

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

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

**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.

**NOTICE REGARDING RECEIVERSHIP DEFENDANT
DRIVE PLANNING LLC'S SWORN STATEMENT REQUIREMENT
PURSUANT TO ORDER APPOINTING RECEIVER [ECF NO. 10]**

Kenneth D. Murena, as Court-Appointed Receiver (the "Receiver") in the above-captioned enforcement action, pursuant to the Order Appointing Receiver [ECF No. 10] (the "Appointment Order"), hereby gives notice as follows:

Pursuant to the Appointment Order, the Receivership Defendant, Drive Planning, LLC, is required to file and serve on the Receiver and Plaintiff Securities

and Exchange Commission (“SEC”) a sworn statement within ten (10) days following entry of the Order, detailing the identity, location, and estimated value of all Receivership Property, among other information. *See* ECF No. 10 at ¶ 9.

Given that Drive Planning, LLC is no longer under the control of its previous management and does not have a representative able to gather and swear to the required information, and its former CEO, Defendant Russell Todd Burkhalter filed disclosures in which he invoked the Fifth Amendment, the Receiver respectfully advises the Court of Drive Planning, LLC’s inability to fulfill the sworn statement obligation in the Appointment Order.

Pursuant to the Appointment Order, the Receiver is currently conducting an investigation as to matters that Drive Planning LLC is required to address in the sworn statement and will incorporate in his initial status report to be filed with the Court the findings of his investigation through the filing date. *See* ECF No. 10 at ¶ 54.

The Receiver has conferred on this matter with counsel for Defendant Russell Todd Burkhalter and counsel for the SEC, and both counsel agree with the Receiver’s understanding that it will not be possible for Drive Planning, LLC to file and serve on the Receiver and the SEC the sworn statement required in the Appointment Order.

Dated: September 3, 2024.

s/Adriana M. Pavon

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*Local Counsel for Kenneth D.
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CERTIFICATE OF SERVICE, FONT AND MARGINS

I hereby certify that on September 3, 2024, I electronically filed the foregoing *Notice* using the CM/ECF System that will automatically send e-mail notification of such filing to all registered attorneys of record.

I further certify that I prepared this document in 14 point Times New Roman font and complied with the margin and type requirements of this Court.

Dated: September 3, 2024.

s/Adriana M. Pavon
Adriana M. Pavon, Esq.
Florida Bar No. 1025060
Admitted Pro Hac Vice