

# Exhibit B

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION**

STATE OF FLORIDA,  
OFFICE OF FINANCIAL REGULATION,

Plaintiff,

vs.

Case No.: 14-001695-CI

TRI-MED CORPORATION,  
TRI-MED ASSOCIATES INC.,  
JEREMY ANDERSON, ANTHONY N.  
NICHOLAS, III, ERIC AGER, IRWIN  
AGER, TERESA SIMMONS BORDINAT  
a/k/a TERESA SIMMONS, and  
ANTHONY N. NICHOLAS, JR.,

Judge Anthony Rondolino

Defendants.

vs.

TMFL HOLDINGS, LLC

Relief Defendant.

**CLAIMS PROCESS INSTRUCTIONS**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST TRI-MED CORPORATION,  
TRI-MED ASSOCIATES INC., AND/OR TMFL HOLDINGS, LLC:

On March 4, 2014, the State of Florida, Office of Financial Regulation, initiated this action against the Defendants seeking emergency relief to stop a fraudulent investment scheme and requested that the Court appoint a Receiver. As a result of this action, the Court appointed Burton W. Wiand as Receiver for Defendants Tri-Med Corporation and Tri-Med Associates Inc. By a subsequent Order, the Court expanded the Receivership to include TMFL Holdings, LLC. All of the entities in receivership are hereinafter referred to collectively as the “**Receivership Entities.**”

The Receiver and his professionals have spent considerable time examining voluminous documents relating to the Receivership Entities and, to the extent necessary, reconstructing their books and records. Based on this examination and to the extent possible, the Receiver has determined a “**Net Investment Amount**” for investors. The Net Investment Amount for an investor is calculated by adding all amounts invested by the pertinent investor and subtracting all payments made to that investor and/or in connection with that investment, regardless of whether those payments were characterized as “interest” payments, “returns of principal,” or by using any other terminology. For example, an investor who made a total investment of \$100,000 and in

connection with which \$50,000 was transferred back to that investor would have a Net Investment Amount of \$50,000. If an investor made multiple investments over time, those investments and any and all transfers back to that investor related to those investments would be combined in one Net Investment Amount. For example, an investor who invested \$10,000 in January 2012 and received “interest” payments in the total amount of \$1,600 on this investment and also invested \$40,000 in November 2012 and received “interest payments” in the total amount of \$4,200 on that investment would have a total investment amount of \$50,000 and a total amount transferred back to the investor of \$5,800 for a resulting Net Investment Amount of \$44,200.

To the extent the Receivership Entities do not have sufficient funds to pay all valid claims, the recipients and amounts of the Receiver’s distributions will be based on the Net Investment Amounts for investors. **By identifying and providing a Net Investment Amount (as provided in the Proof of Claim Forms mailed to investors where possible) the Receiver does not waive any right to (1) deny, contest the validity of, or otherwise object to a claim or (2), if warranted, amend the provided Net Investment Amount.** If amendment of a Net Investment Amount is warranted, the Receiver will mail notice of the amendment to the affected investor(s) and give such investor(s) an opportunity to respond.

On \_\_\_\_\_, the Court entered an Order establishing \_\_\_\_\_ (the “**Claim Bar Date**”) as the last date for each person or entity (including individuals, partnerships, corporations, joint ventures, estates, trusts, and governmental units) to submit a Proof of Claim against the Receivership Entities.

Any person or entity that submits a Proof of Claim submits to the exclusive jurisdiction of this Court for all purposes, including, without limitation, as to any claims, objections, defenses, or counterclaims that could be or have been asserted by the Receiver against such claimant or the holder of such claim in connection with this Receivership, including those arising out of (1) any dealing or business transacted by or with any Receivership Entity or (2) any dealing or business transacted that relates in any way to any Receivership property. Further, claimants waive any right to a jury trial with respect to such claims, objections, defenses, and counterclaims.

The Claim Bar Date and the procedures set forth below for filing a Proof of Claim apply to all claims against any of the Receivership Entities.

## **1. WHO MUST FILE A PROOF OF CLAIM**

If you think that you are owed money by any of the Receivership Entities or that you may otherwise have a claim against them, you **MUST** file a Proof of Claim to share in distributions from the Receivership. A claim based on acts or omissions of any Receivership Entity must be filed on or before the Claim Bar Date, even if such claim is not now mature, fixed, liquidated, or certain, or does not become mature, fixed, liquidated, or certain before the Claim Bar Date.

## **2. WHAT TO FILE**

To make the process less burdensome for investors, the Court authorized the Receiver to provide a Net Investment Amount on an attachment to the Proof of Claim Form for each investor

for whom it is possible for the Receiver to do so. If you were provided a Net Investment Amount on the attachment to the Proof of Claim Form you received and you agree with the specified amount, then you do not need to provide to the Receiver any documentation supporting your claim. However, you **must** still complete and sign the Proof of Claim Form, under penalty of perjury, and return it to the Receiver so that it is **received** on or before the Claim Bar Date, as specified in section 3 below.

If you disagree with the Net Investment Amount provided on the attachment to the Proof of Claim Form that you have received or no Net Investment Amount was identified on the attachment to your Proof of Claim Form, you must provide to the Receiver by the Claim Bar Date (1) the amount you contend is the correct amount you invested in and received from any Receivership Entity and (2) legible copies of all documents on which you base your claim or, if any such documents are not available, a detailed explanation as to why any such documents are not available.

If you were not an investor, but believe you are or may be a creditor of one or more of the Receivership Entities, you must provide to the Receiver by the Claim Bar Date (1) the amount you contend you are owed from any Receivership Entity; (2) any amounts received from any Receivership Entity; and (3) legible copies of all documents on which you base your claim (i.e., all invoices for goods or services provided, loan documents, etc., as applicable) or, if any such documents are not available, a detailed explanation as to why any such documents are not available.

If you invested in your individual name and also in the name of your individual retirement account ("IRA") or jointly with another individual, you will receive multiple Proof of Claim Forms. You **must** complete, sign, and return each Proof of Claim Form you receive to preserve all of your claim(s). Failure to timely return a completed and signed Proof of Claim for a claim will forever bar any claim related to that investment.

If the Receiver discovers that the Net Investment Amount provided on an attachment to the Proof of Claim Form is not accurate, the Receiver will amend the Net Investment Amount and mail notice of such amendment along with an amended Proof of Claim Form to you. You then will have the later of either (1) the Claim Bar Date or (2) twenty (20) days from the date such notice was mailed to you to return the amended Proof of Claim Form to the Receiver. Failure to timely return a completed and signed amended Proof of Claim Form for a claim will forever bar any claim related to that investment.

Similarly, subject to the Receiver's discretion, the Receiver may send notice of a deficiency in a submitted Proof of Claim Form to you. You will then have the later of either the Claim Bar Date or twenty (20) days from the date the notice of deficiency was mailed to you to return an amended Proof of Claim Form to preserve your claim. The Receiver also reserves the right to request additional information from any Claimant. If you receive a request for additional information, you will have the same amount of time as is allowed for curing a deficiency to provide the additional information requested. Failure to cure a deficiency or provide additional information may result in denial of your claim.

Each Proof of Claim you file **must** conform substantially to the Proof of Claim Form and provide responses to all of the questions in the Proof of Claim Form that either (1) was mailed to you along with these Instructions or (2), if you have not received one by mail, was posted on the Receiver's website at [www.trimedreceivership.com](http://www.trimedreceivership.com). A copy of a Proof of Claim Form also may be obtained from Mary E. Gura, Wiand Guerra King P.L., 5505 West Gray Street, Tampa, FL 33609, (813) 347-5100.

Each Proof of Claim you file **must** be signed under penalty of perjury by the Claimant or, if the Claimant is not an individual, by an authorized agent of the Claimant. Each Proof of Claim **must** be legible, written in English, and denominated in United States currency.

It is your sole responsibility to advise the Receiver of any change to your mailing address after you submit a Proof of Claim to ensure that you receive any and all future communications regarding your claim, including any possible distribution payment you may be entitled to receive.

### **3. WHEN AND WHERE TO FILE**

Except as provided for herein, original Proofs of Claim must be delivered by mail or otherwise so as to be **received on or before** \_\_\_\_\_ at the following address:

Burton W. Wiand, Esq., Receiver  
c/o Maya M. Lockwood, Esq.  
WIAND GUERRA KING P.L.  
5505 West Gray Street  
Tampa, FL 33609

**DO NOT SEND YOUR PROOF OF CLAIM FORM TO THE COURT OR JUDGE PRESIDING OVER THIS CASE.**

Facsimile and email copies of Proofs of Claim will be accepted only if received by the Receiver on or before the Claim Bar Date and the original executed Proof of Claim Form is received by the Receiver no later than three (3) days after transmission of the facsimile and/or email. Failure to provide an original executed Proof of Claim Form within the time specified may result in denial of the claim. Facsimile copies must be sent to (813) 347-5198 to the attention of Burton W. Wiand, Receiver c/o Maya M. Lockwood, and email copies must be sent to [mgura@wiandlaw.com](mailto:mgura@wiandlaw.com).

### **4. ACKNOWLEDGEMENT OF RECEIPT OF PROOF OF CLAIM FORM**

When a Proof of Claim Form is received by the Receiver, he will mail a letter acknowledging receipt of the Proof of Claim Form to the Claimant within twenty days of receipt of the Proof of Claim Form. If you submit a Proof of Claim Form and do not receive an Acknowledgement Letter from the Receiver, it is your obligation to follow up with the Receiver to ensure that the Receiver received your Proof of Claim Form. Receipt of an Acknowledgement Letter does not mean that the Receiver will recommend your claim as submitted be allowed or

that the Proof of Claim Form has no deficiencies. It only confirms receipt and advises you that your claim is being processed.

**5. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE BAR DATE**

ANY HOLDER OF A CLAIM OR POTENTIAL CLAIM THAT FAILS TO FILE A PROOF OF CLAIM (1) THAT FULLY COMPLIES WITH ALL REQUIREMENTS SET FORTH HEREIN AND (2) BY THE CLAIM BAR DATE WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE RECEIVERSHIP ENTITIES, THEIR SUCCESSORS, THEIR RESPECTIVE PROPERTY, THE RECEIVER, OR THE RECEIVERSHIP, AND FROM PARTICIPATING IN ANY DISTRIBUTION FROM THIS RECEIVERSHIP.

**A holder of a claim or potential claim against a Receivership Entity may wish to consult an attorney regarding matters in connection with this Notice. The firm of Wiand Guerra King P.L. acts as attorneys for the Receiver and its lawyers cannot give you personal legal or other advice.**

Dated \_\_\_\_\_, Tampa, Florida.