UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Commodity Futures Trading Commission)		
Plaintiff,	**)**	
	)	**CIVIL ACTION NO. 04CV1512**
vs.	**)**	
	)	
Equity Financial Group LLC,	**)**	
Tech Traders, Inc.,	**)**	
Vincent J. Firth, and	**)**	
Robert W. Shimer,	**)**	
Defendants	**)**	
	)	

MEMORANDUM OF LAW AND FACT
IN RESPONSE TO
THE OBJECTIONS FILED BY THE CFTC

Sterling ACS Ltd., Sterling Alliance Ltd., Sterling Casualty & Insurance Ltd., Sterling Bank Limited, Sterling (Anguilla) Trust Ltd., Sterling Investment Management Ltd and Strategic Investment Portfolio LLC (collectively, the "Sterling Entities"), through their undersigned counsel, submit this memorandum of law and fact in response to the objection filed by the CFTC.

PRELIMINARY STATEMENT

Each of the Sterling Entities have produced the relevant documents and information necessary to resolve their claims. The objections raised by the CFTC are meritless and should be overruled. Based on the CFTC's open admission that the additional discovery it seeks "does not bear on the issues in this hearing," it is clear that the CFTC is attempting to circumvent the constitutional protections established by Congress and conduct an unauthorized investigation of unspecified Commodities Exchange Act violations unrelated to this federal civil action. The facts and the law do not allow such rogue activity.

FACTS

The Sterling Entities Cooperation

The Sterling Entities have produced relevant documents and information on a voluntary basis since they learned of this action in April 2004 (Declaration of Martin P. Russo, Esq., dated April 21, 2005 ("Russo Decl."), ¶3.). Within days of meeting the Receiver at the offices of Tech Traders, Inc. the Sterling Entities forwarded to him a binder of documents relating to the monies invested. (Id.). Thereafter, on September 29, 2004, Sterling produced hundreds of pages of documents which were copies of Vernon Abernathy's work papers that had been provided to a representative of the Sterling Group during its investigation of this matter (after the CFTC filed its lawsuit). (Ex. A).[1] Sterling also identified more than a dozen potential relief defendants. (Id.). Also in September 2004, the Sterling Entities each filed sworn proofs of claims which provided the information required by the Receiver as well as back-up documentation. (Ex. CC).

In December 2004, the Sterling Entities responded to issues raised by the Receiver and provided additional information. (Ex. B). That same month, Howell Woltz gave the CFTC a deposition and agreed to produce whatever additional documentation he could obtain. (Russo Decl., ¶5). In the months that followed, the Sterling Entities provided the CFTC with that information which was available. (Id.). In January 2005, the Sterling Entities paid for plane tickets for their counsel and Howell Woltz to meet with the Receiver in Chicago to answer any questions regarding their claims. (Id. at ¶6). The Receiver canceled the meeting. (Id.).

[1] "Ex. __" refers to the exhibits annexed to the Russo Decl.

In March 2005, this Court ordered the Receiver and the CFTC to send letters requesting all the information they would need to address the Sterling Entities' Objection to the Motion for An Interim Distribution. (Ex.C). On March 14, 2004, both the Receiver and the CFTC complied. (Exs. D and E). The Sterling Entities responded on March 21, 2005 (Exs. F and G) and, after additional correspondence for the Receiver and a "meet and confer" with the CFTC, provided additional information on April 4 and 5. (Exs. H, I, and J).

During a telephone conference call on April 8, 2005 (while Magistrate Donio was offline), the CFTC admitted that its interest in deposing Vernice Woltz was not with respect to the underlying allegations of the Complaint in this action; rather, Ms. Streit stated, in words or substance, that "the CFTC was conducting the discovery to determine if the Sterling Entities generally had committed any violations of the Commodities Exchange Act." Ms. Streit was clear that the additional discovery the CFTC seeks with respect to bank account records and the deposition of Ms. Woltz have a "broader application" and "does not bear on the issues in this hearing." (Russo Decl., ¶7).

The "Back-Up" Tape

The Sterling Entities first learned of the CFTC's interest in the "back-up" tape in or about September 2004. At that time, Ms. Woltz and Mr. Hannen properly objected to invalid subpoenas sent to them by the CFTC in flagrant disregard of the protections afforded third parties by FRCP 45. (Ex. K). In response, the CFTC for the first time expressed a desire to obtain what it referred to as a back-up tape of Vernon Abernethy's computer. (Ex. L). Thereafter, the CFTC continued to misrepresent the tape as being the "backup tape that belongs

to Vernon Abernethy." (Ex. Exs. M and N). The Sterling Entities immediately began to search for the tape, but could not locate it because it had not been labeled. (Exs. O, A, P and Q).

At or about that same time, the CFTC objected to Sterling Casualty & Insurance recovering a computer in Vernon Abernethy's possession and control. (Russo Decl., ¶4). The company was missing numerous corporate records which it believed were stored on the computer. (Ex. A). There is no dispute that this computer was the property of Sterling Casualty & Insurance which Mr. Abernethy had misappropriated. Nevertheless, Sterling Casualty & Insurance agreed with the CFTC that the U.S. Attorney for the district in which Mr. Abernethy lives would confiscate the computer, have it analyzed and tested and then cause it to be returned to its true owner. (Russo Decl., ¶4 and Ex. P). The CFTC later double crossed the Sterling Entities and returned the computer to Mr. Abernethy after having the hard disk copied and analyzed. (Ex. Q and R). As a result of the analysis, the CFTC apparently has a copy of every file existing on the Sterling Casualty & Insurance computer, but also a report of files that had been deleted over time. (CFTC Objection, fn. 4).

While the CFTC was playing dishonest games, the Sterling Entities were searching for the back-up tape. Based on information provided by the CFTC, the Sterling Entities identified several tapes which fit the description of the one sought. However, without the original computer, the Sterling Entities were unable to read the tapes. (Ex. Q). The tapes were forwarded to a computer solutions vendor to be converted and restored to a hard drive. (Ex. S). It was at that time that the Sterling Entities confirmed that the back-up was not of Mr. Abernethy's computer; rather, it was of the Sterling Casualty & Insurance computer that the CFTC already had analyzed and helped Mr. Abernethy misappropriate. (Ex. T). At that time,

the Sterling Entities informed the CFTC of its discovery of this fact and that its attorneys would forward

"documents in any way relevant to" the federal court action when their review of the documents was complete. (Id.) The CFTC did not object to this procedure. Those documents were produced on March 23, 2005. (Ex. U). Thereafter, during a meet and confer on March 25, 2005 (Good Friday), the CFTC agreed to produce a copy of the "deleted files" report created during the analysis of the Sterling Casualty & Insurance computer. (Russo Decl., ¶8 and CFTC Objection, fn. 4). The Sterling Entities agreed, in turn, to produce any of the deleted files which exist on the back-up tape. (Russo Decl., ¶8). Not surprisingly, the CFTC continues to fail to produce the "deleted files" report.

All of the above-described actions of the Sterling Entities wholly were voluntary and are only a small part of the large amount of information and documents already provided to the CFTC.

Vernice Woltz

The CFTC objection is very carefully drafted to present a false impression of Vernice Woltz' level of cooperation with the CFTC and the Receiver. The CFTC spins the narrative to de-emphasize the fact that its individual failures have resulted in the CFTC not obtaining consent to accept service of certain subpoenas.

The CFTC has never properly completed service of a valid subpoena on Vernice Woltz. (Russo Decl., ¶9). In or about late August 2004, the CFTC sent a subpoena to Vernice Woltz by FedEx delivery and U.S. Mail. (Ex. V, ¶13). The subpoena never was personally served, called for the production of documents and things hundreds of miles away from the district in which it

was issued, was unusually burdensome inasmuch as it required the physical delivery of computers and other electronic equipment and sought information which Ms. Woltz could not legally (under the laws of the Bahamas and Anguilla) provide. (Id.).

On or about August 31, 2004, Ms. Woltz timely objected to the subpoena on the above stated grounds. However, in the interest of cooperation, Ms. Woltz offered to consent to service of a subpoena of reasonable scope which did not compromise her professional obligations (i.e., her obligations under the laws of foreign jurisdictions to keep certain information confidential). (Id. at ¶14). The CFTC thereafter continued to correspond as if an objection to her subpoena had not been lodged. (Id.).

In or about the second week of September 2004, counsel to the Sterling Entities explained to the CFTC that certain information it was seeking could not be provided without violating Bahamian and Anguillan privacy and confidentiality laws. (Id. at ¶15) The Sterling Entities then offered several compromises (e.g., a process by which an independent auditor certifies that the defendants are not the beneficial owners of Sterling funds while maintaining strict confidentiality) which were rejected. (Id.). The CFTC informed counsel that they would attempt proper service on Ms. Woltz and were not willing to compromise. (Id.).

At or about that time, the CFTC created a new subpoena dated September 9, 2004 which it claimed to be serving on Ms. Woltz. (Id. at ¶16). The new subpoena had even greater focus on information which counsel previously had informed the CFTC could not be provided under the laws of the Bahamas and Anguilla. (Id.). Put simply, the CFTC escalated the situation by creating a set of circumstances which intentionally exposed Ms. Woltz to criminal penalties if she complied. Having demonstrated an intent to harm Ms. Woltz, the CFTC then apparently

sought to serve her. (Ex. V, ¶16).

On or about September 15, 2004, the CFTC was unable to serve Ms. Woltz because she was working abroad at the time of the attempted service. (Id. at ¶17). The CFTC then reversed its position and requested that Ms. Woltz accept service. (Id.). It would not, however, agree to narrow the scope of the subpoena to make compliance consistent with the laws of foreign jurisdictions. (Id.). On or about October 11, 2004, Ms. Woltz (through counsel) again informed the CFTC that if it agreed "to limit the subpoena to areas that properly are the subject of the above-referenced action, and which would not expose my clients to prosecution by foreign governments, they will consider consenting to service." (Ex. X). The CFTC continued to refuse to compromise.

The CFTC apparently then enlisted the help of customs officials (a device not ordinarily available to litigants in a federal civil proceeding) to detain Ms. Woltz at U.S. Customs locations in international airports so that it could serve Ms. Woltz. (CFTC Objection, p. 5). Through this questionable methodology, the CFTC served Ms. Woltz with a subpoena at the Charlotte airport on or about March 5, 2005. (Id.). The subpoena, however, was issued in violation of FRCP 45 inasmuch as it was issued out of the United States District Court for the Middle District of North Carolina but called for production of documents and a deposition in the Western District of North Carolina. (Ex. Z). Ms. Woltz timely objected to the subpoena on that basis. (Ex. Y). As this Court observed during the April 8, 2005 hearing, any motion to compel based upon the subpoena is required to be brought in the Middle District of North Carolina.

DISCUSSION

I. THIS COURT LACKS JURISDICTION OVER THE PERSON AND SHOULD NEITHER COMPEL THE DEPOSITION OF VERNICE WOLTZ NOR SUSTAIN THE CFTC'S OBJECTION ON THE BASIS THAT SHE HAS NOT CONSENTED TO BEING DEPOSED

A. Vernice Woltz Is Not A Party To This Action And Was Not Served With A Subpoena in the District of New Jersey

Vernice Woltz and the Sterling Entities are not parties to this action (despite two attempts to intervene which were opposed by the CFTC) and, consequently, have no general disclosure obligations under the Federal Rules of Civil Procedure ("FRCP"). As non-parties, disclosure may only be compelled by virtue of a subpoena properly served pursuant to FRCP 45. The subpoena served upon Vernice Woltz in this action originated out of the United States District Court for the Middle District of North Carolina and was objected to as defective because it called for a deposition and production in another district. Put simply, the CFTC violated the requirements of FRCP 45(a)(2) which provides, in pertinent part, as follows:[2]

> A subpoena for attendance at a deposition shall issue from the court for the district designated by the notice of deposition as the district in which the deposition is to be taken. If separate from a subpoena commanding the attendance

[2] The subpoena also violated FRCP 45(a)(3)(B) which provides that "an attorney as officer of the court may also issue and sign a subpoena on behalf of ... a court for a district in which a deposition or production is compelled by the subpoena, if the deposition or production pertains to an action pending in a court in which the attorney is authorized to practice."

> of a person, a subpoena for production or inspection shall issue from the court for the district in which the production or inspection is to be made.

FRCP 45(a)(2). Because of Ms. Woltz' timely objection, the CFTC may only attempt to compel compliance by a properly file motion in the United States District Court for the Middle District of North Carolina. Because no subpoena was served in New Jersey, this Court properly recognized during the April 8, 2005 hearing that it may not compel a deposition based on the North Carolina subpoena.

Rather that follow the rules, the CFTC attempts to do an end run around procedure and have this Court force the deposition under the threat of prejudice to the Sterling Entities claims. As is set forth more fully below, the CFTC's calculated actions are improper and should be rejected by this Court.

B. Even If This Court Had Jurisdiction Over Vernice Woltz, It Should Not Compel The Deposition Because The CFTC Admits An Improper Purpose And The Burden Upon Ms. Woltz Would Be Of The Most Serious Nature – Forcing Her To Commit A Felony

The CFTC openly admits that it is using disclosure in this civil action to conduct discovery that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Such abuse of the FRCP disclosure devices must not be countenanced. It is well recognized that pretrial discovery and depositions have a significant potential for abuse. Seattle Time Company v. Rhinehart, 467 U.S. 20, 34-35, 104 S.Ct. 2199, 2208 (1984). While discovery under FRCP 26 is generally broad and relevance is to be given liberal interpretation, "discovery, like all matters of procedure, has ultimate and necessary boundaries." Oppenheimer Fund, Inc. v. Sanders, 437 U.S.340, 351, 98 S.Ct. 2380, 2389 (1971) quoting Hickman v. Taylor, 392 U.S. 495, 507, 67 S.Ct. 385, 392 (1947). Disclosure requests which are not "reasonably calculated to

lead to the discovery of admissible evidence" in an action lie beyond the bounds of permissible discovery. Id. at 352. Discovery is only permissible, and material is only relevant, upon a "showing of need [] for the purpose of prosecuting or defending a specific pending civil action ...." Friedman v. Bache Halsey Stuart Shields, Inc., 738 F.2d 1336, 1341 (D.C. Cir. 1984).

The underlying Complaint in this action alleges a massive fraud by Tech Traders, Inc. which amounts to little more than a Ponzi scheme in which new money was used to pay false returns on earlier investments. The defendants in the action are alleged to have participated in that fraudulent conduct. The Sterling Entities are neither defendants nor alleged to have engaged in any wrongdoing. Consequently, to the extent that the CFTC is seeking the deposition of Vernice Woltz and bank records from the Sterling Entities "to determine if the Sterling Entities generally have committed any violations of the Commodities Exchange Act," the discovery is not permissible.

Moreover, even if the information sought arguably is generally relevant to this matter, the information would not be discoverable and Ms. Woltz would be entitled to protection. "[T]o be entitled to conduct a deposition or review [the records of a non-party], the plaintiff must demonstrate that the relevance and need for the evidence outweigh the burden and prejudice to the non-party." Anker v. G.D. Searle & Co., 126 F.R.D. 515, 521 (M.D.N.C. 1989). Where the burden of discovery is heightened because the person is a non-party, the Court should first attempt to alleviate undue hardship through the issuance of a protective order. Id. at 519.

Here, any conceivable relevance is outweighed by the tremendous burden imposed upon Ms. Woltz. The CFTC has made it clear that it seeks to ask Ms. Woltz questions which would require her to reveal confidences she acquired in the course of her employment in the Bahamas

(where she resides) and Anguilla. The disclosure of each confidence is the equivalent of a felony under the laws of the Bahamas and Anguilla, and would subject Ms. Woltz to criminal penalties which include incarceration and stiff fines. (Exs. W and BB respecting the Banks and Trust Companies Regulation, Ch. 316 (Bahamas 2000) and the Confidential Relationship Ordinance (Anguilla 1981)). Ms. Woltz would be placed in a situation where she not only was being compelled to commit a crime, but also to incriminate herself under oath and on the record. To make matters worse, Ms. Woltz could not assert the her Fifth Amendment right against self-incrimination because that constitutional protection does not extend to incrimination under foreign laws. See, United States v. Balsys, 524 U.S. 666, 118 S.Ct. 2218 (1998). Thus, it is clear that the burden imposed by compelling a deposition – the sacrifice of Ms. Woltz' liberty – far outweighs any "general" relevance of her testimony, especially since the subject matter of the inquiry is unrelated to the conduct of the defendants in this case.

Finally, and equally importantly, the CFTC's abuses of the disclosure devices in this case are a flagrant attempt to avoid the congressional protections afforded every citizen. Ms. Woltz does not dispute that the CFTC could have the power to take on the record testimony in a properly authorized investigation, but she objects to the staff's rogue agent approach in this civil action. Before the CFTC could take Ms. Woltz' testimony "to determine if the Sterling Entities generally have committed any violations of the Commodities Exchange Act," the staff would have to present sufficient evidence to the Commission to demonstrate cause to authorize a formal investigation. 17 C.F.R. §§ 11.2 and 11.4. Thereafter, the CFTC would have to provide the formal order to Ms. Woltz and inform her of the general subject matter of the investigation as well as her constitutional rights in dealing with an administrative agency. 17 C.F.R. § 11.7.

Here, the CFTC staff seeks to bypass the procedures established by Congress and go directly to the inquisition. The CFTC is misleading this Court with respect to the need for the deposition and attempting to extort compliance from Ms. Woltz under the threat of its objection to a distribution of funds.

C. This Court Order The CFTC To Request Information Relevant To The Determination Of The Sterling Entities' Entitlement To A Distribution And The Relevant InformationWas Provided

On March 14, 2005, both the CFTC and the Receiver, pursuant to the order of this Court, forwarded letters to the Sterling Entities which addressed the outstanding information and documents which each claimed were necessary before their objections could be resolved. These letters were intended to be all inclusive. The letter from the CFTC specifically states that the information requested in the letter incorporated that which the CFTC was seeking from Vernice Woltz. (Ex. E, p.4) Accordingly, the Sterling Entities already have provided the non-objectionable responsive information and documents which the CFTC seeks from Vernice Woltz. Consequently, a deposition of Vernice Woltz is not necessary to resolve the issues relating to a distribution to the Sterling Entities.

II. THIS COURT SHOULD OVERRULE THE CFTC'S OBJECTION WHICH PURPORTEDLY IS BASED ON THE STERLING ENTITIES' REFUSAL TO PRODUCE THE "BACK-UP" TAPE OF THE STOLEN STERLING Casualty & Insurance COMPUTER

A. The Back-Up Tape Is Property Of Sterling Casualty & Insurance And Neither the Sterling Entities Nor Ms. Woltz Have Violated The Court Order Regarding The Property Of Vernon Abernethy

The Sterling Entities did not violate paragraph 4 of the Consent Order of Preliminary Injunction Against J. Vernon Abernethy (Ex. L, attachment No. 1) and the CFTC's allegation is fatuous. The CFTC's argument fails in three respects. First, the back-up tape is the property of

Sterling Casualty & Insurance, and is a copy of the hard drive of a computer that belongs to that entity. It did not belong to Mr. Abernethy and the consent order does not apply. Second, the back-up tape was received from Mr. Abernethy and sent to the Sterling Entities offices in the Bahamas in or about April 2004 – many months before the consent order existed. Finally, even assuming arguendo, that the tape belonged to Mr. Abernethy (which is denied), as non-parties the Sterling Entities are not subject to requests for production and they never have been served with a subpoena. Therefore, the CFTC claim that the Sterling Entities refusal to produce the entire back-up tape violates the consent order is devoid of any merit.

B. Not Only Has The CFTC Inspected the Stolen Sterling Casualty And Insurance Computer, But the Sterling Entities Have Produced Hard Copies Of Relevant Documents From the Back-Up Tape To The CFTC And Consented to Produce Copies of Any Relevant Deleted Files Identified By The CFTC

The CFTC's claimed need for the "back-up" tape is particularly disingenuous. It admits that it obtained the Sterling Casualty & Insurance computer which created the backup, and was able to copy and analyze the hard drive. It further admits that it agreed to provide a report of purportedly "deleted" files to the Sterling Entities so that they might provide any such files that exist on the "back-up" tape. (Notably, the CFTC has failed to produce any such report and the Sterling Entities are unaware of any additional files to be produced). And it does not deny that the Sterling Entities produced hard copies of relevant files from the "back-up" tape on March 23, 2005. It is hard to fathom what additional information the CFTC seeks or how it can in good faith characterize the Sterling Entities' cooperation as less than complete. Indeed, only the CFTC has failed to produce information that would settle this matter. This Court should recognize this objection for what it is – a red herring – and overrule it.

C. The Remaining Files On The "Back-Up" Tape are Proprietary to Sterling Casualty & Insurance And Not The Proper Subject Of Discovery In This Action

The remaining files on the "back-up" tape are the property of Sterling Casualty & Insurance and are proprietary and confidential. Since they are not relevant to this matter there is no reason to produce them to the CFTC. Oppenheimer,437 U.S. at 351-352. That being said, the CFTC likely already improperly has obtained many of the files based on its review of the computer which generated the hard drive. In any event, irrelevant files relating to the business of Sterling Casualty & Insurance are not the proper subject of discovery and should not be considered a basis for objection to a distribution.

III. THE CFTC'S REQUEST FOR BANK RECORDS IS GROSSLY OVERBROAD AND IS MADE WITH AN IMPROPER PURPOSE

In its letter dated March 14, 2005, the CFTC made the following request for bank records:

> 7. For the period January 2003 to present, copies of all bank and trading statements for all accounts in the names of [every Sterling Entity].

(Ex E, p. 2). The Sterling Entities timely objected to the request as follows:

> 7. The Sterling Entities object to your request on the grounds that it is overly broad, wholly irrelevant to their objection to the interim distribution, not reasonably calculated to lead to the discovery of admissible evidence, seeks the production of documents already in your possession, and constitutes a fishing expedition by the CFTC.

(Ex. G, p.2). As discussed above, and as the CFTC freely admits, this request goes well beyond the allegations in this case. Indeed, the request itself is transparent. Since the CFTC halted the Tech Traders fraud with the assistance of this Court in April 2004, it is clear that banking records for the time period from the filing of the complaint to the present are irrelevant. This is especially true in light of the fact that the Sterling Entities already have provided bank records to

support their deposits to and withdrawal of funds to Tech Traders, Inc. Thus, this request is nothing more than an attempt by the CFTC to avoid the administrative process and use this litigation to conduct an unrelated and unauthorized investigation of the activities of the Sterling Entities. It is but one of many examples of the CFTC's use of this civil action for a "broader application" by seeking information and documents that "do[] not bear on the issues in this hearing." Like the unnecessary deposition of Vernice Woltz, discovery of these records should not be permitted.

IV. THE STERLING ENTITIES HAVE COMPLIED WITH THE COURT'S AUGUST ORDER AND HAVE IDENTIFIED THE BENEFICIARIES OF THE TRUST CLIENTS WITH CLAIMS

The CFTC's argument that the Sterling Entities have failed to comply with this Court's order dated August 23, 2004 because it requires the disclosure of the identity of "natural" persons who had a beneficial interest in the Tech Trader's account is disingenuous.

The August order provides, in pertinent part, as follows:

> ... investors must identify to the Receiver the nature and the extent of their interest in the receivership assets, as well as the identity of all persons having a beneficial interest of any kind in their account with the Defendants.

(Ex. AA, ¶ 3 (emphasis added)). This action was commenced and the Receiver was appointed pursuant to the Commodities Exchange Act, 7 U.S.C. §1 et seq. Accordingly, it is governed by the Act which defines the term "person" as follows:

> The term "person" imports the plural or singular, and includes individuals, associations, partnerships, corporations, and trusts.

7 U.S.C. §1a(28). Similarly, the regulations promulgated for the enforcement of the Act define "person" as follows:

> Person. This term includes individuals, associations, partnerships, corporations, and trusts.

17 C.F.R. § 1.3(u). Thus, the term "person" as used in the August order should not be interpreted restrictively to include only "natural" persons; rather, it should have the broader definition afforded by the Act and the regulations promulgated thereunder.

The Sterling Entities have fully complied with the order, and identified the beneficial owners of the funds deposited with Tech Traders in their claim forms. (Ex. CC). Thereafter, in response to inquiries by the Receiver (Exs. D and H), the Sterling Entities provided additional information about the persons having a beneficial interest. (Exs. F and I). Consequently, any objection based on a purported failure to disclose the identity of persons with a beneficial interest lacks merit and should be overruled.

CONCLUSION

Based upon the foregoing, and the issues raised in the Sterling Entities' objection to the interim distribution, the CFTC's objections should be overruled and funds should be distributed to the Sterling Entities on an individual basis.

Dated: April 22, 2005

Respectfully submitted,

By: /s Warren W. Faulk

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