

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF HUGHES)

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

LARRY DEITER, DIRECTOR OF)
INSURANCE OF THE STATE OF)
SOUTH DAKOTA, AS LIQUIDATOR)
OF RELIAMAX SURETY COMPANY)
IN LIQUIDATION,)

Plaintiff,)

v.)

MICHAEL VAN ERDEWYK, JOHN)
VAN ERDEWYK, BRADLEY)
MESSERLI, MARK PAYNE, RANDY)
SCHAEFER, AND JIM RICKARDS,)
INDIVIDUALLY AND AS THE)
DIRECTORS AND OFFICERS OF)
RELIAMAX SURETY COMPANY AND)
RELIAMAX HOLDING COMPANY;)
AND RSM US LLP,)

Defendants.)

32CIV20-000207

NOTICE OF ENTRY
OF FINAL JUDGMENT

TO THE PARTIES ABOVE-NAMED AND THEIR RESPECTIVE COUNSEL
OF RECORD:

Please take notice that a Final Judgment, a true copy of which is appended hereto,
has been signed by the above-named Court on January 29, 2021 and entered by the Clerk
of Courts, Sixth Judicial Circuit, Hughes County, on January 29, 2021.

Dated: February 2, 2021

CADWELL SANFORD DEIBERT
& GARRY LLP

By /s/ SW Sanford_____

Steven W. Sanford
200 E. 10th Street, Suite 200
Sioux Falls, South Dakota 57104
(605) 336-0828
Email: *ssanford@cadlaw.com*

Frank A. Marnell
124 South Euclid Avenue, 2nd Floor
Pierre, SD 57501
(605) 773-3563
Email: *frank.marnell@state.sd.us*

*Attorneys for Liquidator
of ReliaMax Surety Company*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing was served on those listed below by email and U.S. mail, postage prepaid, on February 2, 2021:

Mr. Antonio M. Trillo
Assistant General Counsel
RSM US, LLP
200 S. Wacker Drive, Suite 3900
Chicago, IL 60606
Email: tony.trillo@rsmus.com

Mr. Brian A. Dillon
Gray, Plant, Mooty, Mooty
& Bennett, P.A.
80 South 8th Street
500 IDS Center
Minneapolis, MN 55402
Email: brian.dillon@gpmlaw.com

CADWELL SANFORD DEIBERT
& GARRY LLP

By /s/ SW Sanford

Steven W. Sanford
200 E. 10th Street, Suite 200
Sioux Falls, South Dakota 57104
(605) 336-0828
Email: ssanford@cadlaw.com

Frank A. Marnell
124 South Euclid Avenue, 2nd Floor
Pierre, SD 57501
(605) 773-3563
Email: frank.marnell@state.sd.us

*Attorneys for Liquidator
of ReliaMax Surety Company*

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF HUGHES)

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

LARRY DEITER, DIRECTOR OF)
INSURANCE OF THE STATE OF)
SOUTH DAKOTA, AS LIQUIDATOR)
OF RELIAMAX SURETY COMPANY)
IN LIQUIDATION,)

32CIV20-000207

Plaintiff,)

v.)

FINAL JUDGMENT

MICHAEL VAN ERDEWYK, JOHN)
VAN ERDEWYK, BRADLEY)
MESSERLI, MARK PAYNE, RANDY)
SCHAEFER, AND JIM RICKARDS,)
INDIVIDUALLY AND AS THE)
DIRECTORS AND OFFICERS OF)
RELIAMAX SURETY COMPANY AND)
RELIAMAX HOLDING COMPANY;)
AND RSM US LLP,)

Defendants.)

Plaintiff and all Defendants having negotiated and agreed to full and complete settlement of all Plaintiff's claims against all Defendants under the terms of two separate Settlement Agreements, one with Defendant RSM US, LLP and a second separate settlement with all remaining Defendants, as approved by two separate Orders: (i) the Order Approving Settlement with RSM US, LLP in 32CIV20-000207 signed on December 24, 2020 and entered on December 28, 2020, and (ii) the Order Approving Settlement with Directors and Officers of ReliaMax Surety Company and ReliaMax Holding Company in 32CIV20-000207 signed and entered on January 26, 2021, certified

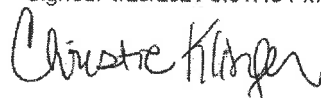
copies of which Orders have been filed in this action; and pursuant to the terms of those approved settlements, and for cause shown;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. All claims of Plaintiff against Defendant RSM US, LLP shall be and hereby are dismissed on their merits, with prejudice and without costs to any party.
2. Plaintiff shall have and recover against all Defendants other than RSM US, LLP the sum of \$10,000,000.
3. The money judgment provided herein shall be reduced pro tanto by the amount of payment made by Pioneer Special Risk Insurance Services, Inc.
4. The remaining unpaid balance of such money judgment shall be enforceable solely against and recoverable solely from XL Specialty Insurance Co.

BY THE COURT:

Signed: 1/29/2021 3:51:43 PM



Circuit Court Judge

Attest:

Deuter-Cross, TaraJo
Clerk/Deputy

