

**EXHIBIT A**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

v. :

Civil Action No. 1:19-CV-08454

TODAY’S GROWTH CONSULTANT, INC. :  
(dba THE INCOME STORE) :

and :

KENNETH D. COURTRIGHT, III, :

Defendants. :

**LEGAL NOTICE OF  
CLAIMS ADMINISTRATION PROCESS  
AND PARTIAL PLAN OF DISTRIBUTION**

**IF YOU ENTERED INTO A CONSULTING PERFORMANCE  
AGREEMENT OR SOFTWARE DEVELOPMENT AGREEMENT  
("INVESTOR") WITH DEFENDANT TODAY’S GROWTH  
CONSULTANT, INC. d/b/a THE INCOME STORE ("TGC")**

**YOU MAY BE ENTITLED TO RECEIVE A TRANSFER OF A WEBSITE  
OR PAYMENT FROM ASSETS RECOVERED IN THIS SEC  
ENFORCEMENT ACTION.**

**OR**

**IF YOU TANSFERRED FUNDS TO OR ARE OTHERWISE A CURRENT  
CREDITOR OF TGC ("CREDITOR"),**

**YOU MAY BE ENTITLED TO PARTICIPATE IN MONETARY  
RECOVERY FROM THE ASSETS RECOVERED IN THIS ACTION**

**DEADLINE FOR ALL INVESTORS AND CREDITORS TO  
SUBMIT CLAIMS TO THE RECEIVER: \_\_\_\_\_.**

## INTRODUCTION

On December 30, 2019, the Court entered a Temporary Restraining Order Freezing Assets and Imposing Other Emergency Relief [ECF No. 20] (“TRO”) and an Order Appointing Receiver [ECF No. 19] (“Appointment Order”) in this Securities and Exchange Commission (“SEC”) enforcement action. The TRO ordered all of the Defendants’ assets frozen to preserve the *status quo*. See ECF No. 20 at pp. 6-7.

The Appointment Order requires the Receiver to marshal Defendants’ assets and provide the Court with quarterly reports on the status of the Estate. See ECF No. 19. In her Initial Status Report the Receiver advised the Court that she would provide a proposed claims process and partial plan of distribution of the assets of the Estate by February 28, 2020. See ECF No. 45. Accordingly, the Receiver proposed the Claims Process and two-part distribution plan detailed herein.

On February 28, 2020, the Receiver filed with the Court a Motion to Approve (A) Noticing and Claims Administration Process and (B) Partial Plan of Distribution [ECF # \_\_\_\_]. On \_\_\_\_\_, the Court entered an Order [ECF # \_\_\_\_] approving the Noticing and Claims Administration Process and Partial Distribution Plan (described herein), pursuant to which the “Eligible Claimants” (defined below) shall file the Proof of Claim and Release Form attached hereto for (i) turnover of the website(s) and/or domain name(s) URL assigned to such Investor (the “Website(s)”); (ii) recovery of the amounts of their net losses of principal paid to TGC pursuant to a Consulting Performance Agreement or Software Development Agreement with TGC, or (iii) recovery of the amount that TGC owes them for goods delivered and/or services performed. Further, the Court-approved Partial Distribution Plan authorizes and directs the Receiver to create a settlement fund (the “TGC Fund”), and distribute the proceeds of such Fund, after payment of administrative expenses of the receivership estate, to each investor or creditor electing a monetary remedy for their claims against TGC determined to have an “Allowed Claim” (defined below) based on a later approved distribution method.

## LEGAL NOTICE

If you entered into a Consulting Performance Agreement or Software Development Agreement with TGC or provided goods or services to TGC, you may be an Eligible Claimant entitled to file a Proof of Claim, and you may have an Allowed Claim and, thus, be entitled to receive turnover of the Website(s) assigned to you or a distribution from the TGC Fund based on your net loss of the principal amount you paid to TGC pursuant to a Consulting Performance Agreement or Software Development Agreement, or the amount that TGC owes to you. If you are an Eligible Claimant, to obtain any distribution from the TGC Fund, you must fill out and submit to the Receiver the online Proof of Claim and Release form described below **ON OR BEFORE** \_\_\_\_\_.

### **Who is an Eligible Claimant?**

Investors and Creditors are eligible to participate in the Claims Process, and are encouraged to submit a claim, (i) if they entered into a Consulting Performance Agreement or Software Development Agreement with TGC and incurred a net loss of the principal amount you paid to TGC during the fraud subject of this enforcement action as a result of having entered into one such Agreement; or (ii) if TGC incurred a debt to them that remains unpaid in whole or in part. Such Investors and Creditors are “Eligible Claimants” in this Claims Process.

### **What is required to have an Allowed Claim?**

The claim of an Investor or Creditor will be allowed (an “Allowed Claim”), such that the Investor or Creditor will be entitled to receive either: (i) turnover of the Website(s) assigned to the Investor or a distribution based on that Investor’s net loss of the principal paid to TGC pursuant to a Consulting Performance Agreement or Software Development Agreement with TGC, or (ii) a distribution based on the amount that TGC still owes to the Creditor, provided that the Investor or Creditor sufficiently demonstrates to the satisfaction of the Receiver through documentation and/or sworn statements, among other things:

- (i) that such Investor (a) entered into a Consulting Performance Agreement or Software Development Agreement with TGC, (b) paid an up-front fee to TGC, and (c) did not receive from TGC or their affiliates any amount, or received an amount less than the amount they had paid to TGC, and thus incurred a net loss;

OR

that TGC incurred a debt to such creditor, for goods or services that such creditor provided to TGC and such debt remains unpaid in whole or in part;

AND

- (ii) that such Investor or Creditor is not: (a) Defendant Kenneth D. Courtright, III, or a member of his family, including without limitation a spouse, child, parent, sibling or parent or sibling of Defendant Courtright’s spouse, or any entity directly or indirectly controlled by them or a trust established for their benefit; (b) a person who was employed by or contracted to TGC or Defendant Courtright at any time from December 2009 through December 2019 (the “relevant period”); (c) a person or entity affiliated with TGC or Defendant Courtright during the relevant period, including without limitation Conklin Web Properties; and (d) a person or entity that promoted TGC or its investment contracts and was directly or indirectly compensated for such promotion.

AND

- (iii) that the total amount of funds that such Investor paid to TGC exceeds the total amount of funds that TGC or their affiliates transferred back to such creditor, or that the total value of the goods or services that the creditor provided to TGC exceeds the total amount that TGC paid to such creditor for those goods and services.

The Receiver may consider other factors in determining whether a claim is an Allowed Claim.<sup>1</sup> If an Investor or Creditor cannot prove all three of the foregoing factors, that Investor's or Creditor's claim will be disallowed and such Investor or Creditor will receive no turnover of an assigned Website(s) or monetary distribution.<sup>2</sup>

If an Investor or Creditor makes the requisite showing regarding his or her claim and the Receiver determines that such claim is an Allowed Claim, then and only then, will the Investor or Creditor be entitled to a recovery from the Estate. For Investors requesting turnover of an assigned Website(s), the Receiver will require that they confirm the name of Website(s), and the total amount of funds they received from TGC pursuant to the Agreement they entered into with TGC. The name(s) of the Website(s) assigned to each Investor and the total amount that each Investor received from TGC will be listed on the claim form that is provided to each Investor with this Legal Notice to the extent known. Each Investor will be asked to (i) confirm such information in the claim form, (ii) revise the amount received, as appropriate, (iii) add any other Website the Investor believes was assigned to him or her, and (iv) provide the Consulting Performance Agreement(s) or Software Development Agreement(s) he or she entered into with TGC if requested. If an Investor does not know the total amount he or she received from TGC and/or the name(s) of the Website(s) assigned to him or her, such Investor may contact the Receiver to confirm such information.<sup>3</sup>

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<sup>1</sup> Notwithstanding these factors for determining whether a claim should be allowed, the Receiver will analyze each claim individually, the circumstances surrounding each Investor's payment to and involvement with TGC and each Creditor's dealings and relationship with Defendants, and the Receiver reserves the right to object to and seek to disallow any claim.

<sup>2</sup> To the extent an Investor received funds from TGC in excess of such Investor's total investment with or payment to TGC, such that the Investor profited from the fraud, the Receiver reserves the right to pursue a claim against such Investor for the return of the profit received and any other appropriate relief.

<sup>3</sup> Investors may also request data concerning performance of their "assigned" Website(s) for purposes of making the election.

The Investor' claims for turnover of Websites will be processed first and the Websites will be turned over as soon as practicable after Investors have made an Allowed Claim for the respective Websites of which they seek turnover, without further order of the Court.

If an Investor elects monetary distributions, the Receiver will calculate the amount of such Allowed Claim by subtracting the total amount of funds that such Investor received from TGC from the total amount that such Investor paid to TGC, irrespective of the success or failure of the particular investment or terms in any agreement underlying the debt providing for interest or fees. The Receiver will propose a method for the monetary distribution for approval by the Court after sufficient assets have been recovered and/or liquidated to warrant a distribution.

### **How does an Eligible Claimant submit a Claim?**

To submit a claim and participate in the Claims Process and Distribution Plan, you must fill out and submit the Proof of Claim and Release Form, attached to this Legal Notice and posted on the website created for this receivership located at this URL: [incomestorereceivership.com](http://incomestorereceivership.com) and agree to and sign the release of all claims contained therein. The Proof of Claim and Release Form requests information required to participate in the Claims Process and to receive turnover of a Website or a distribution from the settlement fund if you are determined to have an Allowed Claim. And, you will be required to submit all requested supporting documentation with your Proof of Claim and Release Form. Claims that lack requested supporting documentation will not be considered. For technical support in completing the Proof of Claim and Release Form, please contact the Receiver's office at the addresses set forth below.

You may obtain information regarding the claims process by:

- Visiting the websites for this Receivership ([www.incomestorereceivership.com](http://www.incomestorereceivership.com)) and the Receiver's counsel ([www.dvllp.com](http://www.dvllp.com)).
- Submitting questions by mail to the Receiver at Damian & Valori LLP, 1000 Brickell Avenue, Suite 1020, Miami, Florida 33131.
- Sending an email to the Receiver at [incomestore@dvllp.com](mailto:incomestore@dvllp.com).

**DEADLINES**

_____, 2020	Notice of Claims Process sent out
_____, 2020	Claims Bar Date
_____, 2020	Receiver’s Initial Determination Date
_____, 2020	Investor Deadline for Appealing to Receiver
_____, 2020	Receiver’s Final Determination Date
_____, 2020	Investor Deadline for Appealing to the Court
_____, 2020	Receiver Response to Appeals Deadline
Receiver Files Motion to Approve Monetary Distribution	
TBD (based on completion of asset recovery phase)	