

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Court File No. 0:08:CV-04817 MJD/JJ

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Ellen M. Gorton,

Plaintiff,

v.

**RULE 68 OFFER OF JUDGMENT  
OF DEFENDANTS**

Debt Equities, LLC, Thomas LaBeaux,  
and Paul Skillings,

Defendants.

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Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants Debt Equities, LLC (“Debt Equities”), Thomas LaBeaux, and Paul Skillings (collectively “Defendants”) by and through their undersigned attorneys, hereby submit this Offer of Judgment (“Offer”), which offers to allow judgment to be taken against them and in favor of Plaintiff Ellen M. Gorton (“Plaintiff”), as follows:

1. Judgment shall be entered against Defendants in the amount of Fifteen Thousand and 00/100 Dollars (\$15,000.00) arising from Plaintiff’s claims against Defendants as alleged in Plaintiff’s Complaint in the herein matter.

2. The judgment entered shall include an additional amount for Plaintiff’s reasonable attorney fees and costs incurred by Plaintiff in connection with the claims alleged in the Complaint in this matter. Said amount for attorney fees and costs shall be agreed by counsel for the parties, or determined by the Court upon application by Plaintiff’s counsel, subject to objection and response by Defendant’s counsel, if counsel are unable to reach an agreement. Plaintiff’s reasonable attorney fees and costs shall be limited to time and amounts expended on

Plaintiff's claims in this matter through the date of Plaintiff's counsel's receipt of service of this Offer.

3. The judgment entered in accordance with this Offer is to be in total settlement of any and all claims by Plaintiff and/or potential claims that could have been brought by Plaintiff in this matter.

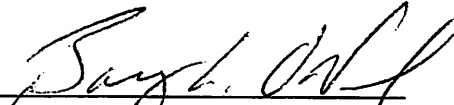
4. Notwithstanding the foregoing Offer, Defendant denies any wrongdoing or violation of state or federal laws, but admits liability for the sole purposes of settlement and resolution of Plaintiff's claims sought in the above-captioned matter as described more fully herein. If Defendants' Offer is accepted, Plaintiff agrees to dismiss and release all claims she has or could have brought in this action, which arise from the transaction and form the basis of Plaintiff's claims, including the facts alleged by Plaintiff in this matter and including any claims for costs, attorney fees, statutory penalties, damages and interest.

5. If Plaintiff rejects this Offer, pursuant to Rule 68, Defendant may seek to recover any additional costs and disbursements incurred in the defense of Plaintiff's claims, then accrued at the conclusion of this case, if applicable. Also, Plaintiff must pay Plaintiff's own costs and

attorney fees incurred after making this Offer, as well as the costs of Defendant. See O'Brien v. City of Greers Ferry, 873 F.2d 1115, 1120 (8<sup>th</sup> Cir. 1989).

Dated: April 7, 2009

LOMMEN, ABDO, COLE, KING & STAGEBERG, P.A.

BY 

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