

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,

Plaintiff,

v.

DRIVE PLANNING, LLC, and  
RUSSELL TODD BURKHALTER,

Defendants,

and

JACQUELINE BURKHALTER,  
THE BURKHALTER RANCH  
CORPORATION, DRIVE  
PROPERTIES, LLC, DRIVE  
GULFPORT PROPERTIES LLC,  
and TBR SUPPLY HOUSE, INC.,

Relief Defendants.

Civil Action No.  
1:24-cv-03583-VMC

**ORDER**

THIS MATTER came before the Court on the Receiver's Motion to Approve: (I) Commencement of Ancillary Proceedings to Recover Net Gains, Commissions, and Other Improper Transfers to Third Parties; (II) Implementation of Settlement Procedures; and (III) Contingency Fee Arrangements in Certain Circumstances, on and Expedited Basis to Meet August 13, 2025 Filing Deadline for Certain Claims

(Doc. 229) (the “Motion to Approve”).<sup>1</sup> The Court held a Zoom teleconference hearing on the Motion to Approve on August 7, 2025. For the reasons given at the hearing, it is

**ORDERED** that the Motion to Approve is **GRANTED IN PART** as set forth in this Order. It is

**FURTHER ORDERED** that the Receiver is **AUTHORIZED** to commence ancillary proceedings against investors to recover Net Gains, against Agents to recover Commissions, and against third parties to recover improper transfers, after conferring with the SEC prior to commencing any such proceeding. It is

**FURTHER ORDERED** that the Contingency Fee Procedures are **APPROVED** and the Receiver is **AUTHORIZED** to implement them, subject to SEC approval, should the Receiver and his counsel elect to proceed on a contingency fee basis, when prosecuting ancillary proceedings to recover Net Gains from investors, Commissions from Agents, and/or improper transfers from third parties. For the avoidance of doubt, the Court reiterates that under the Contingency Fee Procedures, payments to counsel are subject to Court review for final allowance prior to payment, and the Court expects that motions for approval

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<sup>1</sup> 1 All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion to Approve (Doc. 229).

include basic information about time and hourly legal fees spent on the Contingent Litigation Claims, as referenced on Pages 22-23 of the Motion to Approve.

It is **FURTHER ORDERED** that the Receiver is **DIRECTED**, within 14 days of the date of entry of this Order, to file a notice explaining the proposed Settlement Procedures in plain language on the docket and posted prominently on the homepage of the Drive Planning Receivership website, [www.driveplanningreceivership.com](http://www.driveplanningreceivership.com). The notice should instruct investors to submit comments or objections to the Receiver directly within 21 days of the date of posting of the notice. The Receiver **SHALL** file a notice summarizing any objections that he receives which are responsive to the subject matter of the proposed Settlement Procedures after the conclusion of the 21-day period.

**SO ORDERED** this 7th day of August, 2025.



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Victoria Marie Calvert  
United States District Judge