

SPECIALTY OPTICAL d/b/a SOS

VS.

IFC CREDIT CORP.

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IN THE COUNTY COURT

AT LAW NO. 3

DALLAS COUNTY, TEXAS

**ORDER GRANTING SPECIALTY OPTICAL'S MOTION FOR SANCTIONS**

The Court, having considered the evidence and arguments of counsel regarding Specialty Optical's Motion for Sanctions, finds that the Motion should be granted to the extent set forth below. It is therefore,

ORDERED that IFC Credit Corp. ("IFC") shall send letters to all lessees against which it has made claims under leases or rental agreements acquired from NorVergence and explain to each lessee the precise amount of money that was delivered to NorVergence for the lease, as well as what amount was held back, the basis for such holdback, and the manner in which the holdback was applied in the accounting records of IFC. Such letters shall be sent to the lessees or their counsel, if they have counsel, and shall be sent by certified mail, return receipt requested. Such letters will be sent out no later than 30 days from the date of this Order. No later than 75 days from the date of this Order, IFC will provide copies of each of those letters, along with proof of delivery in the form of signed return receipts or, in the event they are unclaimed, proof that such letters were not claimed by the addressees, to counsel for Specialty Optical. It is further

ORDERED that IFC shall pay to Specialty Optical, within 30 days from the date of this Order, the sum of \$13,600.00 as part of the sanctions in this case, which will also reimburse Specialty Optical for the fees it will incur in monitoring the notification of other lessees regarding payments and holdbacks as described above. It is further

ORDERED that IFC shall pay to Specialty Optical, within 30 days from the date of this Order, the further sum of \$22,078.25 as reasonable and necessary attorneys' fees incurred in connection with bringing this motion, as well as the sum of \$803.92, which represents two times the actual costs incurred by Specialty Optical in connection with this sanctions motion.

All other relief requested in Specialty Optical's Motion for Sanctions that is not specifically herein granted, is denied.

*Signed May 17, 2006.*

*Kelly L. Montgomery*

JUDGE PRESIDING