

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

COMMODITY FUTURES TRADING)
COMMISSION,)

Plaintiff,)

v.)

WALL STREET UNDERGROUND,)
INC., et al.,)

Defendants.)

CIVIL ACTION
No. 03-2193-CM

**VERIFIED MOTION FOR ORDER SETTING BAR DATE FOR FILING PROOFS OF
CLAIMS AGAINST WALL STREET UNDERGROUND, INC. AND APPROVAL OF
NOTICE OF BAR DATE AND MANNER OF SERVICE AND MEMORANDUM IN
SUPPORT**

COMES NOW Robb Evans and Associates LLC as Receiver for Wall Street
Underground, Inc. (the "Receiver"), by and through its attorney and moves this Court for an
Order setting a bar date for filing proofs of claims and approval of notice of bar date and manner
of service and states as follows:

A. Factual Background.

1. On April 22, 2003 (the "Commencement Date"), the Commodity Futures Trading
Commission ("CFTC"), filed this action against, among others, Wall Street Underground, Inc.
("WSU")¹ alleging that WSU violated the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., and
the regulations promulgated thereunder, 17 C.F.R. §§ 1 et seq. The CFTC alleged that from
1999 to the Commencement Date (the "Relevant Time Period") WSU, *inter alia*, fraudulently
promoted, and sold to the public, several systems to be used for trading commodity futures and

¹ This action was also filed against Web Fulfillment Centre, Inc., Derek Abrahams, Frank Asaro
and Nicholas A. Guarino, Jr. This Motion only addresses WSU and pleadings and orders
pertaining to WSU.

commodity options; fraudulently overstated the profit potential of the trading systems; and failed to adequately warn of the risks inherent to commodity trading.

2. During the Relevant Time Period, hundreds of investors (the "Investors") purchased the Trading Systems recommended by WSU.²

3. On April 23, 2003, this Court entered a Statutory Restraining Order pursuant to 7 U.S.C. § 13a-1(a) (the "SRO") against WSU, wherein the Court enjoined WSU from "[d]issipating, withdrawing, transferring, removing, concealing or disposing of, in any manner, any funds, assets or other property of, or within the custody, control or possession of the defendants, including property of investors, wherever located (including any funds held in Euro Bank, Cayman Islands)"

4. On July 18, 2003, this Court issued a preliminary injunction (the "Injunction") against WSU finding that WSU promoted and sold to the public several systems to be used for trading commodity futures and commodity options, overstated the profit potential of its trading systems, failed to warn of the risks inherent in trading commodity futures and commodity options, made false money-back guarantees, and denied customers rebates they were entitled to.

5. The Injunction enjoined WSU from "[w]ithdrawing, transferring, removing, dissipating, concealing or disposing of, in any manner, any funds, or other property, wherever situated . . . in the name of the defendants."³

² WSU and the other defendants in this action offered clients and prospective clients advice as to the value or advisability of trading in commodity futures and commodity options under a variety of systems under various names (the "Trading Systems").

³ On July 11, 2006, the Court entered default judgment and a permanent injunction against WSU (the "Permanent Injunction"), which permanently enjoined WSU from, *inter alia*, employing any device or scheme to defraud any clients or potential clients, or engaging in or directing the trading of any commodity futures and options accounts.

6. On March 18, 2004, the Court appointed Robb Evans and Associates LLC as Receiver for WSU⁴ and declared that Receiver "was authorized, empowered, and directed to take immediate possession of all of [WSU's] assets and all other property of every kind whatsoever and wherever located belonging to or in the possession of WSU, including but not limited to all offices maintained by them, rights of action, books, papers, data processing records, evidences of debt, bank accounts, saving accounts, certificates of deposit, stocks, bonds, debentures and other securities, mortgages, furniture, fixtures, office supplies and equipment, and all real property of WSU wherever situated, and to administer such assets as is required in order to comply with the directions contained in the Order, and to hold all other assets pending further order of the court."

7. As described in the Report of Receiver's Activities [Docket No. 256], the Receiver determined that WSU maintained an account at Euro Bank Corporation ("Euro Bank") in the Cayman Islands and the Receiver sought to safeguard those assets during the liquidation of Euro Bank Corporation.⁵

8. The Receiver collected \$1,200,707.37 from the Liquidators of Euro Bank (the "WSU Funds").

9. On September 12, 2006, the Receiver mailed notice to 495 Investors with complete addresses, provided by the CFTC,⁶ a letter regarding the future distribution of the WSU

⁴ The March 18, 2004 Order vacated the Courts Orders dated March 17, 2004 [Docket No. 134 and 135], and appointed the Receiver as to WSU solely and not as to WSU and Nicholas Guarino.

⁵ Euro Bank was closed on May 11, 1999, by order of the Governor-in-Council upon the recommendation of the Cayman Monetary Authority. On June 16, 1999, Euro Bank was placed into voluntary liquidation. Mr. Ian Wright and Mr. Michael Pilling of Deloitte and Touche (the "Liquidators") were appointed as the Liquidators.

⁶ Shortly after opening its investigation in 2001, the CFTC issued a blanket survey to all registered futures commission merchants (FCMs) requesting notification of all customers

Funds to those Investors who paid money to WSU, but did not receive a complete refund from WSU. The Receiver requested that the Investors substantiate their claim for a distribution of the WSU Funds, by providing the Receiver with written proof of payment to WSU in the form of a check (copy of front and back), wire transfer, or credit card charge within thirty days of the date of the letter (the "First Notice"). A copy of the form of the First Notice is attached hereto as Exhibit A.

10. Many Investors failed to respond to the First Notice. Moreover, many of the First Notices with incorrect addresses were not returned to the Receiver. Based on the limited returned mail, the Receiver's staff searched for current addresses for the non-responding Investors.

11. On October 27, 2006, the Receiver mailed a second notice to 216 Investors who failed to respond to the First Notice (the "Second Notice"). A copy of the form of the Second Notice is attached hereto as Exhibit B.

12. On November 14, 2006, the Receiver mailed 244 notices to (a) Investors with incorrect addresses and (b) Investors who failed to respond to the First and Second Notices (the "Third Notice"). A copy of the form of the Third Notice is attached hereto as Exhibit C.

opening commodity futures and/or options accounts in response to referrals of Nick Guarino, the Wall Street Underground or one of Nick Guarino's other trade recommendation entities. The CFTC received positive responses from three FCMs and obtained names, addresses and contact information of those customers throughout the investigation. Also, the CFTC entered into cooperative enforcement agreements with the Kansas Attorney General and the Missouri Johnson County States Attorney and ultimately received their customer complaints. Customer complaints were also received from the U.S. Postal Service, Securities and Exchange Commission, National Futures Association, Minnesota Department of Commerce, Kansas City Missouri Better Business Bureau, Illinois Attorney General, Wisconsin Department of Agriculture, and web based complaint stations such as www.thecomplaintstation.com, www.ripoffreport.com, and www.metacrawler.com. Additionally, after the CFTC issued its press release concerning its complaint filed in U.S. District Court, numerous customers directly filed complaints with the CFTC.

13. In the Third Notice, the Receiver also requested that Investors notify the Receiver if they received a full refund of monies invested in WSU from WSU. (Collectively, the First Notice, Second Notice and Third Notice are hereinafter referred to as the "Notices").

14. Subsequent to November 14, 2006, the Receiver sent the Third Notice to four additional potential investors, based on a review of correspondence obtained from the CFTC (the "CFTC Correspondence").

15. The Receiver's staff received approximately 100 returned mail notices between September 12, 2006 to present (the "Returned Mail Investors"). The Receiver searched for current addresses for the Returned Mail Investors. Where current addresses could be found, the Receiver sent the Returned Mail Investors one of the Notices.

16. To date, 222 Investors responded with proof of payments, totaling \$1,039,963.20 (the "Responding Investors"). A summary of the Responding Investors is attached hereto as Exhibit D.⁷

17. Two hundred forty-one (241) Investors did not respond to the Notices, of which thirty-five (35) had incorrect addresses. Thirty-six (36) Investors notified the Receiver that they either received a full refund from WSU or that they were duplicates.

18. The Receiver has identified other potential non-Investor creditors of WSU that may have a claim against the WSU Funds. The non-Investor creditors are set forth on Exhibit E attached hereto.

19. The Receiver has identified potential taxing entities (the "Taxing Entities") that may have a claim against WSU. The Taxing Entities are set forth on Exhibit F.

⁷ Exhibit E has been redacted to remove identifying information of the Investors.

20. The Receiver has identified non-WSU creditors (the "Non-WSU Creditors") who may claim an interest in the WSU Funds. The Non-WSU Creditors are set forth on Exhibit G.⁸

21. Both counsel for the CFTC and counsel for the U.S. Attorney's Office have reviewed this Motion and have consented to its procedures.

B. Relief Requested.

22. To complete the receivership and make distributions of the WSU Funds, the Receiver requires, among other things, complete and accurate information regarding the nature, validity and amount of all claims⁹ that will be asserted against the WSU Funds. This information is critical to assist the Receiver in determining how to distribute the WSU Funds. Consequently, to avoid any delay in making distributions of the WSU Funds, the Receiver requests that the Court enter an order (a) to establish the bar date by which all entities must file a proof of claim to any portion of the WSU Funds; and (b) approving the form and manner of the notice of bar date.

23. The Receiver proposes that the date on which it will actually serve the notice of the bar date and proof of claim form (the "Service Date") is no later than ten (10) days after an order is entered approving this Motion. The Receiver requests that the Court establish the bar date as the day thirty days from the Service Date ("Bar Date"). This will provide no fewer than thirty (30) days after the Service Date for creditors to file proofs of claims in the WSU Funds.

24. The Bar Date shall apply to any and all claims against WSU that arose prior to the Commencement Date and shall serve to permanently enjoin any creditor or Investor from

⁸ The Receiver does not believe the Non-WSU Creditors are entitled to any disbursement of the WSU Funds, but has identified them as potential claimants out of an abundance of caution.

⁹ "Claim" has the same meaning as set forth in 11 U.S.C. §101(5) of the Bankruptcy Code, and includes Investor claims.

asserting a claim to the WSU Funds after the Bar Date. Any creditor or Investor with a claim against WSU that fails to file a proof of claim on or before the Bar Date will be forever barred from receiving any distribution of the WSU Funds.

25. The Receiver proposes to serve on all known entities holding potential claims against WSU (except the Responding Investors): (a) a notice of Bar Date substantially in the form attached hereto as Exhibit H (the "Notice of Bar Date"); and (b) proof of claim form substantially in the form attached hereto as Exhibit I.

26. In light of the nature of the business of WSU and the geographic diversity of potential Investors and creditors, there is a risk that potential claimants and Investors exist of which the Receiver is unaware. Such unknown claims may include, for example: (a) claims of unknown Investors; (b) trade vendors that failed to submit invoices to WSU; (c) or other claims that, for various reasons, are not recorded in WSU's books and records. Accordingly, the Receiver believes that it is necessary to provide Notice of Bar Date to entities whose names and addresses are unknown to the Receiver.

27. Therefore, the Receiver requests authority to publish notice of the Bar Date substantially in the form attached hereto as Exhibit J (the "Publication Notice"), in the Daily Record serving Jackson County, Missouri; the Wyandotte Echo, serving Kansas City, Kansas; the Olathe Daily News, serving Johnson County, Kansas; The Kansas City Star, serving metropolitan Kansas City, and the national edition of the Wall Street Journal at least once, no less than twenty-five (25) days prior to the Bar Date. The Receiver also requests authority, in its sole discretion, to publish the Publication Notice in other newspapers, trade journals or similar publications.

28. The Receiver also proposes to place a copy of the Notice of Bar Date on its website at www.robbevans.com. The Receiver also requests authority, in its sole discretion, to publish the Notice of Bar Date on other Internet websites that may be viewed by potential creditors or Investors.

29. The Receiver believes that the manner of serving notice as proposed in this Motion is sufficient to protect the due process of potential creditors and Investors and requests this Court enter an order finding the same.

WHEREFORE, the Receiver moves for this Court for an order setting a bar date for filing proofs of claims and approval of notice of bar date and manner of service as set forth herein and for any such other relief this Court deems just and equitable..

Respectfully submitted,

STINSON MORRISON HECKER LLP

s/ Douglas Y. Curran

Douglas Y. Curran, D. Kan. # 70435

Greta A. McMorris Kan. #19596

1201 Walnut, Suite 2900

Kansas City, MO 64106

(816) 691-3113

Fax: (816) 691-3495

dcurran@stinsonmoheck.com

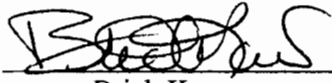
ATTORNEYS FOR RECEIVER ROBB EVANS
AND ASSOCIATES, LLC

VERIFICATION

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

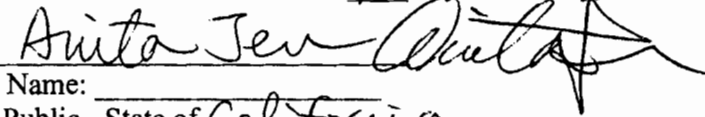
Brick Kane, of lawful age, being first duly sworn, deposes and states:

That he is authorized to make this verification on behalf of Robb Evans & Associates, LLC, that he has read the above and foregoing Petition, knows and understands the contents thereof and that the statements and allegations therein contained are true and correct to the best of his knowledge, understanding, and belief.



Brick Kane
Title: Deputy to the Receiver

SUBSCRIBED AND SWORN to before me this 18 day of January, 2007.



Printed Name: _____
Notary Public - State of California
Commissioned in Los Angeles County

My commission expires:
5/9/2010



CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of January 2007, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following:

Ava M. Gould
agould@cftc.gov

Christopher Allman
Chriss.Allman@usdoj.gov

Rocell J. Cyrus
rcyrus@cftc.gov

Rosemary Hollinger
rhollinger@cftc.gov

I hereby certify that on this date the foregoing document and the notice of electronic filing were served via U.S. mail today upon the following non-CM/ECF participants:

Frank Asaro
06641-045
FCI - Pekin
P.O. Box 5000
Pekin, IL 61555-5000

Nicholas A. Guarino, Jr.
1828 University Place
Sarasota, FL 34235

In addition this Verified Motion was sent via U.S. mail on this 19th day of January 2007, to the entities listed on Addendum 1, attached hereto.

s/ Douglas Y. Curran
Douglas Y. Curran
Attorney for Receiver Robb Evans and Associates,
LLC

Addendum 1

AT&T Boutique
Acct. 22753879
c/o NCO Financial Systems, Inc.
1804 Washington Blvd., Dept. 750
Baltimore, MD 21230

Possible Landlord for Wall Street Underground
9003 W. 51st St.
Shawnee, KS 66203-2105

Possible Landlord for Wall Street Underground
550 Lakeshore West St.
Lake Quivera, KS 66217

Kansas City Power & Light
P.O. Box 418679
Kansas City, MO 64141-9679

Kansas Gas Service
7421 W. 129th Street
Overland Park, KS 66213

Johnson County Wastewater
11811 S. Sunset Drive, Suite 2500
Olathe, KS 66061

Water One (Water District No. 1)
10747 Renner Blvd.
Lenexa, KS 66219

Deffenbaugh Industries
18181 W. 53rd St.
Shawnee, KS 66217-9742

A1 Disposal
P.O. Box 901478
Kansas City, MO 64190

Southwestern Bell
P.O. Box 930170
Dallas, TX 75393-0170

Everest Communications
9647 Lackman Road
Lenexa, KS 66219

Johnson County, Kansas
Charles Letcher, Interim Court Treasurer
111 S. Cherry, Ste. 1500
Olathe, KS 66061-3471

The City of Merriam, Kansas
Mayor Carl Wilkes
9416 W. 49th Terrace
Merriam, KS 66203

Kansas Department of Revenue
Docking State Office Building
Room 150
915 SW Harrison St.
Topeka, KS 66612

The Internal Revenue Service
5799 Broadmoor
Mission, KS 66202

Anderson Kill & Olick, P.C.
1252 Avenue of Americas
New York, NY 10020

Armstrong Teasdale LLP
2345 Grand Boulevard
Suite 2000
Kansas City, MO 64108-2617

Berkowitz Oliver Williams Shaw & Eisenbrandt LLP
2600 Grand, Ste. 1200
Kansas City, MO 64108

Berkowitz Stanton Brandt Williams Shaw LLP
n/k/a Berkowitz Oliver Williams Shaw & Eisenbrandt LLP
Two Emmanuel Cleaver II Boulevard
Suite 500
Kansas City, MO 64112

Global Crossing/Frontier
Acct. No. 0000000000204097916
c/o NCO Financial Systems, Inc.
804 Washington Blvd., Dept. 750
Baltimore, MD 21230

SBC
c/o Money Control, Inc.
7891 Mission Grove Parkway South
Riverside, CA 95208

List of Exhibits

Exhibit A	First Notice
Exhibit B	Second Notice
Exhibit C	Third Notice
Exhibit D	Summary of Responding Investors
Exhibit E	Non-Investor Creditors
Exhibit F	Taxing Entities
Exhibit G	Non-WSU Creditors
Exhibit H	Notice of Bar Date
Exhibit I	Proof of Claim Form
Exhibit J	Publication Notice

Exhibit A

Robb Evans
Robb Evans & Associates LLC
Receiver of
Wall Street Underground, Inc. et al.

11450 Sheldon St.
Sun Valley, California 91352
Telephone No.: (818) 768-8100
Facsimile No.: (818) 768-8802

September 12, 2006

«First_Name» «Last_Name»
«Company_Name»
«Address1»
«Address2»
«City», «State» «Zip_Code» «Country»

The Commodity Futures Trading Commission (CFTC) has obtained final judgments against Wall Street Underground, Inc. (WSU) and the individual defendants.

The Receiver is preparing to distribute funds to those consumers who paid money to but did not receive a complete refund from WSU.

Based on information the CFTC provided to the Receiver, you may have paid \$«Approximate_Amount_Owed» to WSU. To substantiate your a claim for funds, you must provide the Receiver written proof of your payment to WSU in the form of a check (copy of front and back), wire transfer, or credit card charge within 30 days of the date of this letter.

When the Receiver determines all final claims against WSU, a motion will be filed with the U.S. District Court seeking approval to make a distribution to approved claimants.

Very truly yours,

Robb Evans & Associates LLC
Receiver

Exhibit B

Robb Evans
Robb Evans & Associates LLC
Receiver of
Wall Street Underground, Inc. et al.
11450 Sheldon St.
Sun Valley, California 91352
Telephone No.: (818) 768-8100
Facsimile No.: (818) 768-8802

October 27, 2006

«First_Name» «Last_Name»
«Company_Name»
«Address1»
«Address2»
«City», «State» «Zip_Code» «Country»

RE: 2nd NOTICE TO POTENTIAL WALL STREET UNDERGROUND CLAIMANTS

The Commodity Futures Trading Commission (CFTC) has obtained final judgments against Wall Street Underground, Inc. (WSU) and the individual defendants.

The Receiver is preparing to distribute funds to those consumers who paid money to but did not receive a complete refund from WSU.

Based on information the CFTC provided to the Receiver, you may have paid \$«Approximate_Amount_Owed» to WSU. The Receiver sent you a notice on September 12, 2006 and has not received any response from you. **To substantiate your a claim for funds, you must provide the Receiver written proof of your payment to WSU in the form of a check (copy of front and back), wire transfer, or credit card charge within 10 days of the date of this letter.**

When the Receiver determines all final claims against WSU, a motion will be filed with the U.S. District Court seeking approval to make a distribution to approved claimants.

Very truly yours,

Robb Evans & Associates LLC
Receiver

Exhibit C

**Robb Evans
Robb Evans & Associates LLC
Receiver of
Wall Street Underground, Inc. et al.**

11450 Sheldon St.
Sun Valley, California 91352
Telephone No.: (818) 768-8100
Facsimile No.: (818) 768-8802

November 14, 2006

«First_Name» «Last_Name»
«Company_Name»
«Address1»
«Address2»
«City», «State» «Zip_Code» «Country»

**RE: 3rd NOTICE TO POTENTIAL WALL STREET UNDERGROUND
CLAIMANTS**

The Commodity Futures Trading Commission (CFTC) has obtained final judgments against Wall Street Underground, Inc. (WSU) and the individual defendants.

The Receiver is preparing to distribute funds to those consumers who paid money to but did not receive a complete refund from WSU.

Based on information the CFTC provided to the Receiver, you may have paid \$«Approximate_Amount_Owed» to WSU. The Receiver sent you a notice on September 12, 2006 and on October 27, 2006 and has not received any response from you. **To substantiate your a claim for funds, you must provide the Receiver written proof of your payment to WSU in the form of a check (copy of front and back), wire transfer, or credit card charge within 10 days of the date of this letter.** If you have been paid in full by WSU, please contact us.

When the Receiver determines all final claims against WSU, a motion will be filed with the U.S. District Court seeking approval to make a distribution to approved claimants.

Very truly yours,

Robb Evans & Associates LLC
Receiver

Exhibit D

WSU Claim Summary as of 010307.xls
Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Abraham	San Francisco	CA	94108		5,000.00
Anderson	Chamhassen	MN	55317		97.00
Anderson	Tacoma	WA	98444		198.00
Bailey	Superior	WI	54880		4,000.00
Baird	Longwood	FL	32750		5,000.00
Bayer	Fort Meade	FL	33841		5,000.00
Becker	Milwaukee	WI	53221		5,000.00
Becker	Navaree	OH	44662-8808		5,000.00
Bernard	Birmingham	AL	35242		5,000.00
Birchfield	Elgin	IL	60123-1907		5,000.00
Black	San Marcos	CA	92069		5,000.00
Blumen	Grass Valley	CA	95949-9163		99.00
Boyer	Allentown	PA	18103		5,000.00
Brink	Elderburg	MD	21784-6547		5,000.00
Brown	Woodbine	MD	21797		5,000.00
Buhrow	Riverview	FL	33569-5950		5,000.00
Bullion	The Villages	FL	32162		5,000.00
Burkhart	Freedom	OK	73842		5,000.00
Byrne	Bourbonnais	IL	60914-1500		5,750.00
Carlson	Winthrop	WA	98862		5,000.00
Cass	Nahant	MA	01908		5,000.00
Celesnik	Boyd	WI	54726		5,000.00
Chahall	Union City	CA	94587		175.00
Cooper	Lawrenceville	GA	30043		5,000.00
Cotton	Garden City	KS	67846		5,000.00
Craigien	Yakima	WA	98908		5,000.00
Crawford	Glenwood	MD	21738-9635		5,000.00

WSU Claim Summary as of 010307.xls
Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Cuison	Escondido	CA	92025-7807		5,000.00
Czajkowski	Bronson	MI	49028		5,000.00
Dalton	Cary	NC	27513		5,000.00
Darkowski	Parker	PA	16049		6,075.00
Deal	Kannapolis	NC	28083		5,000.00
Dehlinger	Downers Grove	IL	60516		5,000.00
Delgado	Walnut	CA	91789		5,000.00
Dickey	Napa	CA	94558		5,000.00
Duffy	Littleton	CO	80123		5,000.00
Duncan	Cedar Hills	UT	84062		5,000.00
Eilenfield	Hampton	VA	23666		5,000.00
Emmel	Jnesville	WI	53548-8567		5,000.00
Endress	Buda	IL	61314		5,000.00
Evans	Canton	MA	02021		5,000.00
Fleming	Friendswood	TX	77546		5,000.00
Flowers	Semmes	AL	36575		5,000.00
Follmar	Los Banos	CA	93635		1,589.20
Fox	Mentor	OH	44060-6642		175.00
Garrett	Apple Valley	CA	92308		99.00
Gebhardt	Ledgewood	NJ	07852-2131		5,000.00
Goo	Laie	HI	96762		5,000.00
Goslar	Anderson	AK	99744-3016		5,000.00
Griffin II	Morton Grove	IL	60053-5004		5,000.00
Griffith	St George	UT	84790		5,000.00
Gross	Phoenix	AZ	85028		5,000.00
Gully	Kansas City	MO	64134		5,099.00
Hahn	Glen Arm	MD	21057		2,995.00

WSU Claim Summary as of 010307.xls
Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Halter	Las Vegas	NV	89234		5,000.00
Ham	Tucson	AZ	85712		5,000.00
Handy	Franklin	MA	02038-1619		5,000.00
Harberson	Milton	FL	32570		5,000.00
Hardin	Pompano Beach	FL	33060		5,000.00
Harkless	Seattle	WA	98122		5,000.00
Harmon	Philadelphia	PA	19135		2,995.00
Harris	Victorville	CA	92392		5,000.00
Harrison	Wilderby	Hull	HU10 6ET	U.K.	5,000.00
Harstad	Redmond	WA	98052		5,000.00
Hart	Phoenix	AZ	85053		5,000.00
Hatfield	Newcastle	CA	95658		4,500.00
Hawks	Lansburg	VA	24351		5,000.00
Hayden	Indianapolis	IN	46256-1166		5,000.00
Hebert	Nacogdoches	TX	75965		2,995.00
Herrington	Columbia	MS	89429-9542		5,000.00
Hodges	Wilmington	NC	28405		5,000.00
Hosman	Hailey	ID	83333		5,000.00
Hotham	Phoenix	AZ	85022		2,995.00
Hughes	Holland Patent	NY	13354		5,000.00
Hurley	Danville	IL	61832		5,000.00
Inman	Tishomengo	OK	73460		5,000.00
Jarvis	Basyle	VA	22810		5,000.00
Johnson	Seabeck	WA	98380		5,000.00
Jones	Salisbury	NH	03268		5,000.00
Kading	Menlo	IA	50164-8536		5,000.00
Kadzielawa	Honolulu	HI	96825-1417		5,000.00

WSU Claim Summary as of 010307.xls
Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Kaliszczyk	Chapel Hill	NC	27517		5,000.00
Kart	Chicago	IL	60602		5,900.00
Kauffeld	Watertown	WI	53098		175.00
Kellerman	New York	NY	10003		5,000.00
Kern	Austin	TX	78748		5,000.00
Kidd	Almont	CO	81210		5,000.00
King	Atasadero	CA	93422		5,000.00
Knapp	Columbus	IN	47201		5,000.00
Korst	Prunedale	CA	93907		5,000.00
Kovacs	AVON LAKE	OH	44012		5,000.00
Kramis	Boise	ID	83707		5,000.00
Kwiatkowski	Chicago	IL	60630		5,000.00
Lagreze	Walpole	MA	02081		5,000.00
Laird	Groveport	OH	43125		5,000.00
Lahey	Loveland	OH	45140		5,125.00
Laner	Berkley	CA	94709-1313		5,000.00
Langstaff	Chicago	IL	60603		5,000.00
Letcher	Littleton	CO	80123-2284		5,000.00
Lewis	Troy	OH	45373		5,000.00
Lierman	Reno	NV	89506		5,000.00
Linton, Trustee	Aurora	OR	97002		5,000.00
Little	Excelsior	MN	55331		5,000.00
Locey	Walnut Creek	CA	94595-2820		5,000.00
Loewer	Weymouth	MA	02191		5,000.00

WSU Claim Summary as of 010307.xls
Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Lucero	Dana Point	CA	92629		5,000.00
Lusignan	Newberg	NY	12550		5,000.00
Macklin, SR	Lima	OH	45801		5,000.00
Maisenbacher	Lakeland	FL	33809		5,000.00
Marchiori	San Antonio	TX	78201		175.00
Masarky	Aurora	CO	80014		5,000.00
Matenkosky	Jeannette	PA	15644		5,000.00
Maus	Lebanon	KS	66952-0236		5,000.00
McCoy	New Middleton	OH	44442		5,000.00
McDonald	Bokeelia	FL	33922		5,000.00
McDowell	Beaverton	OR	97005-1861		5,000.00
McGough	Colorado Springs	CO	80923		5,000.00
McPartland	St. Charles	IL	60175		5,000.00
Meeks	Valley Center	CA	92082		5,000.00
Melnikova	Matawan	NJ	07747		5,000.00
Meyer	Columbia	KY	42728		5,000.00
Moses	Burbank	CA	91506		5,125.00
Mosley	Marietta	GA	30066		5,000.00
Mulkey	Banning	CA	92220		5,000.00
Nagpaul	Cleveland	OH	44124-3829		175.00
Nanini	Tucson	AZ	85741		5,000.00
Nebbia	Forked River	NJ	08731		5,000.00
Neimier	Pittsburg	PA	15136		5,000.00
Neuberger	Jefferson	LA	70121-1412		5,000.00
Newman	Nyssa	OR	97913		5,000.00
Nouhan, Jr.	West Branch	MI	48661		5,000.00
Okolwicz	Webster	NY	14580-8941		5,000.00

WSU Claim Summary as of 010307.xls
 Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Olmstead	Phoenix	AZ	85015-3846		5,000.00
O'Reilly	Houston	TX	77031		5,000.00
Pacini	Hazelwood	MO	63042		5,099.00
Pannell	Cochranville	PA	19330		5,000.00
Parent	Glastonbury	CT	06033		5,000.00
Park, MD	Knoxville	TN	37912		5,000.00
Parker	Pullman	WA	99162		5,000.00
Patterson	Hagerston	MD	21742		5,000.00
Paul	Sun Prairie	WI	53590		5,000.00
Paulson	Des Plaines	IL	60016		2,500.00
Perkins	Clearwater	FL	33763		5,000.00
Peterson	Seattle	WA	98105		10,000.00
Pfister	Clark	NJ	07066		5,000.00
Phillipoff	Bradenton	FL	34209		5,000.00
Pickering	Delta	BC	V4K 4V9	Canada	5,000.00
Pierce	Newbury park	CA	91320		5,000.00
Plutchak	Westerville	OH	43081		5,000.00
Pohl	Elma	WA	98541		5,000.00
Posthuma	Seal Beach	CA	90740		5,000.00
Prentice	Kingsley	MI	49649		5,000.00
Raborg	Abiquiu	NM	87510		5,000.00
Rasmussen	Novato	CA	94949		5,000.00
Relation	Port Kent	NY	12975		5,000.00
Ribar	Brunswick	OH	44212		5,000.00
Roberts	Burl	ID	83316		5,000.00
Robinson	Ellsworth	WI	54011		5,000.00
Rodrigues	Bevedere-Tiburon	CA	94920		5,000.00

WSU Claim Summary as of 010307.xls
Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Roselli	Fort Lauderdale	FL	33306		5,000.00
Rothman	Newton	MA	02459		5,000.00
Rozek	Elk Grove Village	IL	60009		5,000.00
Rudic	Twin Falls	ID	83301		5,000.00
Sawyer	Saint Louis	MO	63131-4201		5,000.00
Scheller	Corbett	OR	97019		5,000.00
Schierding	St. Charles	MO	63301		5,000.00
Schmid	Vista	CA	92083		5,000.00
Schnepple	Denver	CO	80220		5,000.00
Schoggens	Santee	CA	92071		5,000.00
Schrammel	Prospect Heights	IL	60070		5,000.00
Schultes	Jamestown	ND	58401		2,500.00
Senter	Orlando	WV	26412		5,000.00
Shaffner	West Chester	OH	45069		5,000.00
Sheltry	Virginia Beach	VA	23464-7225		5,000.00
Shuman	Thousand Oaks	CA	91320		5,000.00
Simpson	Yountville	CA	94599		5,000.00
Skiles	Flower Mound	TX	75027		5,000.00
Skrabacz	Larkspur	CA	94939		5,000.00
Smetana	Warren	MI	48092		5,000.00
Smiley	Conchas Dam	NM	88416		5,000.00
Smith	Monrovia	CA	91016		5,000.00
Solmonson	Zephyrhills	FL	33540		5,000.00
Srouf, MD	Dayton	OH	45458		5,000.00
Steward	Rush Center	KS	67575		5,000.00
Stocker	Bartlett	IL	60103		5,000.00
Stoner	Jacksonville	FL	32277-8907		2,995.00

WSU Claim Summary as of 010307.xls
Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Stowe	Clovis	NM	88101		175.00
Stromwell	Oakland	MD	21550-7492		5,000.00
Stude	Phoenix	AZ	85027		5,000.00
Sullivan	Charleston	ME	04422		5,000.00
Taylor	Honolulu	HI	96817		5,000.00
Tetterton	Lexington	KY	40513		5,000.00
Theriault	La Ronge		S J 1L0	Canada	5,000.00
Tolentino	Bakersfield	CA	93312		5,000.00
Tollerup	Prescott	AZ	86302		5,000.00
Torelli	Jacksonville Beach	FL	32250		5,125.00
Tranmal	Fichburg	WI	53711		5,000.00
Trojan	Spencer	WI	54479		5,000.00
Uhler	Moatsville	WV	26405		5,000.00
Vail	Naples	FL	34110-1262		5,000.00
Valenti	Litchfield	NH	03052		5,000.00
VanderKelen	Midland	MI	48642		5,000.00
Varga	Calgary	AB	T3B 3Y7	Canada	5,000.00
Verosta	Fairbanks	AK	99709		5,000.00
Wade	Ramona	CA	92065		5,000.00
Walker	Columbia	CA	95310-1625		5,000.00
Walker	Bulverde	TX	78163		5,000.00
Wasser	Beloit	WI	53511		2,934.00
Webster	Cypress	CA	90360-5301		5,000.00
Weckman	Lake Worth	FL	33460		5,000.00
Weidig	Merritt Island	FL	32953		5,000.00
West	Sanford	NC	27331		5,000.00
West	Alpharetta	GA	30004		5,000.00

WSU Claim Summary as of 010307.xls
 Claim List

<i>Last Name</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>	<i>Approximate Amount Owed</i>
Whisler	West Chester	PA	19380-3836		5,000.00
White-Brown, Co-Successor Trustee	Santa Ana	CA	92705		5,224.00
Wilbourn	Memphas	TN	38111		4,400.00
Willoughby	Cedaredge	CO	81413-1223		5,000.00
Wills	Boise	ID	83713		5,000.00
Wolohan	Oak Hill	VA	20171-2114		2,500.00
Wright	Rockville	MD	20850		175.00
Writtsman	Mesa	AZ	85208		5,000.00
	Tampa	FL	33618		5,000.00
Total					1,040,138.20

Exhibit E

EXHIBIT E

1. A T & T Boutique, Acct. 22753879 c/o NCO Financial Systems, Inc., 1804 Washington Blvd., Dept. 750, Baltimore, MD 21230¹
2. Possible Landlord:

9003 W. 51st. St., Shawnee, KS 66203-2105
550 Lakeshore West St., Lake Quivera, KS 66217
3. Kansas City Power & Light
P.O. Box 418679
Kansas City, MO 64141-9679
4. Kansas Gas Service – Division Office
7421 W. 129th St.
Overland Park, KS 66213
5. Johnson County Wastewater
11811 S. Sunset Drive, Ste. 2500
Olathe, KS 66061
6. WaterOne(Water District No. 1)
10747 Renner Blvd.
Lenexa, KS 66219
7. Deffenbaugh Industries
18181 W 53rd St.
Shawnee, KS 66217-9742
8. A1 Disposal
P.O. Box 901478
Kansas City, MO 64190
9. Southwestern Bell
P.O. Box 930170
Dallas, TX 75393-0170
10. Everest Communications
9647 Lackman Road
Lenexa, KS 66219

¹ This invoice was addressed to both Web Fulfillment and WSU. The Receiver reserves the right to object to this creditor's claim to the extent that it does not pertain to WSU.

Exhibit F

EXHIBIT F

1. Johnson County, Kansas
Charles Letcher, Interim County Treasurer
111 S Cherry, Ste 1500
Olathe, Ks 66061-3471
2. The City of Merriam, Kansas
Mayor Carl Wilkes
9416 W. 49th Terrace
Merriam, KS 66203
3. Kansas Department of Revenue
Docking State Office Building
Room 150
915 SW Harrison St.
Topeka, KS 66612
4. The Internal Revenue Service
5799 Broadmoor
Mission, KS 66202

Exhibit G

EXHIBIT G

1. Anderson Kill & Olick, P.C., 1252 Avenue of Americas, New York, NY 10020
2. Armstrong Teasdale LLP, 2345 Grand Boulevard, Suite 2000, Kansas City, MO 64108-2617
3. Berkowitz Stanton Brandt Williams & Shaw LLP, Two Emanuel Cleaver II Boulevard, Suite 500, Kansas City, MO 64112
4. Berkowitz Oliver Williams Shaw & Eisenbrandt LLP, 2600 Grans, Ste. 1200, Kansas City, Missouri 64108
5. Global Crossing/ Frontier, Acct. No. 00000000000204097916, c/o NCO Financial Systems, Inc., 1804 Washington Blvd., Dept. 750, Baltimore, MD 21230
6. SBC c/o Money Control, Inc., 7891 Mission Grove Parkway South, Riverside, CA 92508

Exhibit H

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

COMMODITY FUTURES TRADING)	
COMMISSION,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	No. 03-2193-CM
WALL STREET UNDERGROUND, INC.,)	
et al.,)	
)	
Defendants.)	
)	

NOTICE OF DEADLINES FOR FILING OF PROOFS OF CLAIM
(BAR DATE IS _____, 2007 AT 5:00 P.M., ET)

PLEASE TAKE NOTICE OF THE FOLLOWING:

On January __, 2007, the United States Bankruptcy Court for the District of Kansas (the "Court") entered an order (the "Bar Date Order") establishing certain deadlines for the filing of proofs of claim against Wall Street Underground ("WSU") in connection with receivership of WSU in the above captioned case.

By the Bar Date Order, the Court established _____, 2007 at 5:00 p.m. Central Time (the "Bar Date") as the claims bar date for filing proofs of claim in WSU's receivership (as defined in the Bar Date Order). The Bar Date applies to all entities, persons (including individuals, partnerships, corporations, and limited liability company), estates, trusts, governmental units and the United States.

As used in this Notice, the term "claim" means, as to or against WSU including (a) any right to payment, including right to refund, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

1. WHO MUST FILE A PROOF OF CLAIM

Unless you have previously filed a claim with the Receiver ("Responding Investors")¹, you MUST file a proof of claim to share in distributions from the WSU Funds you have a claim

¹ A list of the Responding Investors is set forth on exhibit D of the Verified Motion for Order Setting Bar Date for Filing Proofs of Claims Against Wall Street Underground, Inc. and Approval of Notice of Bar Date and Manner of Service and Memorandum in Support (the "Motion").

that arose or is deemed to have arisen prior to the Commencement Date². Claims based on acts or omissions of WSU that occurred before the Commencement Date must be filed on or prior to the Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before the Commencement Date.

2. WHAT TO FILE

All proof of claim forms (in substantially the form attached hereto) must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. The proof of claim form must be written in English and be denominated in the United States currency. You should attach to your completed proof of claim any documents on which the claim is based (or, if such documents are voluminous, attach a summary) or an explanation as to why the documents are not available.

3. WHEN AND WHERE TO FILE

All proofs of claim must be filed so as to be received **on or before the Bar Date**, at one of the following address:

IF SENT BY MAIL

**Stinson Morrison Hecker LLP
Attn: Greta McMorris
1201 Walnut Street, Suite 2700
Kansas City, MO 64106**

**IF DELIVERED BY HAND OR
OVERNIGHT COURIER**

**Stinson Morrison Hecker LLP
Attn: Greta McMorris
1201 Walnut Street, Suite 2700
Kansas City, MO 64106**

Proofs of claim will be deemed filed only when **actually received** on or before the Bar Dates. **Proofs of claim may not be delivered by facsimile or electronic mail transmission.** Any facsimile or electronic mail submissions will not be accepted and will not be deemed filed until a proof of claim is submitted by one of the methods described above.

4. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE

ANY ENTITY THAT IS REQUIRED TO FILE A PROOF OF CLAIM, BUT THAT FAILS TO DO SO BY THE APPLICABLE BAR DATE DESCRIBED IN THIS NOTICE, SHALL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE RECEIVER OR WSU RECEIVING DISTRIBUTIONS FROM THE WSU FUNDS IN RESPECT OF SUCH CLAIM.

A HOLDER OF A POSSIBLE CLAIM AGAINST WSU SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.

BY ORDER OF THE COURT

² April 22, 2003

Exhibit I

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**COMMODITY FUTURES TRADING)
COMMISSION,)**

Plaintiff,)

v.)

**WALL STREET UNDERGROUND,)
INC., et al.,)**

Defendants.)

**CIVIL ACTION
No. 03-2193-CM**

PROOF OF CLAIM

1. Name and Address of Creditor/ Investor	DELIVER THIS PROOF OF CLAIM TO: Stinson Morrison Hecker LLP Attn: Greta A. McMorris 1201 Walnut Street, Suite 2900 Kansas City, Missouri 64106
2. Phone Number:	3. E-mail address:
4. Basis For Claim: ___ Investor ___ Goods sold ___ Services provided ___ Other (Explain) _____	5. Brief Description of Claim:
6. Amount of Claim: _____	7. To receive an acknowledgement of the filing of your claim, enclose a self-addressed stamped envelop and copy of this proof of claim.
8. <u>Attach copies of supporting documents</u> such as invoices or itemized statements summarizing the alleged liability. DO NOT SEND ORIGINALS.	
Date:	Sign and Print name and title, if any, of the creditor or other person authorized to file this claim.

Exhibit J

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

COMMODITY FUTURES TRADING)	
COMMISSION,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	No. 03-2193-CM
WALL STREET UNDERGROUND, INC.,)	
et al.,)	
)	
Defendants.)	
)	

NOTICE OF DEADLINES FOR FILING OF PROOFS OF CLAIM
(BAR DATE IS _____, 2007 AT 5:00 P.M., ET)

PLEASE TAKE NOTICE OF THE FOLLOWING:

On January __, 2007, the United States Bankruptcy Court for the District of Kansas (the "Court") entered an order (the "Bar Date Order") establishing certain deadlines for the filing of proofs of claim against Wall Street Underground ("WSU") in connection with receivership of WSU in the above captioned case.

By the Bar Date Order, the Court established _____, **2007 at 5:00 p.m. Central Time** (the "Bar Date") as the claims bar date for filing proofs of claim in WSU's receivership (as defined in the Bar Date Order). The Bar Date applies to all entities, persons (including individuals, partnerships, corporations, and limited liability company), estates, trusts, governmental units and the United States.

As used in this Notice, the term "claim" means, as to or against WSU including (a) any right to payment, including right to refund, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

1. WHO MUST FILE A PROOF OF CLAIM

Unless you have previously filed a claim with the Receiver ("Responding Investors"),¹ you **MUST** file a proof of claim to share in distributions from the WSU Funds if you have a

¹ A list of the Responding Investors is set forth on Exhibit D of the Verified Motion for Order Setting Bar Date for Filing Proofs of Claims Against Wall Street Underground, Inc. and Approval of Notice of Bar Date and Manner of Service and Memorandum in Support (the "Motion").

claim that arose or is deemed to have arisen prior to the Commencement Date.² Claims based on acts or omissions of WSU that occurred before the Commencement Date must be filed on or prior to the Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before the Commencement Date.

2. WHAT TO FILE

All proof of claim forms must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. The proof of claim form must be written in English and be denominated in the United States currency. You should attach to your completed proof of claim any documents on which the claim is based (or, if such documents are voluminous, attach a summary) or an explanation as to why the documents are not available.

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IF SENT BY MAIL

**Stinson Morrison Hecker LLP
Attn: Greta McMorris
1201 Walnut Street, Suite 2900
Kansas City, MO 64106**

**IF DELIVERED BY HAND OR
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**Stinson Morrison Hecker LLP
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4. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE

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A HOLDER OF A POSSIBLE CLAIM AGAINST WSU SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.

BY ORDER OF THE COURT

² April 22, 2003.