

**IN THE CHANCERY COURT OF THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY**

MARIE MURPHY, Special Deputy
Commissioner of the Department of
Commerce and Insurance for the State
of Tennessee,

Petitioner,

v.

SMART DATA SOLUTIONS, LLC, et. al,

Respondents.

No. 10-507-III

**Damages Petition Against
Evans Petree PC and
William L. Hendricks, Jr.**

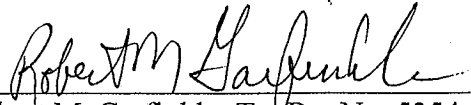
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 DAVIDSON CO. CHANCERY COURT
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LIQUIDATOR'S MOTION TO ALTER OR AMEND JUDGMENT

Petitioner, Marie Murphy, Special Deputy Commissioner of the Department of Commerce and Insurance for the State of Tennessee, pursuant to Rule 59.04 of the Tennessee Rules of Civil Procedure, files this Motion to Alter or Amend the Court's Memorandum and Order dated December 13, 2011 (the "Order"), in her official capacity as statutory Liquidator ("the Liquidator") of the businesses comprised of and known by the names: American Trade Association, Inc. ("ATA"), American Trade Association, LLC ("ATALLC"), (hereinafter ATA and ATALLC are collectively "the ATA entities"); Smart Data Solutions, LLC ("SDS"), and Serve America Assurance ("SAA").

The Liquidator respectfully requests that the Court alter or amend its Order, and issue an amended order denying the Respondents' motion to dismiss the Amended Petition. The Liquidator's Amended Petition complies with the legal standard in Tennessee for a complaint and should not have been dismissed. Further, none of the causes of action contained in the

Amended Petition is time-barred. The Liquidator has filed a memorandum with legal authority and argument in support of her request that the Court alter or amend its Order.



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Special Counsel for Marie Murphy,
Special Deputy Commissioner, in her
Official Capacity as Statutory Liquidator

NOTICE OF HEARING

This motion will be heard during the Court's motion docket that starts at 9:00 a.m., on Friday, February 10, 2012. If you fail to timely file and serve a written response to this motion, the Court may grant the motion without further hearing.

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing document has been forwarded by United States Mail, first class, with sufficient postage, and by e-mail, on this, the 12th day of January, 2012, to the following parties:

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