## BURTON W. WIAND, COURT-APPOINTED RECEIVER FOR TRI-MED CORPORATION, TRI-MED ASSOCIATES, INC., AND TMFL HOLDINGS, LLC

February 10, 2015

Re: State of Florida, Office of Financial Regulation v. Tri-Med Corp.; Tri-Med Associates Inc.; Jeremy Anderson; Anthony N. Nicholas, Jr.; Anthony N. Nicholas, III; Eric Ager; Irwin Ager; Teresa Simmons Bordinat, a/k/a Teresa Simmons, Pinellas County Circuit Court, FL, Case No. 14-001695-CI

## Dear Investor:

As you know, I was appointed as Receiver over Tri-Med Corporation, Tri-Med Associates Inc., and TMFL Holdings, LLC (collectively, the "Receivership Entities"). Since my appointment, my team of professionals has worked diligently to secure and recover assets and conduct a thorough investigation into the operations, condition of the Receivership Entities and the other defendants. I am pleased to inform you that, as a result of these efforts, yesterday I filed the Receiver's Motion to (1) Approve Proof of Claim Form and Procedure to Administer Claims, (2) Establish Deadline for Filings Proofs of Claim, and (3) Permit Notice by Mail and Publication and Incorporated Memorandum of Law (the "Claims Motion"). The Claims Motion seeks Court approval to implement the claims process through which money will be distributed to defrauded investors. A copy of the Claims Motion is available on the Receivership website <a href="https://www.trimedreceivership.com">www.trimedreceivership.com</a>, or by calling my office.

In the Claims Motion, I have asked the Court to authorize the use of a Proof of Claim Form, claims procedures, and a claim filing deadline. Because the Proof of Claim Form remains subject to change by the Court, please do not file or otherwise send a completed Proof of Claim Form until the Court has approved the Claims Motion. Assuming the Claims Motion is granted, you will receive a Proof of Claim and instructions. For the vast majority of investors, you will also receive a form indicating how much money you are owed according to the records we have recovered, which should make the claims process much easier for you. I will also be posting a "Claims – Frequently Asked Questions" section on the Receivership website that will contain answers to some common questions, and of course, my office will remain available to answer questions.

I have previously advised investors to be cautious of efforts by various individuals seeking to place Receivership Entities in involuntary bankruptcy. When Defendants Jeremy Anderson, Anthony N. Nicholas, Jr., Anthony N. Nicholas, III, Eric Ager, Irwin Ager, and Teresa Simmons Bordinat (collectively, "**Defendants**") were questioned under oath about their involvement in these efforts, each of them asserted their Fifth Amendment Constitutional right against self-incrimination and refused to answer. Recently, six investors (out of over 300 investors) filed a motion asking for the Court to grant them permission to place the Receivership Entities in involuntary bankruptcy (the "**Bankruptcy Motion**"). These efforts appear to be orchestrated by Defendants to prolong and complicate my duties as Receiver, which will

ultimately result in greater expenses for the Receivership and delay investors receiving distributions of money from me.

We recently took the deposition of former Tri-Med sales agent A.J. Brent, and Brent admitted being in close and frequent contact with Defendant Jeremy Anderson; being the intermediary between the lawyers who filed the Bankruptcy Motion and the six investors behind that motion; and that Anderson and other Tri-Med sales agents are likely paying the attorney's fees to mount these efforts. While we sought further information, both Brent's and the investors' counsel objected to Brent testifying about any communications between Brent and the investors relating to the Bankruptcy Motion. Brent's testimony under oath also revealed that he and other sales agents engaged in a wide range of securities law violations, and it is abundantly clear the six investors behind the Bankruptcy Motion are being exploited by Brent and some of the Defendants to the detriment of investors as a whole, and I would again advise you to exercise great caution if you have been or are approached in the future by these individuals.

My goal, of course, has been and remains to maximize the amount of distributions to investors and to begin those distributions as soon as possible.

If you still require assistance, please feel free to contact Jordan D. Maglich, Esq. at <u>jmaglich@wiandlaw.com</u> or by telephone at (813) 347-5100.

Sincerely yours,

Burton W. Wiand

as Court-Appointed Receiver