

IN THE CIRCUIT COURT IN THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

TERRENCE P. WRIGHT, as trustee for the
TERRENCE WRIGHT LIVING TRUST
AS AMENDED 02/23/2018, SARAH
FOSTER, BARBARA E. SHORE,
individually and FBO BARBARA SHORE
IRA, MAURICE R. SHORE, FBO
MAURICE R. SHORE IRA and as trustee
on behalf of MAURICE SHORE
REVOCABLE TRUST, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

PINNACLE PLUS CAPITAL LLC, a
Kansas limited liability company,
PINNACLE PLUS WEALTH
MANAGEMENT LLC, A Kansas limited
liability company, PINNACLE PLUS
FINANCIAL, LLC, a Kansas limited
liability company, PINNACLE PLUS
HOLDINGS LLC, a Kansas limited liability
company, MATTHEW LYNN WALKER,
an individual, TRAVIS ALLEN HORN, an
individual, and GEORGE GILLE, an
individual, AMERICAN ALTERNATIVE
INVESTMENTS, LLC a/k/a AMERICAN
ALTERNATIVE INVESTMENTS CORP.,
an Indiana corporation, ROB WHITLOW,
an individual, THOMAS BOESEN, an
individual, HENRY J. WIENIEWITZ a/k/a
TRAE WIENIEWITZ, WIENIEWITZ
FINANCIAL LLC, a Tennessee limited
liability company, WIENIEWITZ
WEALTH MANAGEMENT, a Tennessee
corporation, BLUEPATH CAPITAL LLC
d/b/a NICHOLAS WEALTH
MANAGEMENT, a Georgia limited
liability company, NICHOLAS &
COMPANY, INC., a Georgia corporation,
DAVID NICHOLAS, an individual,
JOURNEY WEALTH MANAGEMENT, a

COMPLEX BUSINESS DIVISION

CASE NO. 2019-018039-CA-01
Section: CA 44

CLASS REPRESENTATION

California limited liability company, JOURNEY WEALTH MANAGEMENT ADVISORS LLC, a California limited liability company, ROY A. GAGAZA, an individual, PRIORITY FINANCIAL & INSURANCE SOLUTIONS, a California corporation, JOSEPH DONTI, an individual, GOLDSTONE FINANCIAL GROUP LLC, an Illinois limited liability company, PELL CORP. BROTHERS INC., an Illinois corporation, STONE TRUST CAPITAL MANAGEMENT, INC., an Illinois corporation, ANTHONY PELLEGRINO, an individual, and MICHAEL PELLEGRINO, an individual, JUSTIN J. REPPY, an individual, BRIAN R. KORIENEK, an individual, WENDEL FINANCIAL NETWORK, LLC d/b/a WENDEL RETIREMENT PLANNING, an Ohio limited liability company, J.J.C.C., INC., an Ohio corporation, JEFF WENDEL, an individual, CHRIS DANTIN FINANCIAL SERVICES, LLC, a Louisiana limited liability company, CHRIS D. DANTIN, an individual, DENTON WEALTH STRATEGIES, LLC, a Louisiana limited liability company, and SAMUEL DENTON, an individual,

Defendants.

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT
AND CERTIFICATION OF THE SETTLEMENT CLASS**

This cause is before the Court upon Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and for Certification of the Settlement Class ("Motion for Preliminary Approval"). In accordance with Rule 1.220 of the Florida Rules of Civil Procedure, the Court has considered the Settlement Agreement executed on behalf of the Plaintiffs and

Defendants. Upon review of the Settlement Agreement and Plaintiffs' Motion for Preliminary Approval, the Motion for Preliminary Approval is hereby **GRANTED**.

1. The terms of the settlement are within the range of reasonableness and accordingly are preliminarily approved. In addition, this Court finds that certification of the Settlement Class satisfies the requirements of Florida Rule of Civil Procedure 1.220, and Plaintiffs fairly and adequately represent the interests of the Settlement Class. The Motion for Preliminary Approval of Settlement is therefore **GRANTED**. This preliminary approval is subject to further consideration at the Final Approval Hearing.

2. For the reasons set forth below, subject to final approval, this Court hereby preliminarily certifies the following nationwide Settlement Classes:

i. The Pinnacle Plus Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by Pinnacle Plus Capital LLC, Pinnacle Plus Wealth Management LLC, Pinnacle Plus Financial LLC, Pinnacle Plus Holdings, LLC, Matthew Lynn Walker, or George Gille, whether initial or by reinvestment.

ii. The AAI Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by American Alternative Investments, LLC a/k/a American Alternative Investments Corp., Rob Whitlow, or Thomas Bosen, whether initial or by reinvestment.

iii. The Wieniewitz Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by Henry J. Wieniewitz a/k/a Trae Wieniewitz, Wieniewitz Financial LLC, or Wieniewitz Wealth Management, whether initial or by reinvestment.

iv. The Nicholas Wealth Management Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by BluePath Capital LLC d/b/a Nicholas Wealth Management, Nicholas & Company Inc., or David Nicholas, whether initial or by reinvestment.

v. The Journey Wealth Management Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by Journey Wealth Management, Journey Wealth Management Advisors LLC, or Roy Y. Gagaza, whether initial or by reinvestment.

vi. The Priority Financial Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by Priority Financial & Insurance Solutions or Joseph Donti, whether initial or by reinvestment.

vii. The Goldstone Financial Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by Goldstone Financial Group LLC, Pell Corp. Brothers Inc., Stone Trust Capital Management, Inc., Anthony Pellegrino, Michael Pellegrino, Justin J. Reppy, or Brian R. Korienek, whether initial or by reinvestment.

viii. The Wendel Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by Jeff Wendel, whether initial or by reinvestment.

ix. The Dantin Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by Chris D. Dantin, whether initial or by reinvestment.

x. The Denton Class

All persons who, within the Class Period, invested in a 1st Global MOI sold by Samuel Denton, whether initial or by reinvestment.

3. The Court hereby appoints the law firms of The Moskowitz Law Firm and Bonnett, Fairbourn, Friedman & Balint, PC as Settlement Co-Lead Class Counsel.

4. The Court finds that, for purposes of this settlement class, the class certification prerequisites set forth in Florida Rule of Civil Procedure 1.220(b)(3) — numerosity, commonality, typicality, and adequacy of representation — have been met, that common issues predominate over any possible individual issues that could be raised, and that the class action is superior to other available methods for the fair and efficient adjudication of this controversy.

5. At the Final Approval Hearing, the Court will consider whether the terms of the Settlement Agreement are fair, reasonable, adequate, and in the best interests of the Settlement Class, and whether final orders and judgments in accordance with the terms of the Settlement Agreement should be entered.

6. The Court preliminarily finds that the Settlement Agreement (1) was reached after arm's-length negotiations before a distinguished mediator, and after substantial factual and legal analyses by the parties; and (2) provides substantial benefits to all class members, especially in light of the risks associated with this litigation.

7. As provided in the Settlement Agreement, compensation shall be provided to Settlement Class Members through the Bankruptcy Estate.

8. The Court approves, as to form and content, the Notice submitted by the parties (Exhibits A and B to the Settlement Agreement attached as Exhibit A to the Motion for Preliminary Approval) and finds that the procedures described therein meet the requirements of Rule 1.220 of the Florida Rules of Civil Procedure and due process, and provide the best

notice practicable under the circumstances. The proposed Class Notice, which will be directly mailed to all Settlement Class Members, is reasonably calculated to reach a substantial percentage, if not all, of the Class Members.

9. The costs related to the Notices shall come from the Settlement Fund. Prior to the Final Approval Hearing, Defendant shall file proof, by affidavit or declaration, of the Notice.

10. Class Members will have up to forty five (45) days after entry of the Preliminary Approval Order to opt out of the Settlement for purposes of damages claims only. To opt out, a Class Member must request to do so in writing and mail such request to Class Counsel, Adam M. Moskowitz, The Moskowitz Law Firm 2 Alhambra Plaza, Suite 601, Coral Gables, FL 33134. Any request to opt out *must* include the following information: (1) the name of the case; (2) the complete legal name of the Class Member who wishes to be excluded; (3) the mailing address of the Class Member; (4) a statement that the Class Member wishes to be excluded from the Settlement; and (5) the Class Member's (or authorized representative's) signature or, if the person (or authorized representative) is unable to sign, his/her/its legal representative or guardian's name and signature.

11. A Class Member who does not properly and timely exclude himself, herself, or itself from the Settlement Class will be bound by the Settlement Agreement and the Releases, as provided for therein, and by any judgments in this action.

12. To object to the Settlement, a Class Member must do so in writing up to forty five (45) days after entry of the Preliminary Approval Order. The objection must contain (1) the full name, mailing address, e-mail address, if any, and telephone number of the objecting Class Member; (2) documentation or attestation sufficient to establish membership in the Class;

(3) a statement of all grounds for the objection accompanied by any legal support for the objection; (4) copies of any other documents upon which the objection is based; and (5) must be signed by said Class Member.

13. Subject to approval of the Court, any objecting Settlement Class Member may appear, in person or by counsel, at the Final Approval Hearing held by the Court, to show cause why the proposed Settlement should not be approved as fair, adequate, and reasonable, or object to any petitions for attorneys' fees, Class Representative Award, and reimbursement of reasonable litigation costs and expenses. The objecting Class Member must file with the Clerk of the Court and serve upon Class Counsel and Defendant's Counsel (at the addresses listed below in paragraph 15), a notice of intention to appear at the Final Approval Hearing ("Notice of Intention to Appear") on or before Nov. 12th, 2019.

14. The Notice of Intention to Appear must include copies of any papers, exhibits, or other evidence that the objecting Class Member (or his/her/its counsel) will present to the Court in connection with the Final Approval Hearing. Any Class Member who does not provide a Notice of Intention to Appear in complete accordance with the deadlines and other specifications set forth in the Class Notice, will not be allowed to speak or otherwise present any views at the Final Approval Hearing.

15. Any objection must be mailed to Settlement Class Counsel Adam M. Moskowitz, The Moskowitz Law Firm 2 Alhambra Plaza, Suite 601, Coral Gables, FL 33134. The objection must be postmarked within forty five (45) days of the Preliminary Approval Order. Settlement Class Counsel shall be obliged to file all responses to objections with the Court five (5) days prior to the Final Approval Hearing.

16. Subject to the terms for objections set forth above and in the Settlement Agreement and Notice, a Settlement Class Member may appear at the Final Approval Hearing to show cause on the issue of whether any of the terms of the settlement should be approved as fair, reasonable and adequate, or whether judgment should be entered upon them.

17. Any Settlement Class Member who does not make an objection in the manner provided herein shall be deemed to have waived such objection and shall forever be foreclosed from making any objection to the fairness, adequacy or reasonableness of the settlement.

18. Co-Lead Class Counsel shall file their Motion for Attorneys' Fees and Expenses and for Final Approval at least thirty (30) days prior to the Final Approval Hearing.

19. The Final Approval Hearing will be held before this Court at the Miami-Dade County Courthouse, on Nov. 12th, 2019 at 10 am/pm in Room 1307 located at 73 West Flagler Street, Miami Florida, 33131, to consider the fairness, reasonableness and adequacy of the proposed settlement and to determine whether the settlement should be finally approved.

20. The Court retains jurisdiction of this action for all purposes.

DONE AND ORDERED in Chambers at Miami, Florida this 20th day of Sept., 2019.

Conformed Copy

SEP 20 2019

William Thomas
Circuit Court Judge

Honorable William Thomas
Circuit Court Judge

Copies furnished to all counsel of record