

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

IN RE:

MICHIGAN HEMATOLOGY-ONCOLOGY, PC
MICHIGAN RADIATION INSTITUTE, LLC
UNITED DIAGNOSTICS, PLLC
VITAL PHARMACARE, LLC

Case No. 2013-137010-CB
Hon. Martha Anderson

Assignors.

SIMON PLC

Frank R. Simon (P54731)
Assignee for the Benefit of the Creditors
John Polderman (P65720)
37000 Woodward Avenue, Suite 250
Bloomfield Hills, Michigan 48304
(248) 720-0290

**ORDER APPROVING ASSIGNEE'S FINAL REPORT,
DISBURSEMENT OF FUNDS HELD,
REQUEST TO APPROVE ASSIGNEE'S FEES AND COSTS,
CANCEL ASSIGNEE'S BOND AND DISCHARGE ASSIGNEE**

At a session of Court held in the City of Pontiac,
Oakland County, Michigan on 7/17/ 2019.

PRESENT: MARTHA D. ANDERSON
CIRCUIT COURT JUDGE

This matter having come before the Court upon the Assignee for the Benefit of the Creditors' Final Report ("Assignee" and "Final Report") and with the Court being fully advised in the premises:

October 24, 2013 Frank R. Simon, Assignee was assigned all of the assets of Michigan Hematology-Oncology, PC, Michigan Radiation Institute, LLC, United Diagnostics, PLLC and Vital Pharmacare, LLC ("Entities") in an assignment for the benefit of the creditors ("ABC") to liquidate the assets for the benefit of the creditors. The Assignee has completed his liquidation

of all known assets and is holding the remaining funds, pending an order directing the disbursement of the remaining funds.

On October 22, 2015 Frank Simon was appointed as independent fiduciary in the matter titled *Thomas E. Perez, Secretary of Labor, US Department of Labor vs. Farid Fata et al*, United States District Court Eastern District of Michigan in Case No. 2:15-cv-12583-VAR-MKM with all authority to collect, liquidate, manage and distribute assets of the Michigan Hematology-Oncology, P.C. Profit Sharing Plan and Michigan Hematology-Oncology, P.C. Cash Balance Pension Plan. The independent fiduciary has completed the liquidation of the plans and is holding the remaining funds, pending an order directing the disbursement.

The United States of America, the senior creditor of the Entities in this matter has requested that the Assignee stipulate to an order directing the depositing of funds held to the clerk of the court in the *United State of America v. Farid Fata, M.D.*, United States District Court Eastern District of Michigan Case No. 13-20600. The United States of America has also requested that the independent fiduciary in the *Thomas E. Perez, Secretary of Labor, US Department of Labor vs. Farid Fata et al*, United States District Court Eastern District of Michigan in Case No. 2:15-cv-12583-VAR-MKM (“USDC Matter”) stipulate to an order directing the depositing of the funds held to the clerk of the court in the *United State of America v. Farid Fata, M.D.*, United States District Court Eastern District of Michigan Case No. 13-20600.

NOW THEREFORE;

IT IS HEREBY ORDERED that the Assignee is authorized to stipulate to an order directing him to deposit with the clerk of the court in the matter titled: *United State of America v. Farid Fata, M.D.*, United States District Court Eastern District of Michigan Case No. 13-20600

funds in the amount of Seven Hundred and Ninety-Six Thousand Nine Hundred Ninety and 97/100 Dollars (\$796,990.97);

IT IS FURTHER HEREBY ORDERED that the independent fiduciary is authorized to stipulate to an order directing him to deposit with the clerk of the court in the matter titled *United State of America v. Farid Fata, M.D.*, United States District Court Eastern District of Michigan Case No. 13-20600 funds in the amount of Two Hundred Ninety Thousand Sixty-Three 33/100 Dollars (\$290,063.33) obtained from liquidating Farid Fata's MHO Cash Balance Plan and funds in the amount of Four Thousand Eight 11/100 Dollars (\$4,008.11) obtained from liquidating Farid Fata's CIG Securities Safe Harbor 401(k) Profit Sharing Plan in the USDC Matter;

IT IS FURTHER HEREBY ORDERED that the Final Report and the Assignee's fees and costs in the amount of Three Thousand Three Hundred Thirty and 33/100 Dollars (\$3,330.33) for July 31, 2018 to May 31, 2019 and any final fees and costs he might incur in the closing of this matter are approved.

IT IS FURTHER HEREBY ORDERED that the Assignee and independent fiduciary's actions, all fees and costs incurred and his final report are approved in this matter.

IT IS FURTHER HEREBY ORDERED that the Assignee and independent fiduciary are released and held harmless from any and all liabilities, claims, obligations, actions, causes of action, taxing assessments or claims, costs or expenses of the Defendant(s), arising out of or relating to events or circumstances occurring prior to this Order, including without limitation, any contingent or unliquidated obligations and any liability from the performance of services rendered by third parties on behalf of the Defendant(s), and any liability to which Defendant(s)

are currently or may ultimately be exposed under any applicable State, Federal or local laws pertaining to the ownership, use, taxation or operation of the Defendant(s).

IT IS FURTHER HEREBY ORDERED that upon the disbursement of the above referenced funds, the Assignee's bond is cancelled and he is discharged.

Martha D. Anderson
Circuit Court Judge
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