

1 **THE LAW OFFICE OF MACY D. HANSON, PLLC**
Macy D. Hanson, Miss. State Bar No. 104197
2 102 First Choice Drive
Madison, MS 39110
3 (601) 853-9521
Attorney E-mail: macy@macyhanson.com
4

5 **HONOR LAW GROUP, PLLC**
James M. Cool, State Bar No. 028023
6 4450 S. Rural Rd., Suite C-220
Tempe, AZ 85282
7 (602) 282-0223
Attorney E-mail: cool@aztrialattorneys.com
8

9 *Attorneys for Plaintiff*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 Brian Winkler

13
14 Plaintiff,

15 v.

16 GM Law Firm, LLC; Chantel L. Grant;
17 National Legal Staffing Support, LLC;
18 Gregory Fishman; Julie Queler; Kevin
19 Mason; Resolvly, LLC; JG Factor,
20 LLC; and John and Jane Does
Defendants 1-5.

21 Defendants.

Civil Action No. 3:20-cv-08248-DWL

Plaintiff’s Motion for Entry of Judgment
Enforcing the Funding of Settlement
Agreement as to Defendant, Julie Queler,
individually

22 **PLAINTIFF’S MOTION FOR ENTRY OF JUDGMENT ENFORCING THE**
23 **FUNDING OF SETTLEMENT AGREEMENT AS TO DEFENDANT, JULIE**
24 **QUELER, INDIVIDUALLY**

25 THE PLAINTIFF, Brian Winkler, files this Motion for Entry of Judgment Enforcing
26 the Funding of Settlement Agreement as to Defendant, Julie Queler, individually, under the
27

1 inherent power of this Court to enforce the terms of settlement agreements in cases pending
2 before it, and shows to the Court the following in support of the relief requested in this
3
4 Motion for Entry of Judgment:

5 1. On the morning of December 29, 2020, Defendant, Julie Queler, in her
6 individual capacity, agreed to the previously negotiated terms for a global settlement of
7 three active federal lawsuits filed against her, her businesses, and her business partners (the
8 co-Defendants in this, and the other two related, federal court actions). These three federal
9 civil lawsuits, all making the same factual allegations about Ms. Queler's, and her business'
10 and partners', (fraudulent and illegal) student loan "debt elimination" program consistent of:
11
12 (1) *Winkler v. GM Law Firm, LLC, et al.* (District of Arizona; Civil Action No. 3:20-cv-
13 08248-DWL); (2) *Grijalva v. Kevin Mason, et al.* (Central District of California; Civil
14 Action No. 8:18-cv-02010-MCS (DFMx)); and (3) *Hodges v. GM Law Firm, LLC, et al.*
15
16 (Northern District of Georgia, Civil Action No. 1:20-cv-03799-JPB).

17
18 2. December 29, 2020, was the (rescheduled) deposition date for Julie Queler in
19 the *Grijalva* action, an action was deep into discovery and that had been hotly litigated since
20 2018.

21
22 3. Julie Queler, acting only in her individual capacity, emailed counsel for the
23 Plaintiffs, Macy Hanson, in these three federal civil actions, cited above, on the morning of
24 December 29, 2020, agreeing to the settlement terms that she, Julie Queler, and Macy
25
26

1 Hanson negotiated in the days leading up to Julie Queler's (rescheduled) deposition date of
2 December 29, 2020.

3
4 4. Those settlement terms, negotiated between Julie Queler and counsel for the
5 three Plaintiffs involved, Brian Winkler, Vivian Grijalva, and Zachary Hodges, respectively,
6 are contained in following December 28, 2020, email to Julie Queler that memorialized the
7 settlement terms that Julie Queler and counsel for the three Plaintiffs had previously
8 negotiated:
9

10 Hi, Julie.

11
12 I am writing to confirm, in writing, the settlement agreements in the Grijalva, Winkler,
13 and Hodges cases. My clients, Vivian Grijalva, Brian Winkler, and Zachary Hodges will
14 release all claims against all Defendants (including NLSS, Resolvly, and JG Factor), with
15 prejudice, in connection with these agreements. Further, I will cancel your deposition
16 that is scheduled for tomorrow, since there will be no need for your deposition with
17 these cases being settled.

18
19 You (Julie Queler, individually) will pay the following three sums in connection with
20 these settlement agreements:

21 \$55,000 to settle Vivian Grijalva.
22 \$50,000 to settle Brian Winkler.
23 \$25,000 to settle Zachary Hodges.

24
25 You also agree that we will finalize the release paperwork (to be drafted by your
26 independent counsel) and that you will fund these settlements within 21 days.

27
28 Please confirm the terms of this email at your earliest opportunity, so that I can cancel
the court report for tomorrow's deposition and let all opposing counsel know that your
deposition will not be going forward - and that my clients will be dismissing their cases,
with prejudice, against all Defendants.

1 Thank you.

2 Macy

3
4 5. The following morning, on December 29, 2020, Julie Queler agreed to the
5 above settlement terms (the only difference being 30 days to fund the settlements, instead of
6 21 days, which was an acceptable term to the Plaintiffs, as evidenced by their dismissing
7 their actions, with prejudice, in reliance on these promises) in the Winkler, Grijalva, and
8 Hodges actions, as a global settlement of all litigation pending against her, her companies,
9 and her business partners. Julie Queler's December 29, 2020, reply-email, agreeing to the
10 Winkler, Grijalva, and Hodges settlements, reads:
11

12 Macy

13 Good morning,

14
15 I was not able to send this to Quinn last night. **However, I am going forward and**
16 **confirming this agreement in the fore aforementioned terms.**

17 **I ask for the settlement date for 30 days as opposed to 21 days due to holiday**
18 **travels.**

19 Please confirm the cancellation of the deposition today.

20 Thank you

21 Julie

22
23 6. This December 28-29 email exchange between Julie Queler and counsel for
24 Plaintiffs, Winkler, Grijalva, and Hodges, is attached to, and incorporated into, this Motion
25 as Exhibit "1".
26

1 of Dismissal With Prejudice of their three federal civil actions filed against Julie Queler,
2 respectively, this Court must enter a Judgment against Julie Queler, individually, to enforce
3 the terms of the settlement agreement between Julie Queler and Brian Winkler.
4

5 11. Brian Winkler humbly requests that this Court exercise its inherent power to
6 enforce the terms of his settlement agreement with Julie Queler, individually, and enter a
7 Judgment, in favor of Brian Winkler, and against Julie Queler, individually, in the amount
8 of \$50,000, in addition to post-judgment interest at the legal rate, and all costs of collection,
9 including all reasonable attorneys' fees, that become necessary for Brian Winkler to collect
10 upon this Judgment.
11
12

13 This, the 2nd day of March, 2021.

14 BRIAN WINKLER
15 *The Plaintiff*

16 By: /s/ James Cool
17 **HONOR LAW GROUP, PLLC**
18 James M. Cool
19 State Bar No. 028023
20 4450 S. Rural Road
21 Suite C-220
22 Tempe, AZ 85282
23 (602) 282-0223 (office)
24 (888) 651-1270 (facsimile)
25 cool@aztrialattorneys.com

26 *Local Counsel for Plaintiff*

27 By: /s/ Macy D. Hanson
28 **(Admitted pro hac vice)**

Macy D. Hanson
Miss. Bar No. 104197

1 macy@macyhanson.com
2 The Law Office of Macy D. Hanson, PLLC
3 102 First Choice Drive
4 Madison, Mississippi 39110
5 Telephone: (601) 853-9521
6 Facsimile: (601) 853-9327

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8 **CERTIFICATE OF SERVICE**

9 I am employed in the County of Madison, Mississippi; I am over the age of
10 eighteen years and not a party to the within entitled action; my business address is 102
11 First Choice Drive, Madison, Mississippi 39110. I am a registered user of the CM/ECF
12 system for the United States District Court for the District of Arizona.

13 On March 2, 2021, I filed, via the ECF system, the foregoing document with the
14 Clerk of the Court. To the best of my knowledge, all counsel to be served in this action
15 are registered CM/ECF users and will be served by the CM/ECF system when the Clerk
16 of Court files this document.

17 **I further certify that I have mailed, by certified mail, a copy of this Motion**
18 **to Respondent, Julie Queler, at her (confirmed as current) mailing address of:**
19 **1903 North Swinton Avenue, Delray Beach, Florida 33444. I further certify that I**
20 **have emailed a copy of this filed Motion to Julie Queler at her (confirmed as**
21 **current and active) email address of: jpg01@aol.com.**

22
23 I declare under penalty of perjury under the laws of the United States of America
24 that the foregoing is true and correct.

25 Executed on March 2, 2021, at Madison, Mississippi.
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/s/ Macy D. Hanson

MACY D. HANSON

(Admitted *Pro Hac Vice*)