

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

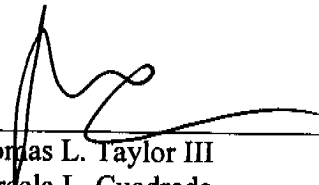
In re:)	Chapter 11
)	
LIFE FUND 5.1, LLC, et. al.,)	Case No. 09-32672
)	(Jointly Administered)
Debtors.)	
)	
)	
)	
)	
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PATRICK COLLINS, solely as)	Hon. A. Benjamin Goldgar
TRUSTEE of LIFE FUND 5.1, LLC,)	
et al.,)	Adversary No.:10-00042
Plaintiff,)	
v.)	
)	
BRENT ONCALE; RUSSELL)	
MACKERT; ADLEY ABDULWAHAB,)	
a/k/a ADLEY WAHAB; CHRISTIAN)	
ALLMENDINGER; A&O LIFE FUNDS,)	
LP; A&O LIFE FUNDS)	
MANAGEMENT, LLC; and SHEPHERD)	
CAPITAL MANAGEMENT, LLC,)	
Defendants.)	

NOTICE OF MOTION

To: All Parties and Counsel of Record

PLEASE TAKE NOTICE THAT on March 31, 2010, or as soon thereafter as counsel may be heard, I shall appear before the Hon. A. Benjamin Goldgar, or a Judge sitting in his stead, in the courtroom usually occupied by him at 219 South Dearborn Street, Chicago, Illinois and present the attached Motion to Dismiss.

FILED
 UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF ILLINOIS
 MAR 12 2010
 KENNETH S. GARDNER, CLERK
 PS REP. - AI



Thomas L. Taylor III
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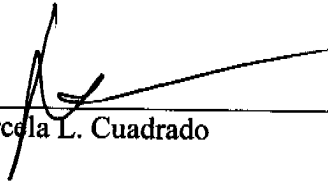
**ATTORNEYS FOR DEFENDANT
BRENT ONCALE**

CERTIFICATE OF SERVICE

I, Marcela L. Cuadrado, an attorney, hereby certify that on the 10th day of March, 2010, I caused to be served, via email a true and correct copy of **Defendant Brent Oncale's**

- (1) **NOTICE OF MOTION;**
- (2) **MOTION TO DISMISS PLAINTIFF'S ORIGINAL COMPLAINT;**
- (3) **MEMORANDUM OF LAW IN SUPPORT OF THEREOF; AND**
- (4) **[PROPOSED] ORDER**

Registered members of the Court's CM/ECF system that are participants in these proceedings received electronic notice of this filing.



Marcela L. Cuadrado

PERKINS COIE LLP
David M. Neff (ARDC # 06190202)
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Tel: (312) 324-8400
Fax: (312) 324-9400

Counsel to the Trustee

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MANAGEMENT, LLC; and SHEPHERD)	
CAPITAL MANAGEMENT, LLC,)	
)	
Defendants.)	

**MOTION TO DISMISS AND MOTION FOR MORE DEFINITE
STATEMENT OF DEFENDANT BRENT ONCALE**

TO THE HONORABLE COURT:

Defendant Brent Oncale will, and hereby does, move this Court for an Order granting his Motion to Dismiss Plaintiff's Complaint and Motion for More Definite Statement. Defendant's motions are brought pursuant to Rules 12(b)(6) and 9(b) the Federal Rules of Civil Procedure on the grounds that Plaintiff (1) fails to state a claim either for fraudulent conveyance or breach of fiduciary duty upon which relief can be

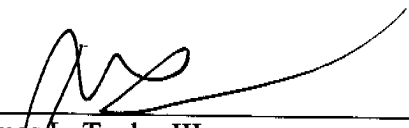
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granted and (2) fails to plead allegations that sound in fraud with requisite particularity in accordance with Fed. R. Civ. P. 9(b).

These motions are based upon the Motions, the supporting Memorandum of Points and Authorities submitted concurrently therewith, the pleadings, records and papers on file or to be filed in this action, and arguments to be made by counsel if oral argument is directed by the Court.

Dated: March 10, 2010

Respectfully submitted,



Thomas L. Taylor III
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BRENT ONCALE**

CERTIFICATE OF SERVICE

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- (2) **MOTION TO DISMISS PLAINTIFF'S ORIGINAL COMPLAINT and MOTION FOR MORE DEFINITE STATEMENT;**
- (3) **MEMORANDUM OF LAW IN SUPPORT OF THEREOF; AND**
- (4) **[PROPOSED] ORDER**

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CAPITAL MANAGEMENT, LLC,)	
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Defendants.)	

[PROPOSED] ORDER GRANTING MOTION TO DISMISS

Came on to be considered Defendant Brent Oncale's ("Oncale's") Motion To Dismiss, or in the alternative, Motion for a More Definite Statement. After considering the Motion, all responses thereto and the arguments of counsel, if any, the Court is of the opinion that said Motion should be granted in all respects.

IT IS THEREFORE ORDERED that the Complaint is dismissed and that Plaintiff is Ordered to Amend its pleading on or before _____, 2010.

Signed and to be effective as of _____, 2010.

UNITED STATES BANKRUPTCY JUDGE