

1 DAVID R. ZARO (BAR NO. 124334)  
2 JOSHUA A. DEL CASTILLO (BAR NO. 239015)  
3 ALLEN MATKINS LECK GAMBLE  
4 MALLORY & NATSIS LLP  
5 865 South Figueroa Street, Suite 2800  
6 Los Angeles, California 90017-2543  
7 Phone: (213) 622-5555  
8 Fax: (213) 620-8816  
9 E-Mail: dzaro@allenmatkins.com  
10 jdelcastillo@allenmatkins.com

11 Attorneys for Receiver  
12 STEPHEN J. DONELL

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA

15 SECURITIES AND EXCHANGE  
16 COMMISSION,

17 Plaintiff,

18 v.

19 ROBERT YANG, et al.,

20 Defendants,

21 YANROB'S MEDICAL, INC., et al.,

22 Relief Defendants.

Case No. 5:15-cv-02387-SVW(KKx)

**RECEIVER STEPHEN J. DONELL'S  
MOTION FOR ORDER:  
(1) APPROVING CLAIM FORM;  
(2) SETTING CLAIMS BAR DATE;  
AND (3) ESTABLISHING  
SUMMARY CLAIMS PROCEDURES**

[Proposed Order Submitted Concurrently]

Date: January 9, 2017  
Time: 1:30 pm  
Ctrm: 10A - First Street Courthouse  
Judge: Hon. Stephen V. Wilson

23 **TO ALL INTERESTED PARTIES, THEIR COUNSEL OF RECORD  
24 AND THIS HONORABLE COURT:**

25 **PLEASE TAKE NOTICE** that on January 9, 2017, at 1:30 p.m. in  
26 Courtroom 10A of the above-entitled Court, located at 350 W. 1<sup>st</sup> Street, Los  
27 Angeles, California 90012, Stephen J. Donell (the "Receiver"), the Court-appointed  
28 permanent receiver for Defendants Suncor Fontana, LLC, Suncor Hesperia, LLC,  
Suncor Care Lynwood, LLC, and their respective subsidiaries and affiliates  
(collectively, "Receivership Entities"), will and hereby does move the Court for an

1 Order: (1) Approving Investor Claim Letter; (2) Approving Claim Form; (3) Setting  
2 Claims Bar Date; and (4) Establishing Summary Claims Procedures.

3 I. **INTRODUCTION.**

4 The Receiver believes it is prudent to initiate a claims process so that the  
5 scope of claims against the Receivership Estate can be established with some  
6 certainty and to facilitate the subsequent distribution of assets of the receivership  
7 estate to investors and creditors. The proposed claims process provides for the  
8 transmission of letters to investors confirming the amount of their claims,  
9 submission of claims by a bar date (the "Claims Bar Date") on the Court-approved  
10 claim form (the "Claim Form"), and procedures for the efficient resolution of  
11 disputes to determine amount of each claim. Once the claims are received and  
12 processed, the Receiver will file a motion to allow and disallow claims and to  
13 establish further proceedings as to any claims that cannot be promptly resolved via a  
14 summary proceeding.

15 The proposed claims process does not address disposition of assets or  
16 restructuring of any enterprise. Setting a Claims Bar Date will give the Receiver  
17 and the Court certainty as to the universe and magnitude of possible claims against  
18 the Receivership Estate. While the proposed claims process will facilitate future  
19 distributions, if ordered by the Court, the claims process does not establish a  
20 distribution plan. The Receiver's proposed treatment of claims and recommended  
21 distribution plan will be the subject of a later request for relief, to be submitted after  
22 the claims review process described herein is completed, assuming it is approved by  
23 the Court.

24 Summary of the proposed claims process:

- 25 • **Investor Claim Letter:** The Receiver proposes, subject to Court  
26 approval, to allow the principal amount of each investor's claim. The  
27 Receiver will send a letter to each of the 39 investors in the three  
28 principal Receivership Entities confirming the amount of their claim as

1 reflected in the Receiver's records. If an investor disagrees with the  
2 amount of his or her proposed allowed claim, the investor must submit  
3 a Claim Form, as described below, by the Claims Bar Date. The  
4 proposed Investor Claim Letter is attached hereto as **Exhibit A**.

- 5 • **Claim Form:** The Receiver will solicit claim amounts from known  
6 vendors, creditors, and other claimants, and give notice to all other  
7 potential claimants by publication and posting on the Receiver's  
8 website. The proposed Claim Form and Instructions are attached  
9 hereto as **Exhibit B**.
- 10 • **Submission of Claims:** Claim Forms will be submitted to the Receiver  
11 by mail or email. Claim Forms are not to be filed with the Court.
- 12 • **Claims Bar Date:** Claims must be submitted by a claims bar date  
13 which the Receiver will establish to be a business day that is at least 60  
14 days from the date of the Receiver's first publication of notice  
15 following receipt of the Court's order approving the claims process.  
16 The Receiver will file a Notice of Setting of Claims Bar Date with the  
17 Court upon the setting of the Claims Bar Date. Any and all claims not  
18 submitted by the Claims Bar Date will be forever barred.
- 19 • **Claims Process:** The Receiver will evaluate claims received by the  
20 Claims Bar Date against the records of the Receivership Entities,  
21 documents submitted with the claims, and other sources. If the  
22 Receiver does not accept the claimant's asserted claim or claim amount,  
23 the Receiver will provide written notice to the claimant of the objection  
24 and the Receiver's proposed claim amount, if any.
- 25 • Differences that cannot be resolved directly between the Receiver and  
26 the claimant will be submitted to the Court for determination. The  
27 Receiver anticipates filing an omnibus motion to allow and disallow  
28 claims to address the most common objections (i.e. interest, attorneys'

1 fees, lost profits) as well as specific claims objections as to the amounts  
2 at issue. The Receiver may also ask the Court to establish summary  
3 procedures, as necessary, to address more complex issues which may  
4 involve seeking permission for discovery, a settlement conference and  
5 a briefing schedule.

6 The Receiver believes that this approach strikes the appropriate cost/benefit  
7 balance given the circumstances of this case. In accordance with the local rules, the  
8 Receiver has met and conferred with the Securities and Exchange Commission,  
9 attempted to meet/confer with defendants' counsel and they have no objection to this  
10 filing. Accordingly, the Receiver respectfully requests that the Court approve the  
11 Claim Form submitted with this Motion, authorize the Receiver to set the Claims  
12 Bar Date, by which all Claim Forms must be submitted, and establish summary  
13 claims resolution procedures.

## 14 II. **FACTUAL BACKGROUND.**

15 The Receiver was appointed on December 12, 2015, as permanent receiver  
16 for each of the Receivership Entities. (Dkt. No. 18.) The Receiver has filed an  
17 Initial Report, First Quarterly Status Report, and Second Quarterly Status Report,  
18 along with two Forensic Accounting Reports, addressing the general status of the  
19 Receivership Entities, the Receivership Entities' business and financial activities, the  
20 major assets, and investor relations. In accordance with the order appointing the  
21 Receiver and the subsequent orders of this Court, the Receiver has pursued the  
22 recovery of available assets of the receivership estate. While the exact amount is  
23 unknown, with dispositions of major assets under discussion and in process, it has  
24 become clear that there will be some proceeds from the Receiver's asset-recovery  
25 efforts, including from the sale of assets, available for distribution. The Receiver's  
26 reports and forensic accounting discuss the known investor claims, as well as certain  
27 other known claims. However, there are most certainly a larger number of, as yet,  
28 unidentified claims associated with the Receivership Entities and the real estate

1 projects with which they were affiliated. The proposed claims process is designed  
2 to identify and determine, or adjudicate, the amount and validity of such claims. As  
3 to all claimants, the proposed process is set forth below.

4 **A. Investor Claims.**

5 The records of the Receivership Entities and the Receiver's forensic  
6 accounting show that there were 39 foreign investors who participated in the three  
7 securities offerings by the principal Receivership Entities, along with another,  
8 domestic investor, whose investment appears to have been independent of the  
9 securities offerings that precipitated this action, but whose funds were utilized in a  
10 manner consistent with those of other investors. The principal amount of each claim  
11 is also reflected in the Receiver's records and accounting. Rather than translating  
12 proof of claim forms and instructions into Mandarin, and requiring investors to  
13 submit and document their claims, the Receiver proposes to simply send a letter to  
14 each investor confirming what the Receiver believes to be the principal amount the  
15 investor's claim against the Receivership Entities. The proposed letter will state the  
16 amount of proposed allowed claim; advise the investor that the Receiver is not  
17 considering expectation or consequential damages or attorneys' fees; and advise the  
18 investor that, if they disagree with the amount of their proposed allowed claim, then  
19 they must submit a completed Claim Form to the Receiver by the Claims Bar Date..

20 **B. Claim Form.**

21 The Receiver requests approval of the Claim Form and Instructions attached  
22 as **Exhibit B**. Except as noted in Section II.A, this form would be used for all  
23 claims, including but not limited to investors, providers of goods and services,  
24 lenders, taxing entities, employees, and any other creditors.<sup>1</sup>

25  
26 <sup>1</sup> "Claim" is meant to be all-inclusive, encompassing any claim that a person is  
27 owed money by any of the Receivership Entities and their subsidiaries and  
28 affiliates (except for the Receiver and his professionals), asserts any interest in  
any of the companies or in any of its assets or in any claim against any of the  
companies or any entity under its control, or asserts any claim of any sort against  
any of the companies whether such claim is based upon contract, tort,

1 The Receiver proposes that claimants be required to complete the form,  
2 providing specific information about the nature and amount of their claim.  
3 Claimants will be required to submit adequate back-up documentation at the time  
4 the claim is submitted to evidence the validity and extent of each claim. The  
5 Receiver anticipates requesting the Court to restrict claims to actual damages and to  
6 exclude claims for interest, lost profits, attorneys' fees, and expectation or  
7 consequential damages (i.e. losses not actually incurred as of the date of the  
8 Receiver's appointment).

9 The Receiver respectfully requests that the Court approve the proposed Claim  
10 Form.

11 **C. Submission Of Claim Form.**

12 The Receiver proposes allowing claimants to submit their claims to the  
13 Receiver by mail and email. Claimants submitting a Claim Form by email will  
14 receive an acknowledgment of receipt by email, and claimants submitting a Claim  
15 Form by mail can request a date-stamped copy acknowledging receipt. Given that  
16 the bulk of investor creditors are located overseas, the Receiver anticipates that  
17 email may be the most effective method of soliciting and obtaining completed Claim  
18 Forms.

19 **D. Claims Bar Date.**

20 The Receiver requests that the Court authorize Receiver to set a deadline to  
21 submit Claim Forms for all claims against the Receivership Entities. Any and all  
22 claims not received by the Claims Bar Date will be barred. Setting a Claims Bar  
23 Date is necessary to provide certainty and finality to the claims process and to allow  
24 for the implementation of any future distribution plan. Setting a bar date will  
25 provide a mechanism for providing notice and a deadline after which the Receiver  
26

27  
28 contribution, indemnity, reimbursement, subrogation theories or other legal or  
equitable theory.

1 and the Court can be confident that the universe and magnitude of possible claims is  
2 known.

3 Accordingly, the Receiver requests that the Court enter an order authorizing  
4 the Receiver to establish a Claims Bar Date that is a business day at least sixty (60)  
5 days after the Receiver first publishes notice after receipt of an order on this Motion,  
6 as the date by which proofs of claims against the Receivership Entities must be  
7 submitted.

8 **E. Notice Of Claims Bar Date And Submission Of Claim Forms.**

9 The Receiver proposes to give notice of the Claims Bar Date and to provide  
10 copies of the Claim Form as follows. The Receiver proposes emailing and mailing  
11 the Claim Form to potential claimants identified in the records of the Receivership  
12 Entities. The Receiver will also post notice of the Claims Bar Date and the Claim  
13 Form on the Receiver's receivership website: [https://www.fedreceiver.com/case/  
14 engagement-suncor-receivership-estate/claim-information/](https://www.fedreceiver.com/case/engagement-suncor-receivership-estate/claim-information/). The Receiver will file a  
15 Notice of Setting of Claims Bar Date with the Court once the specific date is set.

16 The Receiver proposes publishing notice regarding the Claims Bar Date in the  
17 legal notices section of the San Bernardino Sun and the Los Angeles Times at least  
18 two times: to initiate the 60-day claims period and again 30 days later. Because the  
19 business of the Receivership Entities was centered in and around Los Angeles and  
20 San Bernardino Counties, there is a nexus to these locations making these  
21 newspapers reasonable choices for claims notice. The proposed form of published  
22 notice (the "Publication Notice") is attached as **Exhibit C**.

23 The Receiver believes that these efforts will ensure broad notice to potential  
24 claimants.

25 **F. Effect Of Failure To Submit A Claim Form.**

26 Any party who is required to file a Claim Form and otherwise fails to do so  
27 by the claims bar date: (i) should not, with respect to any such claim, be treated as  
28 holding a claim against the receivership estate, (ii) should be barred, estopped and

1 enjoined from asserting any claim against or interest in the Receivership Entities or  
2 the receivership estate; and (iii) should not receive any distribution or interest on  
3 account of such claim. This aspect of the requested order is essential to ensure  
4 finality and to allow for the timely and efficient administration of the Receivership.

5 **G. Claims Disputes Should Be Determined By This Court Using**  
6 **Summary Proceedings.**

7 The goal of an equitable receivership is to fairly and efficiently administer the  
8 receivership estate assets for the benefit of claimants and creditors. SEC v. Hardy,  
9 803 F.2d 1034, 1038 (9th Cir. 1986). With that goal in mind, the Receiver proposes  
10 that claim disputes that cannot be consensually resolved be determined by this Court  
11 using summary proceedings.

12 As above, the Receiver will solicit claim information from all potential  
13 claimants using the proposed Claim Form. The Receiver will evaluate claims  
14 received by the Claims Bar Date against the records of the Receivership Entities, the  
15 documents submitted with the claims, and other sources. If the Receiver does not  
16 accept the claimant's asserted claim amount, the Receiver will provide written notice  
17 to the claimant of the objection and the Receiver's proposed claim amount. The  
18 Receiver will attempt to confer with the claimant in an effort to resolve the claim  
19 dispute.

20 Differences that cannot be resolved directly between the Receiver and the  
21 claimant will be submitted to the Court for determination by motion, which may  
22 take the form of an omnibus objection motion (i.e. as to those claimants who have  
23 included attorneys' fees, lost profits, interest, late fees, penalties or similar items).  
24 For certain more complex claims the Receiver may file a separate motion objecting  
25 to the claim. The Receiver will identify the portion of each claim that he believes is  
26 unobjectionable, the proposed allowed amount, and the factual and legal basis for  
27 the Receiver's objection to the remaining claim amount. The claimant may file an  
28 opposition, and the Receiver will file a reply. As necessary, the Receiver and

1 claimant can seek Court permission for discovery, a settlement conference, a  
2 briefing schedule and other procedures deemed appropriate by the Court.

3 To the extent that the Receiver's objections to claims have similar bases and  
4 can be grouped according to the nature of the claim objections, the Receiver  
5 proposes that groups of claims may be determined in consolidated summary  
6 proceedings. In all events, each claimant will receive detailed notice about the  
7 nature of the objection and given an opportunity to respond.

8 This Court has the general power to use summary procedures in allowing,  
9 disallowing, and subordinating the claims of creditors. U.S. v. Arizona Fuels, 739  
10 F.2d 455, 458 (9th Cir. 1984); Hardy, 803 F.2d at 1040 (summary proceeding to  
11 approve categorization scheme for investors' claims was reasonable; fair notice and  
12 a reasonable opportunity to respond was given); SEC v. Elliot, 953 F.2d 1560, 1571  
13 (11th Cir. 1992) (summary claim determinations upheld where claimants cannot  
14 demonstrate their rights would have been better protected by a fuller proceeding).

15 **III. THIS COURT HAS BROAD EQUITABLE DISCRETION TO**  
16 **ESTABLISH PROCEDURES FOR THE ADMINISTRATION OF**  
17 **CLAIMS.**

18 It is well settled that district courts supervising federal equity receiverships  
19 have broad discretion to adopt appropriate procedures to administer the assets of,  
20 and claims asserted against the receivership estate. SEC v. Capital Consultants,  
21 LLC, 397 F.3d 733, 738 (9th Cir. 2005); SEC v. Universal Fin., 760 F.2d 1034,  
22 1037 (9th Cir. 1985). As explained by the Ninth Circuit:

23 A district court's power to supervise an equity receivership  
24 and to determine the appropriate action to be taken in the  
25 administration of the receivership is extremely broad. The  
26 district court has broad powers and wide discretion to  
27 determine the appropriate relief in an equity receivership.

28 The basis for this broad deference to the district court's

1 supervisory role in equity receiverships arises out of the  
2 fact that most receiverships involve multiple parties and  
3 complex transactions. A district court's decision  
4 concerning the supervision of an equitable receivership is  
5 reviewed for abuse of discretion.

6 Capital Consultants, 397 F.3d at 738 (citations omitted); see also CFTC v. Topworth  
7 Int'l, Ltd., 205 F.3d 1107, 1115 (9th Cir. 1999) ("This court affords 'broad deference'  
8 to the court's supervisory role, and 'we generally uphold reasonable procedures  
9 instituted by the district court that serve th[e] purpose' of orderly and efficient  
10 administration of the receivership for the benefit of creditors."). Accordingly, this  
11 Court can approve the claims process set forth herein.

12 **IV. CONCLUSION.**

13 For the foregoing reasons, the Receiver respectfully requests that the Court  
14 enter an Order:

- 15 1. Approving the Receiver's proposed Investor Claim Letter, Claim Form,  
16 Instructions and Publication Notice;
- 17 2. Authorizing the Receiver to set a claims bar date of a business day that  
18 is at least 60 days after the Receiver first publishes notice of the bar date and to file  
19 notice of such bar date herein; and  
20 Establishing summary claims procedures.

21 Dated: December 9, 2016

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
DAVID R. ZARO  
JOSHUA A. DEL CASTILLO

22 By:           /s/          David R. Zaro

23 DAVID R. ZARO  
24 Attorneys for Receiver  
25 STEPHEN J. DONELL  
26  
27  
28

# **EXHIBIT A**

[Date]

[Investor Name]

[Investor Address, line 1]

[Investor Address, line 2]

Re: **Notice of Investor Claim – Allowed Amount \$ \_\_\_\_\_**  
Securities and Exchange Commission v. Robert Yang, Claudia Kano,  
Suncor Fontana, LLC, et al.,  
United States District Court, Central District of California  
Case No. 5:15-CV-02387-SVW (KKx)

Dear Sir/Madam:

I am writing you in my capacity as the Federal Equity Receiver appointed by the United States District Court, Central District of California, in the matter of Securities and Exchange Commission v. Robert Yan, Claudia Kano, Suncor Fontana, LLC, Suncor Hesperia, LLC and Suncor Care Lynwood, LLC, Case no. 5:14-CV-02387. I am the Receiver for Suncor Fontana, LLC, Suncor Hesperia, LLC, and Suncor Care Lynwood, LLC (collectively, the "Receivership Entities"). You have been identified as an investor in [ \_\_\_\_\_ Entity Name \_\_\_\_\_]. Based upon my review of the records of the Receivership Entities, you made a investment of [ \_\_\_\_\_ \$ \_\_\_\_\_ ] ("Claim Amount").

The Receiver is conducting a claims process in order to establish the principal amount of each investor's claim as well as all other claims against the Receivership Entities. The Receiver will later use this information for the purpose of distributing the cash recovered by the Receiver. The Receiver does not currently have a plan for making distributions but anticipates seeking court approval to do so in the future.

In the meantime, the Receiver intends to allow your claim in the Claim Amount stated above. The Receiver is not presently allowing any claims for consequential damages or attorney's fees. If you agree that the Claim Amount reflects the principal amount of your investment, then you do not need to complete a Claim Form or do anything further at this time and your claim will be allowed at the Claim Amount.

If, and only if, you do not agree with the Claim Amount, (in other words, you believe that you invested some other amount of money with the Receivership Entities), then you must file a Claim Form with the Receiver on or before \_\_\_\_\_ (the "Bar Date") stating

[Investor Name]

[Date]

Page 2

the amount you claim and providing all supporting documentation. The Claim Form and Instructions may be found at <https://www.fedreceiver.com/case/engagement-suncor-receivership-estate/claim-information> Claims not received by the Receiver by the Bar Date will be barred.

After the Bar Date passes, the Receiver will review all claims and file a motion seeking a Court order allowing and disallowing claims. At some point in the future, the Receiver will present a plan for distributing assets to those claimants with allowed claims.

Should you have any questions, you may contact the Receiver at: Stephen J. Donell, Receiver, 12121 Wilshire Boulevard, Suite 120, Los Angeles, CA 90025 or by email to [sarah.bates@fedreceiver.com](mailto:sarah.bates@fedreceiver.com).

Very truly yours,

Stephen J. Donell  
Federal Equity Receiver  
for Receivership Entities

:md

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CASE NO. 5:15-cv-02387-svw

CLAIM FORM

SECURITIES AND EXCHANGE COMMISSION  
vs.  
ROBERT YANG, et al., Defendants; and  
YANROB'S MEDICAL, INC., et al., Relief Defendants

THIS SPACE RESERVED FOR ADMINISTRATIVE USE ONLY

**Note:** EB-5 Investors who have received an Investor Claim Letter should not submit this Claim Form unless they dispute the Claim Amount.

Check this box if this claim amends a previously filed claim, dated \_\_\_\_\_

1. NAME AND ADDRESS OF CLAIMANT

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City / State / Zip Code/ Country \_\_\_\_\_

If Claimant is an entity, name of contact person for Claimant: \_\_\_\_\_

Telephone No. of Claimant: \_\_\_\_\_

Email address of Claimant: \_\_\_\_\_

Last four digits of Tax I.D. No. or SSN: \_\_\_\_\_ Account or Reference No: \_\_\_\_\_

2. CLAIM

2a. Basis of Claim:

- Investment [EB-5 or other]
- Goods Sold
- Services Performed
- Money Loaned
- Taxes
- Wages, salaries or compensation (fill out below)  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (dates);  
Job Title: \_\_\_\_\_
- Benefits (attach a detailed explanation)
- Owner, partner, member, equity or other non-EB-5 investment interest (attach a detailed explanation)
- Other (attach a detailed explanation)

2d. Date Claim was Incurred: \_\_\_\_\_

2e. Total Claim as of \_\_\_\_\_, 2016: \$ \_\_\_\_\_

2f. Identify any other party who you claim may be liable to you for repayment of your claim:  
\_\_\_\_\_

2g. If Legal Action Pending, Date Commenced, Court & Case No.:  
\_\_\_\_\_

If Court Judgment, Date Obtained: \_\_\_\_\_

2h.  Check this box if your claim includes a security interest. Attach copies of all security agreements and other documents that evidence the claim of secured status.

2i.  Check this box if claim includes interest or other charges, such as attorney's fees, lost profits, or late fees in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

2b. Which company did you contract with or owes you money?  
\_\_\_\_\_

Check here if you are a contractor, subcontractor, material supplier, engineering/design firm or similar for a project and identify the company that engaged you:  
\_\_\_\_\_

2c. Entity or Project to which your claim relates: [If you have claims against multiple projects, you must submit separate Claim Form for each project claim].

- SunCor Fontana LLC     SunCor Care Lynwood LLC
- SunCor Hesperia LLC     Mentone Project, Redlands
- Other: \_\_\_\_\_

3. CLAIMS BAR DATE: You must submit this Claim Form by the Claims Bar Date of \_\_\_\_\_, 2016. Any and all claims not submitted by the Claims Bar date will be forever barred.

4. Supporting Documents: Investors should attached their subscription agreement or evidence of payment (i.e. wire transfer instructions showing the amount). All other claimants should attach copies of supporting documents, such as canceled checks



# INSTRUCTIONS FOR CLAIM FORM

## UNITED STATES DISTRICT COURT Central District of California

SECURITIES AND EXCHANGE COMMISSION

vs.

ROBERT YANG, et al., Defendants; and  
YANROB'S MEDICAL, INC., et al., Relief Defendants

Case No. 5:15-cv-02387-svw

## GENERAL INFORMATION

Stephen J. Donell is the Court-appointed Receiver in the above-captioned case. He is responsible for reviewing Claim Forms, and when appropriate, objecting to claims. The purpose of the Claim Form is to help the Receiver learn who you are, how much you are owed, the reason(s) you have a claim, and how the Receiver can contact you. **Unless otherwise ordered by the Court, if you fail to submit a Claim Form by \_\_\_\_\_, 2017, you will lose your right to receive any distributions from the Receiver or the receivership estate and your claim will be forever barred.**

1. **WHO MUST FILE A CLAIM FORM?** Other than the EB-5 investors who have received an Investor Claim Letter, you must file a Claim Form if you believe you have any claim against:

Defendants Suncor Fontana, LLC, Suncor Hesperia, LLC, Suncor Care Lynwood, LLC, and their respective subsidiaries and affiliates (collectively, the "Companies".)

This includes any claim that you are owed money by any of the Companies; assert any interest in any of the Companies or in any of its assets or in any claim against any of the Companies or any entity under its control; or assert any claim of any sort against any of the Companies whether such claim is based upon contract, tort, contribution, indemnity, reimbursement, subrogation theories or other legal or equitable theory. Claim Forms must be submitted by claimants who were creditors or investors of any type, including employees of the Companies. If you are an investor in or a creditor of more than one of the Companies or affiliates or subsidiaries, please file a separate Claim Form for each and every claim or interest you allege to have against them or any of them. If you are a claimant who performed work on more than one project, you should submit a Claim Form as to each project.

**Failure to submit a signed Claim Form and supporting documentation will result in the denial of your claim.**

2. **CONSENT TO JURISDICTION OF THE COURT AND THE CONSEQUENCES THEREOF.** If you submit a Claim Form in this case, you consent to the jurisdiction of United States District Court for the Central District of California ("District Court") for all purposes, agree to be bound by its decisions, including a determination, among other things, as to the validity and amount of your claim against the above-captioned Companies, affiliates, subsidiaries or other persons or entities as identified in paragraph 1. In submitting a Claim Form, you agree to be bound by the actions of the District Court even if that means that a claim is limited or denied. By submitting a Claim Form, you further agree that your participation in any distribution of the receivership estate may exclude or prevent you from pursuing other remedies.
3. **HOW ARE CLAIMS SUBMITTED?** Claimants can submit a completed Claim Form, along with all supporting documentation, by mail to Stephen J. Donell, Receiver, 12121 Wilshire Blvd., Suite 1120, Los Angeles, CA 90025 or by email to sarah.bates@fedreceiver.com. Please submit only one Claim Form per claim. Please do **not** send or file Claim Forms with the Court.
4. **WHAT IS THE DEADLINE TO SUBMIT THIS CLAIM FORM?** The Claim Form must be **received** by the Receiver, by \_\_\_\_\_, 2017. Please note that, unless the Court orders otherwise, any late filed claim will be denied.
5. **SUPPORTING DOCUMENTS.** You must attach to the Claim Form copies of all documents that show that the Companies owe the debts or amounts claimed, or if the documents are too lengthy, a summary of those documents. If supporting documents are not available, you must attach an explanation of why they are not available. Failure to provide such documents may result in the denial of your claim.
6. **ADDITIONAL INFORMATION.** Additional information regarding filing the Claim Form, along with additional blank forms, can be obtained at <https://www.fedreceiver.com/case/engagement-suncor-receivership-estate/claim-information/> or you may write to the Receiver at the following address: Stephen J. Donell, Receiver, 12121 Wilshire Blvd., Suite 1120, Los Angeles, CA 90025.
7. **TAX AND LEGAL ADVICE.** The Receiver cannot provide tax or legal advice. You are encouraged to seek independent advice regarding tax and legal issues in regard to filing your claim.

## INFORMATION ON COMPLETING THE CLAIM FORM

1. **Information about Claimant.** Complete this section giving the name, address, telephone number and email address of the Claimant who is asserting a claim against the Companies, and any account or reference number associated with such debt. If the Claimant is an entity, please provide contact information for an authorized representative.
  2. **Claim information.**
    - 2a. Please indicate the basis of your claim in this section.
    - 2b. **Which Company did you contract with or owes you money:** Please identify the Company in the Receivership which you contracted with or which you believe owes you the money on your claim.
    - 2c. **Entity or Project to which your claim relates:** Please identify which entity or project your claim relates to. If you performed work or provided materials to several projects, you should file a separate Claim Form for each project related claim.
    - 2d. **Date the Claim was Incurred.** Please indicate the date on which the amount you allege to be owed arose.
    - 2e. **Total Claim Amount as of \_\_\_\_\_.** Please state your claim amount as of \_\_\_\_\_.
    - 2f. **Other liable parties.** Please identify any other party you believe may be liable to you on the claim.
    - 2g. **Pending Legal Action.** If you have commenced a legal action against any of the above-captioned defendants or any Receivership Entity or Company, please provide the details of said legal action here. Please attach any additional pages of description and supporting documentation. Also, please provide any information regarding court judgments obtained against any of the above-captioned defendants.
    - 2h. **Security interest.** Please mark the applicable box if you contend your claim is subject to a security interest, and attach copies of all security agreements and other documents that evidence the claim of secured status and any evidence of perfection.
    - 2i. **Claim above principal amount.** Mark the applicable box if your claim amount includes interest or other charges, such as attorneys' fees, loss profits, or late fees in addition to the principal amount of your claim, and attach an itemized statement of all such additional charges.

Please feel free to provide additional pages of explanation or narrative discussing your claim.
  3. **Claims Bar Date.** You must submit the Claim Form by the Claims Bar Date of \_\_\_\_\_, 2016 or your claim will be barred.
  4. **Supporting Documentation.** In addition to filing out the Claim Form, you must provide supporting documentation evidencing your claim. Investors should submit their Subscription Agreement or wire instructions reflecting their payment. Other claimants should submit supporting documentation such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, or evidence of perfection of liens. The Receiver may choose to redact personally identifying information in accordance with federal court rules should filing of any documents with the Court become necessary.
  5. **Third Party Actions.** If you have asserted any claims for damages related to your claim against third parties, please check the box and attach a brief description and state the amount of money recovered, if any.
  6. **Signature. Sign the Claim Form and indicate your title, if applicable.**
  7. **Date.** Insert the date on which you completed and signed the Claim Form.
  8. **Submit Claim Form.** Claimants can submit a completed Claim Form, along with all supporting documentation, by mail to: \_\_\_\_\_ or by email to: \_\_\_\_\_.
- Please submit only one claim form per claim. Please do **not** send or file claim forms with the Court.
9. **Acknowledgment of Receipt of Claim.** To receive an acknowledgement of receipt of your Claim Form if you submit by mail, enclose a stamped, self-addressed envelope and an additional copy of the Claim Form. Claim Forms submitted by email will receive an acknowledgment of receipt by return email.

# **EXHIBIT C**

**[NOTICE FOR PUBLICATION]**

SEC v. Robert Yang, Claudia Kano, Suncor Fontana, LLC, Suncor Hesperia, LLC, Suncor Lynwood, LLC, et al., USDC CDCA, Case No. 5:15-cv-02387-SVW

**NOTICE OF CLAIMS BAR DATE**

The Court has set **[DATE]** as the Claims Bar Date for the submission of claims in the Receivership in this action. Except for EB-5 investment claims, any person who believes they have a claim of any type against SUNCOR FONTANA, LLC; SUNCOR HESPERIA, LLC; SUNCOR CARE LYNWOOD, LLC; or their subsidiaries and affiliates must send a Claim Form to Stephen J. Donell, Court-appointed Receiver, to submit a claim. Do not file your claim with the Court. Claim Forms must be received by the Receiver on or before **[DATE]** at 5:00 PM P.S.T. or you will lose your right to receive any distribution from the Receivership Estate and your claim will be forever barred. Additional information and Claim Forms can be obtained from <https://www.fedreceiver.com/case/engagement-suncor-receivership-estate/claim-information/> or from the Receiver at **[PHONE]**.

# **PROPOSED ORDER**

**Proposed Order**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE  
COMMISSION,  
  
Plaintiff,  
  
v.  
  
ROBERT YANG, et al.,  
  
Defendants,  
  
YANROB'S MEDICAL, INC., et al.,  
  
Relief Defendants.

Case No. 5:15-cv-02387-SVW(KKx)  
  
**[PROPOSED] ORDER GRANTING  
RECEIVER STEPHEN J. DONELL'S  
MOTION FOR ORDER:  
(1) APPROVING CLAIM FORM;  
(2) SETTING CLAIMS BAR DATE;  
AND (3) ESTABLISHING  
SUMMARY CLAIMS PROCEDURES**

Date: January 9, 2017  
Time: 1:30 pm  
Ctrm: 10A - First Street Courthouse  
Judge: Hon. Stephen V. Wilson

The Court has reviewed the Motion for Order: (1) Approving Claim Form;  
(2) Setting Claims Bar Date and (3) Establishing Summary Claims Procedures (the  
"Motion") of the Court-appointed permanent receiver, Stephen J. Donnell (the  
"Receiver"). Having considered the Receiver's Motion, and good cause appearing  
therefor,

**THE COURT HEREBY ORDERS AS FOLLOWS:**

1. The Receiver's Motion is granted, in its entirety;
2. The Receiver's use of summary proceedings for the determination of  
claims against the estate of the Receivership Entities, as detailed in the Motion, is  
authorized and approved;

1           3.     The transmission of the Investor Claim Letter to investors, attached to  
2 the Motion as **Exhibit A** is approved.

3           4.     The claim form and instructions, attached to the Motion collectively as  
4 **Exhibit B** are approved.

5           5.     The Receiver's proposed means of noticing prospective claimants,  
6 including via his website, email, mail and by publication of a notice of the claims  
7 process in San Bernardino Sun and the Los Angeles times, and as detailed further in  
8 the Motion as **Exhibit C**, is authorized and approved; and

9           6.     A claims bar date of a business day that is at least sixty (60) days after  
10 the date of the Receiver's first publication of notice of the claims process, as  
11 referenced in the Motion at p. 3, lines 10-16 is hereby established; and

12          7.     The Receiver will file a Notice of Claims Bar Date with the Court  
13 promptly following the setting of the Claims Bar Date.

14

15           **IT IS SO ORDERED.**

16 Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Stephen V. Wilson  
United States District Court Judge

17

18

19

20

21

22

23

24

25

26

27

28

**PROOF OF SERVICE**

*Securities and Exchange Commission v. Robert Yang, Suncor Fontana, et al.*  
USDC, Central District of California – Case No. 5:15-cv-02387-SVW (KKx)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 865 S. Figueroa Street, Suite 2800, Los Angeles, California 90017-2543.

A true and correct copy of the foregoing document(s) described below will be served in the manner indicated below:

**RECEIVER, STEPHEN J. DONELL'S MOTION FOR ORDER:  
(1) APPROVING CLAIM FORM; (2) SETTING CLAIMS BAR DATE;  
AND (3) ESTABLISHING SUMMARY CLAIMS PROCEDURES;  
[PROPOSED] ORDER**

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – the above-described document will be served by the Court via NEF. On **December 9, 2016**, I reviewed the CM/ECF Mailing Info For A Case for this case and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- **Zachary T. Carlyle**  
carlylez@sec.gov,kasperg@sec.gov,karpeli@sec.gov,  
blomgrene@sec.gov,pinkstonm@sec.gov,NesvigN@sec.gov
- **Stephen J. Donell**  
jdelcastillo@allenmatkins.com
- **Mark T. Hiraide**  
mth@msk.com,kjue@phlcorplaw.com,  
hitabashi@phlcorplaw.com,eganous@phlcorplaw.com
- **Leslie J. Hughes**  
hughesLJ@sec.gov,kasperg@sec.gov,pinkstonm@sec.gov,  
nesvign@sec.gov
- **George D. Straggas**  
George.straggas@straggasdean.com;sarah.borghese@straggasdean.com,  
eric.dean@straggasdean.com
- **David J. Van Havermaat**  
vanhavermaatd@sec.gov,larofiling@sec.gov,berryj@sec.vog,  
irwinma@sec.gov
- **Joshua Andrew del Castillo**  
jdelcastillo@allenmatkins.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- **David R Zaro**  
dzaro@allenmatkins.com

2. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served)**: On \_\_\_\_\_, I served the following person(s) and/or entity(ies) in this case by placing a true and correct copy thereof in a sealed envelope(s) addressed as indicated below. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion for party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 (one) day after date of deposit for mailing in affidavit. Or, I deposited in a box or other facility regularly maintained by FedEx, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in sealed envelopes or packages designated by the express service carrier, addressed as indicated above on the above-mentioned date, with fees for overnight delivery paid or provided for.

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on **December 9, 2016** at Los Angeles, California.

*/s/ Martha Diaz*  
\_\_\_\_\_  
Martha Diaz