ASSET FUNDING, LLC, et al.,

Plaintiffs,

v.

CASE NO. CL15-3022


TERRENCE E. TAYLOR, et al.,

**Defendant
Third-Party Plaintiff,
Cross-Claim Defendant.**

**TERRENCE TAYLOR'S
MOTION TO DISQUALIFY ATTORNEY STANLEY**

COMES NOW Terrence E. Taylor, Defendant, Third-Party Plaintiff, Counterclaim Defendant, and Cross-Claim Defendant, by counsel, and moves the Court for entry of an order disqualifying William M. Stanley, Jr. as counsel of record herein, for the reasons stated in the accompanying brief.

TERRENCE E. TAYLOR

By: 
Of Counsel

Jeremiah A. Denton III, Esq., VSB #19191
Jeremiah A. Denton IV, Esq., VSB #83818
Christopher W. Palermo-Re, Esq., VSB # 96255
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Fax: 703/925-9611
rthall@hallanssethi.com

Counsel for Defendant Terrence E. Taylor

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2021 a true copy of the foregoing document was mailed and faxed to:

William M. Stanley, Jr, Esq. (VSB #37209)
Autumn D. Johnson, Esq. (VSB #95833)
THE STANLEY LAW GROUP
13508 Booker T. Washington Highway
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540/721-6028 (Tel.)
540/721-6405 (Fax)
bstanley@vastanleylawgroup.com

Counsel for Plaintiffs

Louis N. Joynes, II, Esq.
Joynes & Gaidies
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Counsel for Genex Capital Corporation

I hereby certify that on the 14th day of December, 2021 a true copy of the foregoing document was emailed to:

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Stephen Harris, Esq.
LAW OFFICE OF STEPHEN HARRIS
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*Counsel for Third-Party Defendants
New York Life Insurance Company and
New York Life Insurance and Annuity Corporation*

Donna Joyce Hall, Esq., VSB #26513
GOODMAN ALLEN DONNELLY
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Douglas M. Evans, Esq.
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65 Memorial Road, Suite 300
West Hartford, CT 06107

*Counsel for Third Party Defendants
Income Stream Funding Partners, LLC,
and Allen Grosnick*

I hereby certify a true copy of the foregoing document is being served on:

Incorp Services, Inc.
Registered Agent for Madison Avery Settlement Fund, LLC
919 North Market Street, Suite 950
Wilmington, DE 19801

Well Fargo Delaware Trust Company, N.A.
Registered Agent for Flamingo Investment Trust
919 North Market Street, Suite 1600
Wilmington, DE 19801

Third-party Interpleader Defendants

A courtesy copy was emailed to:

Stephen E. Heretick, Esq.
STEPHEN E. HERETICK, P.C.
715 Loudoun Avenue
Portsmouth, Virginia 23707
Tel: 757/397-9923
Fax: 757/397-9925
steve@hereticklaw.com

*Former Counsel for Flamingo Investment Trust and
Madison Avery Settlement Fund*


Jeremiah A. Denton III

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH

STRUCTURED ASSET FUNDING, LLC, et al.,

Plaintiffs,

v.

CASE NO. CL15-3022

TERRENCE E. TAYLOR, et al.,

**Defendant
Third-Party Plaintiff,
Cross-Claim Defendant.**

**DEFENDANT TERRENCE TAYLOR'S
MEMORANDUM OF LAW IN SUPPORT OF HIS
MOTION TO DISQUALIFY ATTORNEY STANLEY**

COMES NOW, the defendant, third-party plaintiff, cross-claim defendant, Terrence E. Taylor ("Mr. Taylor"), by counsel, and respectfully offers this, his Memorandum of Law in Support of his Motion to Disqualify counsel for Structured Asset Funding, LLC and iSettlements LLC (hereinafter "SAF"), Attorney William M. Stanley ("Attorney Stanley").

SAF's retention of Attorney Stanley *per force* requires Mr. Stanley to violate the Virginia Rules of Professional Conduct, the guidelines of the Virginia General Assembly, and Your Honor's instructions given on October 6, 2021.

BACKGROUND

SAF filed this suit in August of 2015. On October 6, 2021 (the "October Hearing") this Court disqualified its counsel, Stephen Heretick, and directed SAF to obtain new counsel who would be prepared for a December hearing on two pending motions for summary judgment (neither of which is by or directed at SAF). *See* Oct. Hr.g's 57:6–57:7. "I expect [SAF] to be able to find counsel and be prepared." *Id.* at 60:5–60:13. That has not occurred.

On December 10, 2021, state senator Attorney Stanley informed Court and counsel he had been retained by SAF and was invoking the same legislative privilege that Mr. Heretick had relied on heretofore to obtain an unconscionable sequence of continuances and delays, namely Va. Code §30–5.¹ Taylor now moves to disqualify Mr. Stanley for the reasons hereinafter stated.

ARGUMENT

Rule 3.4 (j) of the Virginia Rules of Professional Conduct, states:

A lawyer shall not . . . delay a trial, or take other such action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

Id. That admonition is further explained in Comment 6:

Paragraph (j) deals with conduct that could harass or maliciously injure another. *Dilatory practices bring the administration of justice into disrepute. Delay should not be indulged merely for the convenience of the advocates, or solely for the purpose of frustrating an opposing party's attempt to obtain rightful redress or repose. * * **

Va. Rules of Professional Conduct R. 3.4, Cmt. 6 (emphasis added).

As then-Circuit Court Judge D. Arthur Kelsey observed two decades ago:

Implicit in § 30–5 is the good-faith duty of a lawyer-legislator not to accept representation ‘where it is clear that a party may be seeking out a legislator to act as a lawyer simply to have the opportunity to take advantage of the legislative continuance for purposes of delay.

¹ “Any party to any action or proceeding in any court . . . who has . . . reemployed to represent him in such action or proceeding an attorney who is or becomes . . . [a] member . . . of the General Assembly . . . shall be entitled to a continuance as a matter of right (i) during the period beginning 30 days prior to the commencement of the session and ending 30 days after the adjournment thereof, and (ii) during a period beginning one day prior to the meeting date of any reconvened or veto session or of any commission, council, committee or subcommittee created by the General Assembly at which such officer, employee or member is scheduled to attend and ending one day after the adjournment of such meeting.” Va. Code §30–5.

Commonwealth v. Foulks, 56 Va. Cir. 449, 455 n.1 (Suffolk Cir. Ct., Oct. 19, 2001) (quoting Guidelines on Legislative Continuances, House of Delegates Committee on Rules² (April 21, 1998)). Judge Kelsey emphasized that, “[t]he lofty purposes behind § 30–5—as historically sound and jurisprudentially valid as they may be—are not furthered by defendants who deliberately seek out legislator-lawyers as a means of tapping their near-automatic delay powers.” *Id.* at 455 n.1.

SAF has done exactly what Judge Kelsey decried, when he also explained a common misconception concerning the ambit of Va. Code §30–5, noting that the granting of a right to a continuance is bestowed upon the *party*, not the lawyer-legislator. “[T]he continuance right . . . is not simply for [the attorney’s] personal convenience,” *Id.* at 465, n.6. It is up to the *party* to seek a continuance, not the attorney.

This Court has already admonished SAF, “I’m of the opinion that justice delayed is justice denied.” Oct. Hr’g Tr. 56: 10–56:12. The Court expressed its intention to get the case moving, stating, “Let’s act as if our job is to facilitate in getting a dispute into the courtroom fairly and honestly and do that in a professional manner. . . . Let’s get it on track, and let’s get it resolved within a year, okay?” Oct. Hr’g Tr. 66:4–66:7, 66:10–66:11.

This motion does not catch SAF unawares. This Court also explicitly forewarned SAF to retain counsel prepared to participate in the December hearing: “*I expect [SAF] to be able to find counsel and be prepared,*” Oct. Hr’g Tr. 57:6–57:7 (emphasis added), and specifically instructed SAF, “*you’ll have to find counsel to be prepared on that day, Sir,*” Oct. Hr’g Tr. 60:2–60:3 (emphasis added). SAF’s retention of a state legislator whose first act was to invoke the

² While strictly speaking these Guidelines govern the House of Delegates, and Mr. Stanley is a state senator, no principled distinction warrants a differentiation for state senators.

legislative privilege, show's SAF's cynical contempt for both Your Honor and the "lofty purposes behind 30-5." *Foulks, supra*.

Disqualification is an unusual but legitimate remedy and a must in the context of the history of this litigation. As the Court observed, "what's happened so far in this case with a five-year delay is something which you all should be ashamed of." Oct. Hr'g Tr. 66:7–66:9. SAF's retention of Mr. Stanley is an unadulterated extension of that shameful conduct wherein Mr. Stanley's predecessor, Attorney Heretick, wielded his continuance privilege indiscriminately to delay that litigation for years:

- Attorney Heretick sent a letter on January 11, 2016, stating that he would not be available until mid-April of 2016 (**Ex. A**)
- Attorney Heretick sent an email on February 23, 2017, cancelling a hearing set for April 4, 2017 (**Ex. B**)
- On March 17, 2017, Attorney Heretick postponed a hearing date set for June 27, 2017 until June 29, 2017 (**Ex. C**)
- On November 21, 2017, Attorney Heretick emailed the parties stating that he would be unavailable in 2018 until late March of that year (**Ex. D**)
- On April 25, 2018 Heretick responded to a request for his ability stating that he would likely not be available until after July 1, 2018 (**Ex. E**)
- On December 7, 2018, Attorney Heretick continued a hearing set for December 17, 2018 (**Ex. F**)
- Attorney Heretick sent an email on December 18, 2019, in response to a request for dates stating that he would not know his availability until early January (**Ex. G**)
- On October 9, 2020, Attorney Heretick continued a hearing set for October 19, 2020 (**Ex. H**)

Tellingly, after Attorney Heretick was disqualified, when Your Honor routinely sought assurance from him that SAF would replace him with counsel prepared to proceed in timely fashion, Heretick's equivocal response in open court presaged what has just occurred. When

Your Honor asked “Now, you realize you’re going to have to get new counsel for similarly-situated people, right? So do you think you’d be ready by December?” Oct. Hr’g Tr. 53:5-53:8. Attorney Heretick replied, “Your Honor, I have no idea how long it’s going to take my client to obtain substitute counsel” (Oct. Hr’g Tr. 53:10–53:12; 2), and “I would be remiss if I represented to the Court that I think any—I or any competent counsel could come up to speed in less than 90 days.” Oct. Hr’g Tr. 53:21–54. Mr. Heretick has indeed been remiss in this matter, since at least 2012, but not for the reason stated, and he and/or SAF have utterly failed to secure counsel who could be “ready by December,” obviously by design.

A party ordinarily has the right to counsel of its own choice, but that right is not absolute and cannot be exercised in the deliberate derogation of the integrity of the legal system.

“Although a party’s right to choose counsel is a fundamental principle, it must be considered in perspective with the rules of ethics **and the integrity of the legal system.**” *Adelman v. Kernbach*, 43 Va. Cir. 544, 546 (Norfolk Cir. Ct., Nov. 7, 1997) (internal quotations omitted) (emphasis added). Manifestly, SAF has retained another legislator in cynical defiance of a valid directive by Your Honor to hire one prepared for the December 17 hearing.

SAF’s conduct in knowingly retaining an unavailable legislator, practicing law 200 miles from the courthouse, the very day substantive responses to the pending motions were due, was obviously solely for the purposes of invoking Va. Code §30–5 in a direct and flagrant challenge to Your Honor’s authority to control the pace of this heretofore shamelessly delayed case. Justice delayed is justice denied.

CONCLUSION

For these reasons Mr. Taylor moves the Court to disqualify Mr. Stanley as counsel of record herein.

TERRENCE E. TAYLOR

By: _____
Of Counsel

Jeremiah A. Denton III, Esq., VSB #19191
Jeremiah A. Denton IV, Esq., VSB #83818
Christopher W. Palermo-Re, Esq., VSB # 96255
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Counsel for Defendant Terrence E. Taylor

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2021 a true copy of the foregoing document was mailed and faxed to:

William M. Stanley, Jr, Esq. (VSB #37209)
Autumn D. Johnson, Esq. (VSB #95833)
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Counsel for Plaintiffs

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Counsel for Genex Capital Corporation

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New York life Insurance Company and
New York Life Insurance and Annuity Corporation

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Douglas M. Evans, Esq.
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65 Memorial Road, Suite 300
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*Counsel for Third Party Defendants
Income Stream Funding Partners, LLC,
and Allen Grosnick*

I hereby certify a true copy of the foregoing document is being served on:

Incorp Services, Inc.
Registered Agent for Madison Avery Settlement Fund, LLC
919 North Market Street, Suite 950
Wilmington, DE 19801

Well Fargo Delaware Trust Company, N.A.
Registered Agent for Flamingo Investment Trust
919 North Market Street, Suite 1600
Wilmington, DE 19801

Third-party Interpleader Defendants

A courtesy copy was emailed to:

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steve@hereticklaw.com

*Former Counsel for Flamingo Investment Trust and
Madison Avery Settlement Fund*



Jeremiah A. Denton III

EXHIBIT A

STEPHEN E. HERETICK, P.C.

A VIRGINIA PROFESSIONAL CORPORATION
715 LOUDOUN AVENUE
PORTSMOUTH, VIRGINIA 23707
(757) 397-9923
FACSIMILE (757) 397-9925

January 11, 2016

Stephen R. Harris, Esquire
DRINKER, BIDDLE & REATH, LLP
One Logan Square, Suite 2000
Philadelphia, Pennsylvania 19103

George O.Y. Naylor, Esquire
CARTER & SHANDS, PC
9030 Stony Point Parkway, Suite 530
Richmond, Virginia 23235

Jeremiah A. Denton III, Esquire
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477 Viking Drive, Suite 100
Virginia Beach, Virginia 23452

Edward Stone, Esquire
EDWARD STONE LAW, PC
175 West Putnam Avenue, 2nd Floor
Greenwich, Connecticut 06830

RE: *Structured Asset Funding et al. v. Terrence Taylor et al.*
Portsmouth (Virginia) Circuit Court, Case No. CL15-3022

Gentlemen:

As you know, I have been retained to represent the Plaintiffs, Structured Asset Funding and iSettlements, in connection with the above-referenced litigation since the inception of this case in the Portsmouth Circuit Court. At the same time, I am an elected member of the Virginia House of Delegates, which is due to convene on Wednesday, January 13, 2016 at noon for the 2016 session of the Virginia General Assembly. Because this session will take up the 2016-2017 biennial state budget, this is considered a long session, for which adjournment *sine die* is currently anticipated for March 12, 2016, followed by a reconvened session to take up any remaining issues together with any gubernatorial vetoes approximately six weeks later, on or about April 20, 2016.

Please be aware that Section 30-5 of the Code of Virginia (1950), as amended, provides:

Any party to an action or proceeding in any court . . . [and] who has, prior to or during the session of the General Assembly, employed or retained to represent him in such action or proceeding an attorney who is [a] . . . member of the General Assembly . . . shall be entitled to a continuance as a matter of right . . . during a period beginning thirty days prior to the commencement of the session and ending thirty days after the adjournment thereof, and . . . during a period beginning one

STEPHEN E. HERETICK, P.C.

day prior to to meeting date of any reconvened or veto session or of any commission, council, committee, or subcommittee created by the General Assembly at which such . . . member is schedule to attend and ending one day after the adjournment of such meeting . . . The requesting party, when practicable, shall strive to notify all other parties to the proceeding . . .

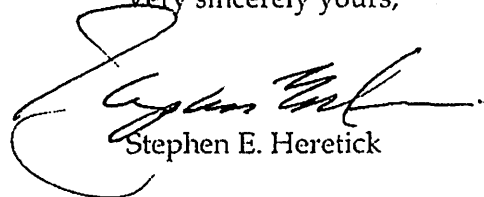
Further, this section provides:

Any pleading or the performance of any act relating thereto required to be filed or performed by any statute or rule during the period beginning thirty days prior to the commencement of the session and ending thirty days after the adjournment of the session shall be extended until not less than thirty days afer such session . . .

As directed by statute, I write to make you aware of these provisions, and to advise you that I will be generally unavailable for further proceedings in this matter until mid-April, 2016, and at such further times as the business of the General Assembly may from time to time require. Accordingly, I will ask for your cooperation in refraining from attempting to schedule hearings or other proceedings or filing pleadings requiring a response in this matter until that time. As I have previously demonstrated with respect to the December motions hearings, it is my practice to exercise appropriate flexibility where possible in the scheduling of matters notwithstanding the provisions of this statute.

Naturally, if I or my staff can assist you in connection with this matter now or in the upcoming weeks, please do not hesitate to let me know.

Very sincerely yours,



Stephen E. Heretick

cc: Cory Eichhorn, Esq.

EXHIBIT B

SAF et al. v. Taylor et al., Portsmouth Circuit Court CL15-3022

Stephen Heretick <steve@hereticklaw.com>

Thu 2/23/2017 3:10 PM

To: Edward Stone <eddie@edwardstonelaw.com>; Jerry Denton <JERRY@jeremiahdenton.com>; gynaylor@carterandshands.com <gynaylor@carterandshands.com>; Stephen.Harris@dbr.com <Stephen.Harris@dbr.com>;

Cc: Andrew Savysky <ASavysky@sa-holdings.com>;

Gentlemen--

The Speaker of the Virginia General Assembly has announced that the reconvened "veto" session of the Assembly has been set for Wednesday, April 5. As you will recall, we have set the previous day, April 4, for hearings in this matter. Consequently, I will be unable to appear for the hearings as currently scheduled. When I get back to my office on Monday, I will coordinate with the docket clerks' office to identify an available date as soon thereafter as the Court may have to reschedule this. Naturally, I will advise you immediately of the options, so that we may reschedule this as quickly as possible.

If you need to discuss this with me, please do not hesitate to contact me at my legislative offices in Richmond at (804) 698-1079.

Thanks.

Steve Heretick

EXHIBIT C

SAF v. Taylor et al. Schedule of Hearings

Stephen Heretick <steve@hereticklaw.com>

Fri 3/17/2017 4:55 PM

To: Jerry Denton <JERRY@jeremiahdenton.com>; Edward Stone <eddie@edwardstonelaw.com>; George Naylor <gynaylor@carterandshands.com>; Harris, Stephen R. <Stephen.Harris@dbr.com>;

Cc: Andrew Savysky <ASavysky@sa-holdings.com>;

Gentlemen—

I might have seen this coming: I just received a scheduling notice to chair two days' of hearings in Philadelphia for the National Board of Medical Examiners. I have served on the NBME for several years, and I Chair the committee that hears cases involving doctors and medical school students who are suspected of irregularities in their licensing examinations. I get called to do this four or five times a year, depending on the size of the docket. I just received a request to chair an unusual two-day hearing, beginning on June 27. If that date sounds familiar, it should.

I've already set June 27 with the court here for hearings in our case. I recall that each of you also had June 29th available, as does the court. I would ask your consent in simply moving the hearings to the 29th, so that I can work in the hearings in Philadelphia. Please let me know if you can accommodate this for me.

Thanks, and have a great weekend.

Steve

Stephen E. Heretick, Esquire

715 Loudoun Avenue

Portsmouth, Virginia 23707

(757) 397-9923

(757) 397-9925 (facsimile)

Steve@Hereticklaw.com

EXHIBIT D


RE: Signed Order for Court - SAF vs. Terrence Taylor

Stephen Heretick <steve@hereticklaw.com>

Tue 11/21/2017 12:35 PM

To: Jerry Denton (JERRY@jeremiahdenton.com) <JERRY@jeremiahdenton.com>; Edward Stone <eddie@edwardstonelaw.com>; George Naylor <gynaylor@carterandshands.com>; Harris, Stephen R. <Stephen.Harris@dbr.com>;

Cc: Andrew Savysky <ASavysky@sa-holdings.com>;

 1 attachment

Order of Court Rulings 112117.pdf;

Jerry—

Attached, please find my executed order, which is also coming to you by mail.

You have requested my available dates during December for a motion to compel discovery. I understand that you have not been able to secure dates during December for this motion, and have requested my availability during January and February for this purpose. Please be advised that the General Assembly is due to convene on January 10 for the "long" budget session, which should run into late March. I have no idea what my schedule will look like during this time, so I will be unable to commit to any specific date until we reconvene. As I indicated to you when we spoke, I would certainly be willing to work with you to address your specific discovery concerns during this time. Please let me know what they are.

Thanks!

Steve

Stephen E. Heretick, Esquire
715 Loudoun Avenue
Portsmouth, Virginia 23707
(757) 397-9923
(757) 397-9925 (facsimile)
Steve@Hereticklaw.com

From: George Naylor [mailto:gynaylor@carterandshands.com]

Sent: Tuesday, November 21, 2017 10:54 AM

To: Harris, Stephen R. <Stephen.Harris@dbr.com>; Jerry Denton (JERRY@jeremiahdenton.com) <JERRY@jeremiahdenton.com>

Cc: Edward Stone <eddie@edwardstonelaw.com>; Stephen Heretick <steve@hereticklaw.com>

Subject: RE: Signed Order for Court - SAF vs. Terrence Taylor

Jerry,

Attached is a copy of the Order which I have endorsed. I will send the original by mail.

Thanks,

George

EXHIBIT E

RE: scheduling

Stephen Heretick <steve@hereticklaw.com>

Wed 4/25/2018 4:41 PM

To: Edward Stone <eddie@edwardstonelaw.com>; George Naylor <gynaylor@carterandshands.com>; Harris, Stephen R. <Stephen.Harris@dbr.com>; Jerry Denton (JERRY@jeremiahdenton.com) <JERRY@jeremiahdenton.com>; mike@joyneslaw.com <mike@joyneslaw.com>;

Cc: Andrew Savysky <ASavysky@sa-holdings.com>;

Mr. Stone—

Sadly, no. As you may know, the Senate has refused to enact the House version of the budget, which means the Commonwealth is currently at an impasse. We have been called into a special continuing session.

While we are not sitting every day while we wait on the Senate, we have been told to keep our calendars extremely flexible between now and July 1. While I do not expect things to take that long to resolve, given that a budget impasse continuing past June 23 would result in a completely shutdown of the state, we are prepared for a siege. For the present, I'm thinking that anything after July 1 would be reasonably safe, but I certainly don't know what the Senate leaderships' intentions are at the present time.

Steve Heretick

Stephen E. Heretick, Esq.
STEPHEN HERETICK, P.C.
715 Loudoun Avenue
Portsmouth, Virginia 23707
(757) 397-9923
(757) 397-9925 (fax)
Steve@Hereticklaw.com

From: Edward Stone <eddie@edwardstonelaw.com>

Sent: Wednesday, April 25, 2018 4:30 PM

To: Stephen Heretick <steve@hereticklaw.com>

Subject: scheduling

Steve,

Are you done with your Legislative commitments? Trying to figure out timing on a number of items.

Best,

Eddie

Edward S. Stone, Esq.

EDWARD STONE LAW P.C.
175 West Putnam Avenue, 2nd Floor

EXHIBIT F

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH

STRUCTURED ASSET FUNDING, LLC,
d/b/a 123 LUMP SUM a/k/a 123 LUMP SUM, LLC,

and

SETTLEMENTS LLC, d/b/a 123 LUMPSUM

Plaintiffs,

v.

Case No.: CL15-3022-00

TERRENCE E. TAYLOR,

Defendant

v.

NEW YORK LIFE INSURANCE COMPANY,

and

NEW YORK LIFE INSURANCE AND ANNUITY
CORPORATION,

Third-Party Defendants/
Third-Party Interpleader Plaintiffs.

v.

FLAMINGO INVESTMENT TRUST,

MADISON AVERY SETTLEMENT FUND, LLC.

and

INCOME STREAM FUNDING PARTNERS, LLC.,

Third-Party Interpleader Defendants/
Third-Party Crossclaim Plaintiffs/
Third-Party Counterclaim Plaintiffs.

MOTION FOR CONTINUANCE

COMES NOW the Plaintiffs, Structured Asset Funding, L.L.C. d/b/a 123 Lump Sum, a/k/a Lump Sum, LLC, and iSettlements, LLC, d/b/a 123 Lumpsum, and Third-Party Interpleader Defendants Flamingo Investment Trust and Madison Avery Settlement Funding, LLC, who respectfully move for a continuance in the hearings presently scheduled to be heard before this Court on Monday, December 17, 2018. In support hereof, the Plaintiffs and Third-Party Interpleader Defendants state as follows:

1. That undersigned counsel represents the Plaintiffs, Structured Asset Funding, LLC, d/b/a 123 Lump Sum, a/k/a Lump Sum, L.L.C, and iSettlements, L.L.C. d/b/a 123 Lumpsum, and Third-Party Interpleader Defendants Flamingo Investment Trust and Madison Avery Settlement Funding, LLC;
2. That a number of motions in connection with this matter have been set for hearing before this Court on Monday, December 17, 2018;
3. That undersigned counsel serves in the Virginia House of Delegates in the General Assembly of Virginia, representing the 79th House District of Virginia, where he serves *inter alia* on the House Committee on Commerce and Labor by appointment of the Speaker of the House;
4. That undersigned counsel received notice on or about November 26, 2018, from the Clerk of the House of Delegates that he must attend a subcommittee hearing of the House Committee on Commerce and Labor which was set for Monday, December 17, 2018, at which hearing one or more public votes are scheduled to be taken which will require his attendance;
5. That on November 28, 2018, undersigned counsel duly notified all other counsel in

this matter of the scheduling conflict created by this Notice, and has provided them with a copy of such Notice;

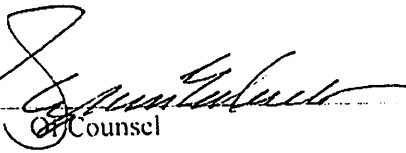
6. That undersigned counsel seeks to participate fully in each of those hearings which is currently scheduled to be heard by this Court on December 17, 2018, in order to fully protect the interests of his clients;
7. That undersigned counsel respectfully moves for a continuance of all matters currently scheduled to be heard in this cause on December 17, 2018, until such later date as may be mutually convenient to the Court and to counsel. *See*, Section 30-5 of the Code of Virginia (1950), as amended.

WHEREFORE, on the basis of the foregoing, the Plaintiffs, Structured Asset Funding, LLC, d/b/a 123 Lump Sum, a/k/a Lump Sum, LLC, and iSettlements, LLC, d/b/a 123 Lumpsum, and Third-Party Interpleader Defendants Flamingo Investment Trust and Madison Avery Settlement Funding, LLC, respectfully hereby move for a continuance of all hearings presently scheduled to be heard before this Court on Monday, December 17, 2018, until such later date as may be mutually convenient to the Court and to counsel for all parties.

STRUCTURED ASSET FUNDING, LLC,
d/b/a 123 LUMP SUM a/k/a 123 LUMP SUM,
LLC, and iSETTLEMENTS LLC, d/b/a 123
LUMPSUM, Plaintiffs.

and

FLAMINGO INVESTMENT TRUST, and
MADISON AVERY SETTLEMENT FUND,
LLC, Third-Party Interpleader Defendants/
Third-Party Crossclaim Plaintiffs/Third-Party
Counterclaim Plaintiffs.

By: 
Counsel

Stephen E. Heretick, Esq.
715 Loudoun Avenue
Portsmouth, Virginia 23707
(757) 397-9923
(757) 307-9925 (Fax)
Steve@Hereticklaw.com

*Counsel for the Plaintiffs, Structured Asset Funding, LLC, and
iSettlements, LLC, and the Third-Party Defendants, Cross-Claim
Plaintiffs, and Counter-Claim Plaintiffs, Flamingo Investment Trust
and Madison Avery Settlement Fund*

CERTIFICATE OF SERVICE

I certify that on this 7th day of December, 2018, I caused to be hand-delivered and filed a true and correct copy of the foregoing Motion for Continuance to the Clerk of the Portsmouth Circuit Court, and I certify that I e-mailed and mailed this Motion for Continuance by first-class mail postage prepaid, to the following:

Jeremiah A. Denton, III, Esquire
Jeremiah A. Denton, III, P.C.
447 Viking Drive, Suite 100
Virginia Beach, Virginia
23452
Counsel for the Defendant, Terrence Taylor

Edward Stone, Esquire
Edward Stone Law P.C.
175 West Putnam Avenue, 2nd Floor
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06830
Counsel for the Defendant, Terrence Taylor

George O.Y. Naylor, Esquire
Carter & Shands, P.C.
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*Counsel for the Third-Party Defendants,
New York Life Insurance Company
and
New York Life and Annuity Corporation*

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19103-6996

*Counsel for the Third-Party Defendants,
New York Life Insurance Company
and
New York Life and Annuity Corporation*

Louis N. Joynes, II, Esquire
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Suite 201
Virginia Beach, Virginia
23452

Counsel for GENEX Capital Corporation

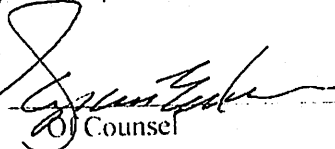
By: 
Of Counsel

EXHIBIT G

Carolyn Moe

From: Stephen Heretick <steve@hereticklaw.com>
Sent: Wednesday, December 18, 2019 3:04 PM
To: Jerry Denton; David Lavenburg; Donna Hall; Douglas Evans; Eddie Stone; Kerrigan C.K. O'Malley; Mike Joynes; Stephen Harris
Cc: Carolyn Wade
Subject: RE: Taylor dates; FW: TAYLOR: Judge Maxwell's April 2020 available dates

Jerry—

I will not know my availability until early in January.

Steve

Stephen E. Heretick, Esq.
STEPHEN HERETICK, P.C.
715 Loudoun Avenue
Portsmouth, Virginia 23707
(757) 397-9923
(757) 397-9925 (fax)
Steve@Hereticklaw.com

From: Jerry Denton <JERRY@jeremiahdenton.com>
Sent: Saturday, December 14, 2019 9:23 AM
To: David Lavenburg <dlavenburg@kmelaw.com>; Donna Hall <dhall@goodmanallen.com>; Douglas Evans <devans@kmelaw.com>; Eddie Stone <eddie@edwardstonelaw.com>; Kerrigan C.K. O'Malley <komalley@carterandshands.com>; Mike Joynes <mike@joyneslaw.com>; Stephen Harris <sharris@cozen.com>; Stephen Heretick <steve@hereticklaw.com>
Cc: Carolyn Wade <carolyn@jeremiahdenton.com>
Subject: Taylor dates; FW: TAYLOR: Judge Maxwell's April 2020 available dates

Counsel, I have heard back from the court as follows:

“Nicole from the Portsmouth Circuit Court called back and said none of the April dates you gave her were good for Judge Maxwell.

Judge Maxwell has April 6-10, 23, and 24 available at 10:00 a.m.

Nicole is waiting to for the judge to send her May dates.”

Please update me as to who is unavailable on which of the above dates. If there is a common date, I will fwd to court. Otherwise, I will fwd Judge’s May dates upon receipt.

Jerry

EXHIBIT H

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH

STRUCTURED ASSET FUNDING, LLC,
d/b/a 123 LUMP SUM a/k/a 123 LUMP SUM, LLC,

and

iSETTLEMENTS LLC, d/b/a 123 LUMPSUM

Plaintiffs,

v.

Case No.: CL15-3022

TERRENCE E. TAYLOR,

Defendant

v.

NEW YORK LIFE INSURANCE COMPANY,

and

NEW YORK LIFE INSURANCE AND ANNUITY
CORPORATION,

Third-Party Defendants/
Third-Party Interpleader Plaintiffs,

v.

FLAMINGO INVESTMENT TRUST,

MADISON AVERY SETTLEMENT FUND, LLC,

and

INCOME STREAM FUNDING PARTNERS, LLC.,

Third-Party Interpleader Defendants/
Third-Party Crossclaim Plaintiffs/
Third-Party Counterclaim Plaintiffs.

2020 OCT -8 PM 1:12

MOTION FOR CONTINUANCE

COMES NOW the Plaintiffs, Structured Asset Funding, LLC, d/b/a 123 Lump Sum, a/k/a Lump Sum, LLC, and iSettlements, LLC, d/b/a 123 Lumpsum, and Third-Party Interpleader Defendants Flamingo Investment Trust and Madison Avery Settlement Funding, LLC, who respectfully move for a continuance in the hearings presently scheduled to be heard before this Court on Monday, October 19, 2020.

In support hereof, the Plaintiffs and Third-Party Interpleader Defendants state as follows:

1. That undersigned counsel represents the Plaintiffs, Structured Asset Funding, LLC, d/b/a 123 Lump Sum, a/k/a Lump Sum, LLC, and iSettlements, LLC, d/b/a 123 Lumpsum, and Third-Party Defendants Flamingo Investment Trust and Madison Avery Settlement Funding, LLC;
2. That a significant number of motions in connection with this matter have been set for hearing before this Court on Monday, October 19, 2020;
3. That undersigned counsel serves as a member of the Virginia House of Delegates in the General Assembly of Virginia, representing the cities of Norfolk, Portsmouth, and Chesapeake;
4. That on August 18, 2020, pursuant to a call of the Governor of Virginia, the Virginia General Assembly convened in Special Session to take up certain emergency matters concerning the ongoing COVID-19 pandemic and other related legislative matters;
5. That since August 18, 2020, the General Assembly has been meeting in this continuing emergency Special Session, for which has no adjournment date has yet been established;

6. That it is expected that the emergency Special Session will extend to or beyond October 19, 2020, the date established by the Court for hearings in the above-captioned matter;
7. That undersigned counsel has also been appointed by the Speaker of the House to serve on the Virginia Commission on Energy, which has been recently scheduled to convene on October 20, 2020;
8. That undersigned counsel has also been appointed by the Speaker of the House to serve on a number of other state commissions and legislative committees, the schedules for which have been delayed and are subject to being reset pending adjournment of the emergency Special Session;
9. That on October 6, 2020, and once again on October 8, 2020, undersigned counsel duly notified all other counsel in this matter of the anticipated scheduling conflicts created by his required attendance of the emergency Special Session of the Virginia General Assembly and the Virginia Commission on Energy, together with other potential unforeseen scheduling conflicts arising from the Special Session;
10. That undersigned counsel is mindful that the Court and counsel must engage in substantial preparation for this matter, that the Court must travel to attend to these proceedings, and that multiple parties and their counsel in this cause must also engage in international¹ and interstate travel to attend the scheduled hearings in this matter, and that substantial time and expense will be required for their collective preparation, travel, and attendance;

¹Counsel is also advised that the principal of Third-Party Defendant Genex Capital Corporation, a Canadian-based entity, cannot currently enter the United States given international travel restrictions.

11. That counsel respectfully wishes to avoid any undue disruption to the Court and to counsel in this matter created by the many unforeseen and unanticipated scheduling conflicts arising from the emergency Special Session of the Virginia General Assembly, which are beyond counsel's control;
12. That by virtue of the frequent and unforeseen demands of the emergency Special Session, undersigned counsel has also faced significant and unanticipated disruptions in his own ability to respond to various pleadings filed in this cause by other parties, or to prepare for the multiplicity of motions which have been and are continuing to be noticed for hearing before the Court on October 19, 2020;
13. That undersigned counsel respectfully moves for a continuance of all matters currently scheduled to be heard in this cause on October 19, 2020, until such later date as may be mutually convenient to the Court and to counsel. *See*, Section 30-5 of the Code of Virginia (1950), as amended.

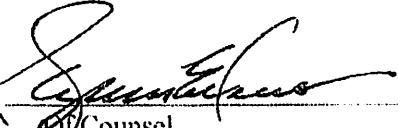
WHEREFORE, on the basis of the foregoing, the Plaintiffs, Structured Asset Funding, LLC, d/b/a 123 Lump Sum, a/k/a Lump Sum, LLC, and iSettlements, LLC, d/b/a 123 Lumpsum, and Third-Party Interpleader Defendants Flamingo Investment Trust and Madison Avery Settlement Funding, LLC, respectfully hereby move for a continuance of all hearings presently scheduled to be heard before this Court on Monday, October 19, 2020, until such later date as may be mutually convenient to the Court and to counsel for all parties.

Respectfully submitted:

STRUCTURED ASSET FUNDING, LLC,
d/b/a 123 LUMP SUM a/k/a 123 LUMP SUM,
LLC, and iSETTLEMENTS LLC, d/b/a 123
LUMPSUM, Plaintiffs,

and

FLAMINGO INVESTMENT TRUST, and
MADISON AVERY SETTLEMENT FUND,
LLC, Third-Party Interpleader Defendants/
Third-Party Crossclaim Plaintiffs/Third-Party
Counterclaim Plaintiffs.

By: 
Counsel

Stephen E. Heretick, Esq.
715 Loudoun Avenue
Portsmouth, Virginia 23707
(757) 397-9923
(757) 307-9925 (Fax)
Steve@Hereticklaw.com

*Counsel for the Plaintiffs, Structured Asset Funding, LLC, and
iSettlements, LLC, and the Third-Party Defendants, Cross-Claim
Plaintiffs, and Counter-Claim Plaintiffs, Flamingo Investment Trust
and Madison Avery Settlement Fund*

CERTIFICATE OF SERVICE

I certify that on this 8th day of October, 2020, I caused to be hand-delivered and filed a true and correct copy of the foregoing Motion for Continuance to the Clerk of the Portsmouth Circuit Court, and I certify that I e-mailed and mailed this Motion for Continuance by first-class mail postage prepaid, to the following:

Jeremiah A. Denton, III, Esquire
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Counsel for the Defendant, Terrence Taylor

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Counsel for the Defendant, Terrence Taylor

Kerrigan C.K.O'Malley, Esquire
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New York Life Insurance Company
and
New York Life and Annuity Corporation*

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*Counsel for the Third-Party Defendants,
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and
New York Life and Annuity Corporation*

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502 Viking Drive
Suite 201
Virginia Beach, Virginia
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Mike@Joyneslaw.com

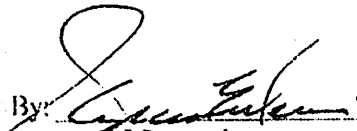
Counsel for Third-Party Defendant GENEX Capital Corporation

Donna Joyce Hall, Esquire
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dhall@goodmanallen.com

Counsel for Third-Party Defendant Income Stream Funding Partners, LLC

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Douglas M. Evans, Esquire
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dlavenburg@kmelaw.com
devans@kmelaw.com

Counsel for Third-Party Defendant Income Stream Fundings Partners, LLC

By: 
Of Counsel

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH

STRUCTURED ASSET FUNDING, LLC, et al.,

Plaintiffs,

v.

CASE NO. CL15-3022

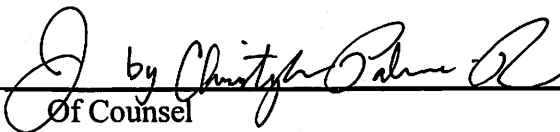
TERRENCE E. TAYLOR, et al.,

**Defendant
Third-Party Plaintiff,
Cross-Claim Defendant.**

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the 17th day of December, 2021, at 10:00 a.m.,
Terrence E. Taylor, Defendant, Third-Party Plaintiff, Counterclaim Defendant, and Cross-Claim
Defendant, by counsel, will bring on for hearing his Motion to Disqualify Attorney William M.
Stanley, Jr.

TERRENCE E. TAYLOR

By: 
Of Counsel

Jeremiah A. Denton III, Esq., VSB #19191
Jeremiah A. Denton IV, Esq., VSB #83818
Christopher W. Palermo-Re, Esq., VSB # 96255
DENTON & DENTON
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Edward Stone, Esq.
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Pro Hac Vice
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Robert T. Hall, Esq.
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Tel: 703/925-9500
Fax: 703/925-9611
rthall@hallanssethi.com

Counsel for Defendant Terrence E. Taylor

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2021 a true copy of the foregoing document was mailed and faxed to:

William M. Stanley, Jr, Esq. (VSB #37209)
Autumn D. Johnson, Esq. (VSB #95833)
THE STANLEY LAW GROUP
13508 Booker T. Washington Highway
Moneta, VA 24121
540/721-6028 (Tel.)
540/721-6405 (Fax)
bstanley@vastanleylawgroup.com

Counsel for Plaintiffs

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Joynes & Gaidies
502 Viking Drive, Suite 201
Virginia Beach, VA. 23452
Tel: 757/486-3000
Fax: 757/4886-4732

Counsel for Genex Capital Corporation

I hereby certify that on the 14th day of December, 2021 a true copy of the foregoing document was emailed to:

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Richmond, VA 23235
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Stephen Harris, Esq.
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*Counsel for Third-Party Defendants
New York life Insurance Company and
New York Life Insurance and Annuity Corporation*

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*Counsel for Third Party Defendants
Income Stream Funding Partners, LLC,
and Allen Grosnick*

I hereby certify a true copy of the foregoing document is being served on:

Incorp Services, Inc.
Registered Agent for Madison Avery Settlement Fund, LLC
919 North Market Street, Suite 950
Wilmington, DE 19801

Well Fargo Delaware Trust Company, N.A.
Registered Agent for Flamingo Investment Trust
919 North Market Street, Suite 1600
Wilmington, DE 19801

Third-party Interpleader Defendants

A courtesy copy was emailed to:

Stephen E. Heretick, Esq.
STEPHEN E. HERETICK, P.C.
715 Loudoun Avenue
Portsmouth, Virginia 23707
Tel: 757/397-9923
Fax: 757/397-9925
steve@hereticklaw.com

*Former Counsel for Flamingo Investment Trust and
Madison Avery Settlement Fund*


Jeremiah A. Denton III