



addition, the Motion was set for hearing on June 22, 2010 and a briefing schedule was established by the Court. The Parties have proceeded with discovery and continued settlement discussions culminating in this Stipulation to Modify the Order Appointing Receiver.

The Parties have stipulated that the inclusion of DFFS and BizRadio in the Receivership Estate is proper.

The Parties have stipulated that DFFS and BizRadio will become part of the Receivership Estate and that paragraph 1 of the Order Appointing Receiver dated December 2, 2009 [Doc. No. 7] (“Order Appointing Receiver”) will be modified to specify that the assets, monies, securities, properties, real and personal, tangible and intangible, of whatever kind and description, wherever located, and the legally recognized privileges (with regard to the entities) of DFFS and BizRadio are now included as “Receivership Assets.”

The Parties stipulate that DFFS currently owes Kaleta Capital Management \$1.2 million.

The Parties stipulate that all other relief requested in the Receiver’s Motion to Modify Order Appointing Receiver and for Emergency Asset Freeze [Doc. No. 22] against Daniel Frishberg, Daniel Frishberg Financial Services, Inc., d/b/a DFFS Capital Management, Inc., and Relief Defendant Business Radio Network L.P., d/b/a BizRadio, Frishberg & Kaleta Capital Management (“F&K”) d/b/a Frishberg & Kaleta Advisors, BizMedia Network LLC, Frishberg Global Investments, LLC, and Portnoy, LLC is denied without prejudice to refile should additional information or assets be discovered.

WHEREFORE the Parties jointly request that the Court enter an Order Modifying the Order appointing Receiver to specify (1) that the assets, monies, securities, properties, real and personal, tangible and intangible, of whatever kind and description, wherever located, and the legally recognized privileges (with regard to the entities) of DFFS and BizRadio are now included as “Receivership Assets;” (2) to specify that the books and records, client lists, account statements,

financial and accounting documents, computers, computer hard drives, computer disks, internet exchange servers, telephones, personal digital devices and other informational resources of or in possession of DFFS and BizRadio are now included in the term "Receivership Records;" (3) that the amount owed from DFFS to Kaleta Capital Management is \$1.2 million; and (4) that all other relief requested in the Receiver's Motion to Modify Order Appointing Receiver and for Emergency Asset Freeze [Doc. No. 22] against Daniel Frishberg, Daniel Frishberg Financial Services, Inc., d/b/a DFFS Capital Management, Inc., and Relief Defendant Business Radio Network L.P., d/b/a BizRadio, Frishberg & Kaleta Capital Management d/b/a Frishberg & Kaleta Advisors, BizMedia Network LLC, Frishberg Global Investments, LLC, and Portnoy, LLC is denied without prejudice to refileing should additional information or assets be discovered.

Dated: June 16, 2010.

Respectfully submitted,

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**CERTIFICATE OF CONFERENCE**

In accordance with Local Rule 7.1(d), the Receiver contacted counsel for the SEC confer about the **Stipulation To Modify Order Appointing Receiver**. The SEC is not opposed to the relief sought herein.

                  /s/ Gene R. Besen                    
Gene R. Besen

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing document is being provided to all counsel of record via electronic filing and certified mail, return receipt requested on this the 16th day of June, 2010:

                  /s/ Gene R. Besen                    
Gene R. Besen