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7 [Proposed] Attorneys for Receiver  
8 STEPHEN J. DONELL

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

12 SECURITIES AND EXCHANGE  
COMMISSION,

13 Plaintiff,

14 v.

15 ROBERT YANG, et al.  
16 Defendants,

17 AND

18 YANROB'S MEDICAL, INC., et al.  
19 Relief Defendants,

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

DECLARATION OF STEPHEN J.  
DONELL IN SUPPORT OF MOTION OF  
RECEIVER, STEPHEN J. DONELL,  
FOR ORDER IN AID OF  
RECEIVERSHIP

[Notice of Motion and Motion;  
Memorandum of Point and Authorities;  
and [Proposed] Order submitted  
concurrently herewith]

Date: March 7, 2016  
Time: 1:30 p.m.  
Ctrm: 6  
Judge: Stephen V. Wilson

21  
22  
23 **DECLARATION OF STEPHEN J. DONELL**

24  
25 I, Stephen J. Donnell, declare as follows:

26 1. I am the Court-appointed permanent receiver for Defendants Suncor  
27 Fontana, LLC, Suncor Hesperia, LLC, Suncor Care Lynwood, LLC, their respective  
28 subsidiaries and affiliates (collectively, the "Receivership Entities"), and the estates

1 of the Receivership Entities (collectively, the "Estate"). I was appointed pursuant to  
2 this Court's December 11, 2015 "Preliminary Injunction, Order Appointing  
3 Receiver, Freezing Assets, and Providing for Other Ancillary Relief" (the  
4 "Appointment Order"). I have personal knowledge of the facts detailed in this  
5 declaration (the "Declaration"), and make this Declaration in support of the  
6 concurrently filed Motion of Receiver, Stephen J. Donell, for Order in Aid of  
7 Receivership ("Motion").

8         2. Since the date of my appointment, I have commenced assuming  
9 authority and control over the Receivership Entities in accordance with the terms of  
10 that Appointment Order, and have endeavored to locate, secure, and preserve the  
11 value of the assets of the Estate.

12         3. The Estate includes a number of real property projects (the "Projects"),  
13 in varying stages of completion, some of which have issues that require immediate-  
14 term attention. For example, the Project associated with Defendant Suncor  
15 Hesperia, LLC (the "Hesperia Project"), requires immediate attention because,  
16 although it was apparently intended to be developed into a skilled nursing or similar  
17 medical facility, and while no construction has taken place, excavation work has  
18 removed a fire access road leading to the Project that previously provided access to  
19 an adjacent, unrelated medical facility. The Project is also situated atop a large hill  
20 and its property includes a graded hillside with substantial surface area, all of which  
21 has been denuded and is at risk of erosion or substantial subsidence as a  
22 consequence of the onset of the rainy season and what is predicted to be a fairly  
23 destructive and powerful El Niño.

24         4. The Project associated with Defendant Suncor Fontana, LLC (the  
25 "Fontana Project") is a partially completed skilled nursing facility in the City of  
26 Fontana, California. Presently, I believe the Project to be approximately 45%  
27 complete. Like the Hesperia Project, the Fontana Project is at risk of weather-  
28 related damage because its walls and roof have not been completed or weatherized.

1 Also, the Fontana Project is complicated by a series of substantial disagreements,  
2 including litigation, between the Entities and contractors working on the Project,  
3 relating to the amount and disposition of draws under the relevant loan and  
4 construction completed to date.

5         5. The Project associated with Defendant Suncor Care Lynwood, LLC  
6 (the "Lynwood Project"), consists of a vacant building in the City of Lynwood,  
7 California which I have learned previously served as a skilled nursing center. Based  
8 on my current review of the facts, the intent appears to have been to rehabilitate the  
9 property and reopen it as a new skilled nursing facility. While I understand that the  
10 Project is subject to an existing conditional use permit, all existing construction  
11 permits appear to be expired, it appears no substantial work has begun, and the  
12 Project appears to be subject to nearly \$260,000 in delinquent property taxes, with  
13 more than \$40,000 in additional property taxes presently due.

14         6. In my reasonable business judgment, the relief requested in the Motion  
15 will assist me and my team of professionals in the efficient and effective  
16 administration of the Estate, thereby conserving resources for the benefit of Entity  
17 investors.

18         7. I am not an attorney and I do not have in-house receivership counsel.  
19 In my reasonable business judgment, the complex relationships between and among  
20 the Receivership Entities, and the business and financial transactions in which they  
21 engaged with one another, their investors, their principals, and third parties, along  
22 with the numerous legal issues the Receivership Entities are expected to face,  
23 militate in favor of the employment and compensation of well-qualified legal  
24 counsel, to assist me in, among other things: (a) recovering, preserving, managing,  
25 and appropriately disposing of assets of the Estate; (b) addressing legal issues  
26 related to the administration of the Receivership Entities and their business,  
27 assuming any such business can continue to be operated or legitimately wound  
28 down; (c) providing legal advice relating to the my investigation of the Receivership

1 Entities' financial activities, investments, and potential causes of action against third  
2 parties, including undertaking the discovery authorized by the Appointment Order  
3 and evaluating the strengths and weaknesses of potential claims against parties in  
4 possession of Assets of the Estate; (d) pursuing claims and causes of action,  
5 including, where appropriate, through litigation; (e) providing legal advice relating  
6 to investor and creditor claims against the Estate; (f) formulating and presenting to  
7 the Court a plan for the administration of investor and creditor claims and  
8 distribution of assets of the Estate, if any; and (g) preparing and submitting Interim  
9 Reports and any other required materials to this Court and other courts presiding  
10 over pre-receivership litigation.

11       8. In addition to the cost savings and other benefits to the Estate of  
12 retaining highly experienced legal counsel, my proposed counsel, Allen Matkins  
13 Leck Gamble Mallory & Natsis, LLP ("Allen Matkins"), has agreed to discount its  
14 ordinary billing rates on this matter by 10%. Allen Matkins has further agreed not  
15 to adjust its billing rates for attorneys staffed on this matter until July 1, 2017,  
16 despite the fact that the firm's rates ordinarily adjust in July of each year and would  
17 ordinarily adjust upward at the start of its fiscal year on July 1, 2016. The  
18 receivership will therefore be billed at a substantially discounted rate for at least  
19 twelve months after the period when Allen Matkins' rates would ordinarily be  
20 adjusted, and will benefit from a 10% across-the-board discount for the duration of  
21 Allen Matkins' service as receivership counsel in this matter. In addition, Allen  
22 Matkins has agreed to limit its charges for all out-of-pocket costs to those permitted  
23 by the Office of the United States Trustee in bankruptcy cases in this District. Allen  
24 Matkins has informed me that it understands and agrees that payment of its fees and  
25 reimbursement of its expenses will be made only after an application and noticed  
26 hearing. The discounted rates Allen Matkins proposed to charge for its attorneys are  
27 as follows:

28

<u>Attorney</u>	<u>Position</u>	<u>CA Bar Number</u>	<u>Discounted Hourly Billing Rate</u>
Joshua A. del Castillo	Partner	239015	\$495.00
David R. Zaro	Partner	124334	\$670.50
Kenyon D. Harbison	Senior Counsel	260416	\$445.50
Melissa K. Zonne	Associate	301581	\$306.00

It is my belief that this staffing arrangement will maximize efficiency and minimize costs to the Estate, and effectively uses Estate resources. Also, Allen Matkins has agreed that it will not accept compensation for services rendered in this matter except in accordance with the terms of this Motion and any order entered as a result of the Motion. A true and correct copy of my engagement letter with Allen Matkins is attached hereto as **Exhibit A**.

9. While I have substantial real estate experience, I am not a developer, and do not maintain a construction or development consultant on staff. Therefore, I have determined, in my reasonable business judgment, that engaging the Wieland-Davco Corporation ("Wieland") to serve as my construction and development consultant is appropriate and necessary to my administration of the Estate, including in order to address any issues arising in connection with the Projects, as addressed in the Motion and including the issues addressed in Paragraphs 3-5, above. I also require the assistance of Wieland's professionals to provide insight regarding potentially appropriate courses of action relating to the disposition of the Projects, in order to preserve existing value, appraise the Projects (at various hypothetical stages of completion), and assist in operationalizing any business plans I develop for the Projects. Wieland's assistance will, in my view, maximize the value of the Estate. I have determined that Weiland is highly qualified for this job because it is one of the nation's premier construction and consultation companies and is capable of providing me with the in-depth analysis I will require in connection with the

1 Projects, while creating efficiency in duration and cost, and assisting in the  
2 preservation and maximization of the Estate's value.

3 10. Wieland has agreed to serve as my consultant and will devote, and has  
4 initially devoted, attention to the Fontana Project, in order to provide to me an  
5 investment pro forma that contemplates selling the Fontana Project "as-is",  
6 constructing the Fontana Project in its current configuration, or continuing with  
7 limited construction at the Fontana Project to preserve its value in anticipation of a  
8 sale. I anticipate that Wieland will conduct similar analyses for the Hesperia and  
9 Lynwood Projects, completing, at least, valuations and recommendations based on  
10 partial and full development scenarios for each of the Projects.

11 11. Wieland has agreed to bill its ordinary rates, which at this time I  
12 anticipate will range from \$75 to \$350 per hour, using both Wieland personnel and  
13 third-party consultants. Wieland has proposed primarily using the personnel below:

- 14 • Brian Lucas, Sr. Development Manager, Weiland;
- 15 • Craig Weiland, President, Weiland;
- 16 • Jerry Kirkland, VP/Regional Director, Weiland;
- 17 • Administrative Staff, Weiland;
- 18 • Robert Holmes, Managing Partner, THG Advisory;
- 19 • The Concord Group;
- 20 • Adam Seidman, analyst;
- 21 • A consultant retained to evaluate California Office of Statewide Health  
22 Planning and Development issues.

23 I recommend that, given the services it is anticipated to provide in connection  
24 with the Projects, Wieland be compensated as a vendor in the ordinary course of  
25 business; that is, on an "as invoiced" basis. Accordingly, if the Motion is granted, I  
26 anticipate making payments to Wieland as its services are rendered and invoices  
27 tendered, rather than waiting until a fee application can be filed and accepted by the  
28 Court.

1           12. I have determined that it would be an effective and equitable use of  
2 resources to utilize the services of Morningside Translations ("Morningside") to  
3 provide Chinese (Mandarin) language translations in order to better apprise  
4 investors in the Entities of developments in the receivership. Morningside has  
5 indicated that it will translate for a fee of \$0.17 per word, or \$0.22 per word on an  
6 expedited basis. Morningside is also capable of translating and transcribing from  
7 audio and video files. I intend to use Morningside to provide cost-efficient, basic  
8 notices to investors in simplified Mandarin, which I understand is commonly used in  
9 mainland China, where the investors in the Receivership Entities are located.

10           13. Investor and creditor claim amounts are not known at this time, and  
11 because the Receiverships Entities kept inadequate accounting, financial and  
12 banking records, and/or have failed to produce them, an accounting will need to be  
13 completed before investor claims can be properly determined. I have caused Allen  
14 Matkins to issue numerous subpoenas and requests for additional records from  
15 banking institutions and third parties and I and my professionals are in the process  
16 of coordinating and reviewing these productions. However, even a preliminary  
17 accounting will take some time to complete. Based on the records I have recovered  
18 and reviewed thus far, the investors appear to be individuals and it is my view that  
19 their personal information, including their names and addresses, should not be  
20 publically disclosed absent a compelling need for disclosure.

21           14. In my reasonable business judgment, Estate resources are limited and  
22 mailing hard-copy notices to all investors in China (as well as all known creditors of  
23 the Entities), as required by Local Rule 66-7, would impose significant costs on the  
24 Receivership Estate that would further reduce the assets available for investor  
25 recovery.

26           15. I have concluded, in my reasonable business judgment, that such costs  
27 are unnecessary given my establishment of a receivership website which is, and will  
28 continue to be, updated regularly with pleadings, orders, and other relevant

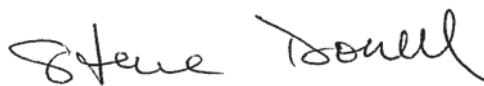
1 information for investors. Accordingly, I propose to provide notices required under  
2 Local Rule 66-7 to investors and interested parties via the receivership website, and  
3 by way of e-mail as the e-mail addresses of individual investors and creditors are  
4 identified.

5 16. I will establish, maintain, and update a list of investor e-mail addresses  
6 for such notices and remind investors to provide their updated contact information if  
7 and when it changes. The use of Morningside to provide Mandarin translation  
8 services, as provided above in Paragraph 12, will facilitate in providing notices to  
9 the investors.

10 17. I and my professionals will endeavor to develop recovery and  
11 disposition plans for each of the Projects (and all other Estate assets) as soon as  
12 possible. However, based on my current review of existing records and information,  
13 it may be necessary to do so on a piecemeal or less-than-aggregate basis, because  
14 the issues and exigencies thereof vary by Receivership Asset. For these reasons, I  
15 respectfully request that the Court allow me 180 days from entry of the  
16 Appointment Order to file the Liquidation Plan, rather than the 90 days currently  
17 provided.

18 I declare under penalty of perjury under the laws of the State of California  
19 that the foregoing is true and correct.

20 Executed this 27th day of January, 2016, at New York, New York.

21  
22  
23 

24 STEPHEN J. DONELL



# **EXHIBIT A**

# Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law  
515 South Figueroa, 9<sup>th</sup> Floor | Los Angeles, CA 90071-3309  
Telephone: 213.622.5555 | Facsimile: 213.620.8816  
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Joshua A. del Castillo  
E-mail: [jdelcastillo@allenmatkins.com](mailto:jdelcastillo@allenmatkins.com)  
Direct Dial: 213 955 5591 File Number: 110045-00136/LA1030517.01

## Via Email/U.S. Mail

November 23, 2015

Mr. Stephen J. Donell, CCIM, CPM  
Receiver  
FedReceiver, Inc.  
12121 Wilshire Boulevard, Suite 1120B  
Los Angeles, CA 90025

**Re: Prospective Legal Services Engagement  
*SEC v. Yang; et al.* | USDC, Central District of California  
Case No. 5:15-cv-02387-SVW-KK**

Dear Steve:

Thank you for considering Allen Matkins to represent you as general receiver counsel connection with the above-referenced Securities and Exchange Commission ("Commission") enforcement action, expected to be filed shortly in the United States District Court for the Central District of California (the "Court"). We look forward to assisting you in fulfilling your duties as receiver.

### **1. Allen Matkins' Qualifications.**

As you know, Allen Matkins is well qualified to serve as receiver's counsel in connection with this matter. Allen Matkins has a multi-office receiverships, lenders, and special creditor remedies practice, with ten partners and nine associates, in five office locations throughout California, including San Diego, Orange County, Century City, and Los Angeles. Allen Matkins attorneys, including my colleague David Zaro and I, regularly serve as counsel for court-appointed receivers, and have served as receiver's counsel in many enforcement actions by the SEC, including in District Courts outside of California.

In addition, Allen Matkins has substantial experience in receivership matters involving investments solicited under the EB-5 investment program. Indeed, we are currently serving as receiver's counsel in four enforcement actions brought by the Commission where either the EB-5 investment program or investments by Chinese investors, or both, are directly implicated. I am serving as the supervising partner and lead receivership counsel in two of these matters, including in one matter pending before the Court.

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Mr. Stephen J. Donell, CCIM, CPM  
November 23, 2015

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The Allen Matkins website may be viewed at [www.allenmatkins.com](http://www.allenmatkins.com); the website summarizes the firm's practice specialties and contains biographies of all its attorneys. Biographies of the attorneys we anticipate will be staffed on the matter, each of whom is identified below, are enclosed herewith.

**2. Attorneys' Fees and Costs.**

As typically set forth in the order appointing the receiver, our fees and costs incurred in this matter will be paid out of the receivership estate, and will be subject to Court approval for payment, after application. Our fees will be based on our hourly time charges. The time charges will be for all time actually expended, less any discounts or write-offs applied to those charges. The hourly rates for Allen Matkins attorneys and paralegals vary according to the expertise and level of experience of the person involved. These rates for the personnel likely to be staffed on this matter presently range from \$100 to \$685 per hour. We understand that the primary Defendants for this matter are located in Southern California, and that the Commission has filed the enforcement action in the Court, as defined above.

Mr. partner, David Zaro, will serve as the practice group lead on this matter, and I will serve as the supervising partner on the matter. David's standard billing rate for Allen Matkins' current fiscal year is \$745 per hour, and mine is \$550. In order to reduce attorneys' fees and costs and help achieve our target billing rate for this matter, we also anticipate staffing at least one associate, including Tim Hsu, whom you have worked with before and whose standard hourly billing rate is \$420. In addition to his experience in federal receivership matters, Mr. Hsu is a native Mandarin speaker, which might be a valuable skill in this matter.

**As we have discussed, as an accommodation to you and the Commission, we will discount our standard billing rates by 10% for this engagement. Discounted hourly billing rates are anticipated to be as follows:**

- David R. Zaro                                 \$670.50
- Joshua A. del Castillo                     \$495
- Tim C. Hsu                                     \$378

Depending on the volume of work involved and the nature of services needed, we may use other attorneys whose billing rates will be between that of myself and our most junior associates. If unusual or special expertise is required, we will call on experienced lawyers from our corporate, tax, labor, and/or other specialty departments. While it is impossible to predict the amount of fees ultimately to be incurred, our goal is to achieve a blended rate that reflects the effective utilization of quality junior lawyers and paralegals.

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Mr. Stephen J. Donell, CCIM, CPM  
November 23, 2015

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Until we know more about the case and the type of services needed or the extent of disputed matters, we will be unable to provide a more specific blended rate for the case, although we will strive to achieve a blended rate of less than \$450 per hour, for the entirety of the case. Our goal would be that two-thirds of the services provided be at the associate rate over the life of the case, assuming the issues and matters do not require more experienced counsel or special expertise.

In order to further assist in controlling costs in this matter, Allen Matkins will not bill for attorney travel time between our Los Angeles office and the Court, and will only charge for out-of-pocket travel costs. Allen Matkins generally reviews its hourly rates annually and, if appropriate, adjusts them effective July 1, to reflect increases in seniority, experience and other relevant factors. Those adjustments typically range from 3-5%. We generally do not send any notices of such changes in hourly rates.

**As a further accommodation to you and the Commission, Allen Matkins will not adjust the billing rates for the identified attorneys until January 1, 2017, even though such rates would ordinarily adjust upward at the start of our fiscal year on July 1, 2016.**

You understand that it is impossible to determine in advance the amount of fees and costs needed to complete this matter. In addition to charges for legal services, the receiver will also be responsible for reimbursing Allen Matkins for costs and expenses incurred, such as filing fees, charges for transcripts, depositions, long distance telephone, computerized legal research, messenger fees, copying costs, word processing expenses and the like. These items are charged at our standard rates in effect at the time the expense is incurred. In certain cases, we will ask you to pay these expenses directly. We agreed to limit our out of pocket costs for which we will seek reimbursement to those permitted by the Guidelines issued by the Office of the U.S. Trustee covering bankruptcy cases in the Court.

Whenever appropriate and consistent with the proper representation of our clients, we use paralegals, investigators, junior attorneys and staff members in order to minimize the impact of the hourly rates of more senior attorneys. We believe the utilization of junior attorneys, paralegals or staff members, in consultation with and under supervision of more experienced attorneys in the firm as appropriate, enables us to maintain economically and efficiently the high quality of our legal representation, while permitting us both to avoid sacrificing the quality of our work for lower fees and to avoid assigning senior attorneys to tasks which can be performed proficiently by junior attorneys, paralegals or staff members.

**3. Conflicts of Interest.**

We cannot, without appropriate consents, represent any party if there is a conflict of interest with any of our other clients. In order to avoid conflicts of interest among our clients, we maintain an index of relevant names. In connection with this matter, we have searched our index for the following names:

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Mr. Stephen J. Donell, CCIM, CPM  
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- Stephen J. Donell, Receiver
- U.S. Securities and Exchange Commission
- Robert Yang, MD
- Claudia Kano
- Suncor Fontana, LLC
- Suncor Hesperia, LLC
- Suncor Care Lynwood, LLC
- Yanrob's Medical, Inc.
- HealthPro Capital Partners, LLC
- Suncor Care, Inc.

We have not discovered any conflict which requires further action before undertaking our representation. Please advise us, at or before the time you return the signed copy of this letter, if you know of any other individuals or entities which may be involved in this matter. In addition, please inform us at once if you learn in the future of other persons or entities who may be involved so we can make a conflict of interest search with respect to them.

**4. No Guarantees.**

During the course of our representation, we will endeavor to keep you fully advised as to the status and progress of this matter, including our view of your rights and potential liabilities or exposure, and our recommendations as to an appropriate course of action in view of the facts, circumstances and issues involved. Upon your request, we will also endeavor to provide you with an estimate of the future costs and fees you should anticipate incurring through the various stages of this matter. An estimate is not a fixed fee and does not constitute a commitment by Allen Matkins to perform our professional services for that amount. You will be responsible for the actual fees and costs incurred on the basis described in this Agreement.

We will send copies of all material documents generated in connection with our representation, and I ask that you call me at any time should you wish to discuss the matter, our invoices or bills, or any other aspect of this representation. If for some reason I am unavailable, another attorney in this office will generally be available and familiar with the matter sufficiently to consult with you as desired.

We must emphasize that our firm has not made and cannot make any representations or guarantees regarding the successful outcome of any representation, involving litigation or otherwise, or the actual amount of any fees or costs you will incur. For example, costs, expenses and results are often controlled by external factors beyond our control.

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Mr. Stephen J. Donell, CCIM, CPM  
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**5. Client Representation by Allen Matkins.**

For purposes of this engagement, Allen Matkins is only representing you, Stephen J. Donell, in your capacity as receiver. We are not representing any of your affiliates, subsidiaries, parent companies, joint ventures, officers, directors, partners, principals, investors, or employees, unless otherwise agreed to by Allen Matkins in writing. Accordingly, Allen Matkins may be adverse to these related parties or their legal interests, unless precluded by reason of the Rules of Professional Conduct.

**6. Consent to Electronic Communications.**

In order to maximize efficiency in this matter, we intend to use state of the art communications devices to the fullest extent possible (*e.g.*, E-Mail, document transfer by computer, cellular telephones, and facsimile transfers). The use of such devices under current technology may place your confidences and privileges at risk. However, we believe the effectiveness involved in use of these devices outweighs the risk of accidental disclosure. By signing this letter, you acknowledge your consent to the use of these devices.

**7. Confirmation of Agreement.**

Please confirm your agreement to the terms of this engagement letter by signing this letter and returning it to us.

We will endeavor to represent you promptly and efficiently, and we hope for a long and mutually satisfactory relationship. We very much appreciate the opportunity of working with you, again.

Very truly yours,



Joshua A. del Castillo

JAD:jad  
Enclosures

cc: David R. Zaro, Esq.  
(via email only)

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Mr. Stephen J. Donell, CCIM, CPM  
November 23, 2015  
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APPROVED, ACCEPTED AND AGREED TO  
this \_\_\_ day of ~~November~~, 2015: *December 11, 2015*

  
\_\_\_\_\_  
Stephen J. Donell, Receiver

**CATALOGUE OF FIRM RECEIVERSHIP ACTIONS**

ALLEN MATKINS LECK GAMBLE MALLORY &amp; NATSIS LLP

<b>YEAR</b>	<b>CASE NAME</b>	<b>VENUE</b>
2015	SEC v. Path America, LLC, et al.	USDC, Western District of Washington (Seattle), No. c-15-1350-JLR
2015	SEC v. Chen, USFIA, Inc., et al.	USDC, Central District of California (Los Angeles), No. 2:15-cv-07425-RGK-GJSx
2015	SEC v. Total Wealth Management, Inc., et al.,	USDC, Southern District of California No. 15-cv-226 BAS (DHB)
2014	SEC v. World Capital Market, Inc., et al.,	USDC, Central District of California (Los Angeles), No. 2:14-cv-02334-JFW-MRW
2013	SEC v. Yin Nan "Michael" Wang, Velocity Investment Group, Inc., et al.,	USDC, Central District of California (Los Angeles), No. 13-cv-07553-JAK (SSx)
2012	SEC v. Small Business Capital Corp.; Mark Feathers; Investors Prime Fund, LLC, et al.,	USDC, Northern District of California (San Jose), No. 5:12-cv-03237-EDJ
2012	SEC v. Louis V. Schooler; First Financial Planning Corporation dba Western Financial Planning Corporation	USDC, Southern District of California, No. 12CV2164-LAB
2010	SEC v. Advanced Money, Inc.; Moises Pacheco, et al.,	USDC, Southern District of California
2009	SEC v. Medical Capital Holdings, Inc., et al.,	USDC, Central District of California (Santa Ana)
2009	SEC v. Sunwest Management, Inc., et al.,	USDC, District of Oregon (Portland)
2008	SEC v. Robert Louis Carver; Lincoln Funds International, Inc.	USDC, Central District of California (Santa Ana)
2008	SEC v. Plus Money, Inc.; Matthew LaMadrid, et al.,	USDC, Southern District of California
2008	SEC v. Tuco Trading, LLC	USDC, Southern District of California
2008	SEC v. Safevest, LLC; John G. Ervin; John V. Slye	USDC, Central District of California (Santa Ana), No. SACV08-00473 JVS
2007	SEC v. Global Online Direct	USDC, Northern District of Georgia
2007	SEC v. Trabulse	USDC, Northern District of California (San Francisco)
2006	SEC v. Credit First Fund	USDC, Central District of California (Los Angeles)
2006	SEC v. Charis Johnson; 12Daily Pro	USDC, Central District of California
2006	SEC v. Rhodes	USDC, District of Oregon (Portland)
2004	SEC v. Presto Telecommunication	USDC, Southern District of California
2004	SEC v. Rose Fund	USDC, Northern District of California (San Francisco)
2004	SEC v. Learn Waterhouse, Inc.	USDC, Southern District of California



YEAR	CASE NAME	VENUE
2002	SEC v. Alpha Telcom; Rubera, et al.,	USDC, District of Oregon (Portland), No. 01-cv-01283-PA
2002	SEC v. Health Maintenance Centers, Inc.; Znetix, et al.,	USDC, District of Washington (Seattle)
2001	SEC v. Pinnfund USA	USDC, Southern District of California
2000	SEC v. Capital Consultants, LLC; Jeffrey Grayson	USDC, District of Oregon (Portland)

**FEDERAL TRADE COMMISSION**

YEAR	CASE NAME	VENUE
2012	FTC v. Consumer Advocates Group Experts, LLC	USDC, Central District of California (Los Angeles), No.
2009	FTC v. MCS Programs, LLC, et al.,	USDC, Western District of Washington (Tacoma)
2007	FTC v. Merchant Processing, Inc., et al.,	USDC, District of Oregon

**U.S. COMMODITY FUTURES TRADING COMMISSION ("CFTC")**

YEAR	CASE NAME	VENUE
2008	U.S. Commodity Futures Trading Commission v. Safevest, LLC; Jon G. Ervin; John V. Slye	USDC, Central District of California (Santa Ana)

# Allen Matkins

CHALLENGE. OPPORTUNITY. SUCCESS.



DAVID R. ZARO

## REPRESENTATIVE MATTERS

### Bank Representation

- **Residential and Commercial Bank.** Represented a residential and commercial bank in defending several thousand lawsuits throughout California and managed local counsel in 20 other states. The lawsuits concern allegations of mortgage fraud, wrongful foreclosure, violations of TILA, RESPA, HOSPA, and other statutory and regulatory issues.
- **Residential and Commercial Lender.** Represented a residential and commercial lender in the workout and collection of a portfolio of commercial loans exceeding \$1 billion.
- **Residential and Commercial Lender.** Represented a residential and commercial lender as to the workout and collections of a portfolio of construction loans. Some loans involving completed projects as well as those in progress.

### Receiverships Cases

- **Federal Trade Commission v. MCS Programs, LLC, et al., U.S. District Court, Western District of Washington.** Represented the receiver in this Internet and telemarketing fraud involving a so-called debt reduction program and credit repair scheme, operating out of multiple locations. Receiver marshaled assets and liquidated and returned funds to the FTC for distribution to victims.
- **Federal Trade Commission v. Merchant Processing, Inc., et al., U.S. District Court, Oregon.** Represented the receiver appointed at the request of the FTC in connection with a fraudulent scheme involving the sale of credit and debit card merchant account services and leasing related equipment. Successfully turned around the enterprise, marshaled assets, and operated and liquidated the enterprise returning substantial funds to the victims and FTC.
- **U.S. Commodity Futures Trading Commission v. Safevest, LLC, et al., U.S. District Court, Central District of California.** Represented the receiver appointed jointly by the CFTC and the SEC in an action involving an Internet and telemarketing fraud which raised in excess of \$25 million purportedly to purchase commodities and futures contracts. This was a ponzi scheme in which no trades were made.
- **SEC v. Sunwest Management, U.S. District Court, Oregon.** Represented the receiver appointed at the request of the SEC for an enterprise involving \$1.2 billion in assets and liabilities. The enterprise involved selling TIC and LLC interest in approximately 300 assisted living facilities.
- **SEC v. Medical Capital Holding, U.S. District Court, Central District of California.** Represented the receiver appointed at the request of the SEC with regard to ponzi-like scheme which raised over \$1 billion ostensibly to purchase medical receivables.
- **SEC v. Global Online Direct, Inc., U.S. District Court, Northern District of Georgia.** Represented the receiver appointed at the request of the SEC for a company raising over \$45 million through the sale of alleged unregistered securities.
- **SEC v. Trabulse, et al., U.S. District Court, Northern District of California.** Represented the receiver appointed at the request of the SEC for a hedge fund.
- **SEC v. C. Wesley Rhodes, Jr. et al., U.S. District Court, Portland.** Represented the receiver appointed at the request of the SEC for an investment advisor.
- **SEC v. Credit First Fund, U.S. District Court, Central District of California.** Represented the receiver appointed at the request of the SEC for the operator of distressed consumer debt portfolios.

## BIOGRAPHY

David R. Zaro is a partner in our Los Angeles office, where his practice focuses upon litigation with an emphasis upon creditors' rights, bankruptcy litigation, and state and federal receiverships. David represents a wide range of clients including banks and other institutional lenders, developers, landlords, receivers, examiners, secured and unsecured creditors, and other business enterprises.

David has extensive experience as a bankruptcy lawyer as well as a trial lawyer in federal and state courts in California and several other jurisdictions. His experience in the field of insolvency, creditors' rights, and bankruptcy litigation includes out-of-court workouts and restructurings, federal and state court receiverships, and bankruptcy reorganization proceedings. David also advises residential and commercial lenders and others regarding all aspects of commercial law with regard to

commercial and residential mortgage litigation, bank regulatory disputes, and collection actions.

David's representative cases include the representation of Court Appointed Receivers in a \$1.2 billion fraud action brought by the Securities and Exchange Commission in connection with the sale of TIC and other interests in 300 assisted living facilities; and a \$750 million ponzi-like scheme involving the purchase of medical related receivables and related lending transactions; representation of lender in workout of mezzanine financing on a multi-building office park; defense of actions in bankruptcy by junior lienholder and debtor against lender on a industrial park; and structure lease termination and modifications for commercial and retail tenants both in and out of bankruptcy.

David has lectured on matters regarding residential and commercial mortgage litigation and workouts, creditors' rights, construction law, and other real property remedies.

## MEMBERSHIPS

- Financial Lawyers Conference
- American Bankruptcy Institute
- Turnaround Management Association

## ACCOLADES

- Awarded Turnaround Management Association's Transaction of the Year- Large Turnaround Award (2011)

## EDUCATION

David received his B.A. from Stanford University and obtained his J.D. from the University of California, Hastings College of The Law.

## BAR ADMISSIONS

- California

## COURT ADMISSIONS

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, District of Arizona
- California Supreme Court
- U.S. Ninth Circuit Court of Appeals
- U.S. Supreme Court

## EVENTS

The State Bar of California-Real Property Section - 28th Annual Retreat  
5/15/2009

**Speakers:** Thomas W. Henning and David R. Zaro

ABI - Bankruptcy Battleground West Conference  
3/13/2009

**Speakers:** David R. Zaro

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**JOSHUA A. DEL  
CASTILLO**

## BIOGRAPHY

Joshua A. del Castillo is a litigation, creditors' rights, and regulatory compliance attorney practicing in the Firm's Receiverships, Lenders & Special Creditor Remedies; Restructuring, Insolvency & Bankruptcy; and Corporate Finance practice groups. Joshua's practice includes general business litigation, bankruptcy and receiverships, and regulatory compliance. Joshua represents a wide range of clients including banks and other institutional lenders, developers, receivers, monitors, secured and unsecured creditors, and other business enterprises.

Joshua has served as general litigation counsel for institutional lenders and administrators of securitized trusts throughout the state and federal court systems in California, including in connection with actions challenging the enforceability of securitized loans and associated security instruments, and has represented creditors in related chapter 7, chapter 11 and chapter 13 proceedings. In this context, Joshua has developed significant experience in defending against efforts to divest secured creditors of their statutory and contractual rights, as well as supervising other counsel in similar matters nationwide.

Joshua also regularly serves as counsel for court-appointed permanent receivers in enforcement actions brought by the Securities and Exchange Commission, Federal Trade Commission, and other federal agencies, including in actions alleging the operation of Ponzi-like investment schemes or fraudulent business practices. Joshua's receiver clients are regularly tasked with taking over the entities used to perpetrate a fraud, conducting necessary forensic accountings, documenting (for the benefit of the appointing court) how the fraud was carried out, and recovering available proceeds, where possible, for distribution to defrauded investors. Joshua likewise maintains an active real property receivership practice, advising lender and receiver clients on the propriety of a receivership for a given circumstance and on the management and disposition of receivership estate property. In this context, Joshua has secured the appointment of receivers in hotly contested real property disputes and assisted real property receivers with the administration of environmentally compromised and other unusual commercial properties, including in connection with efforts to sell such properties out of receivership.

Joshua further maintains a growing regulatory compliance practice, with a focus on the Dodd-Frank Act, Fair Credit Reporting Act, Equal Credit Opportunity Act, Real Estate Settlement Procedures Act, and other related federal and state statutes. Joshua has successfully represented lenders and other business enterprises in litigation alleging regulatory violations, as well as provided regulatory compliance and analysis advice to lenders, investment and telecommunications companies, public interest organizations, and others.

Joshua has represented clients before state and federal courts throughout California, including the California Court of Appeal, the United States Bankruptcy Appellate Panel of the Ninth Circuit, and the Ninth Circuit Court of Appeals.

Joshua has been an active participant in and advocate for *pro bono* work since his arrival at Allen Matkins, and presently serves as a *pro bono* bankruptcy and litigation advisor to the Wage Justice Center, a public-interest organization that collaborates with community groups, workers' centers and legal services providers to advance low-income workers' rights, educate workers, and advocate on the law and best practices for collecting unpaid wages. Joshua has also represented clients, *pro bono*, in Constitutional rights, creditors' rights, regulatory compliance, and securities matters.

## MEMBERSHIPS

- Financial Lawyers Conference
- California Receivers Forum
- Hispanic National Bar Association
- National Association of Federal Equity Receivers

## ACCOLADES

- *Pro Bono Award*, Wage Justice Center (2009)
- Selected for inclusion in *Super Lawyers' Southern California Rising Stars* (2012 - 2015)



## EDUCATION

Joshua received his B.A. in economics, *cum laude*, from the University of Southern California in 1996. He received his M.A. in anthropology, with a subspecialty in economic anthropology and development, from the University of Michigan in 1998, advancing to Ph.D. candidacy in 2000. In 2005, Joshua received his J.D. from the University of Southern California Gould School of Law.

While in law school, Joshua was awarded an Olin Foundation/USC Center for Law, Economics, and Organization scholarship, and was selected as a member of the inaugural class of USC Law School Summer Fellows. In addition, Joshua was a member of the law school's Hale Moot Court Honors Program, placing as a semi-finalist, and later served as an editor on the Hale Moot Court Board and was a member of the USC National Moot Court team.

## BAR ADMISSIONS

- California

## COURT ADMISSIONS

- All California state courts
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- Ninth Circuit Court of Appeals
- United States Bankruptcy Appellate Panel of the Ninth Circuit
- U.S. Supreme Court

## REPRESENTATIVE MATTERS

### Litigation and Bankruptcy

- **Commercial Lenders.** Represented a national, commercial lender in connection with a large bankruptcy and breach of contract dispute, in both state and federal courts.
- **Developers.** Represented national developers in connection with preferential transfer claims brought by bankruptcy trustees.
- **Law Firms.** Represented a national law firm in connection with the bankruptcy of a large client.
- **Mortgage Lenders.** Represented a number of the nation's largest mortgage lenders in multiple commercial litigation matters, in both state and federal courts, including courts of appeal.
- **Non-Profit Organizations.** Provided pro bono assistance to a non-profit organization representing indigent and low-income workers in employment disputes.

### Federal Equity Receiverships

- *Securities and Exchange Commission v. Plus Money, Inc., et al.*, (U.S. District Court, Southern District of California). Represented a receiver appointed in a Securities and Exchange Commission enforcement action alleging a \$45 million Ponzi-like investment scheme based on purported covered-call option trading. Receiver marshaled assets and distributed funds to defrauded investors.
- *Securities and Exchange Commission v. Pacheco, et al.*, (U.S. District Court, Southern District of California). Represented a receiver appointed in a Securities and Exchange Commission enforcement action alleging a \$15 million Ponzi-like investment scheme based on purported covered-call option trading. Receiver marshaled assets and distributed funds to defrauded investors.
- *Securities and Exchange Commission v. Medical Capital Holding, et al.*, (U.S. District Court, Central District of California). Represented a receiver appointed in a Securities and Exchange Commission enforcement action alleging a Ponzi-like investment scheme which raised over \$1 billion, ostensibly to purchase medical receivables.
- *Securities and Exchange Commission v. Global Online Direct, Inc., et al.*, (U.S. District Court, Northern District of Georgia). Represented a receiver appointed in a Securities and Exchange Commission enforcement action alleging that the defendant entities raised over \$45 million through the sale of unregistered securities.
- *Securities and Exchange Commission v. Trabulse, et al.*, (U.S. District Court, Northern District of California). Represented a receiver appointed to monitor a hedge fund, at the request of the Securities and Exchange Commission.
- *Federal Trade Commission v. Consumer Advocates Group, LLC, et al.*, (U.S. District

Court, Central District of California). Represented a receiver appointed at the request of the Federal Trade Commission in connection with an enforcement action alleging deceptive and fraudulent mortgage modification practices.

#### Real Property Receiverships

- *Excel National Bank v. Tolosa Sison Family Corp., et al.*, (Superior Court of California, County of San Mateo). Represented a real property receiver appointed to administer receivership estate substantially comprised of service station and convenience store assets.
- *First Citizens Bank & Trust Co. v. NDustrial Drive LLC, et al.*, (Superior Court of California, County of San Joaquin). Represented a real property receiver appointed to administer receivership estate substantially comprised of abandoned recycling facility. Assisted receiver with site clean-up, marketing, and sale efforts.
- *Wachovia Bank, NA v. Downtown Sunnyvale Residential, LLC, et al.*, (Superior Court of California, County of Santa Clara). Represented a real property receiver appointed over a large-scale commercial development in connection with successfully securing trial court approval of the receiver's administration and improvement of the development, as well as approval of the receiver's compensation and discharge request.

#### Regulatory Compliance

- **Real Property Brokerage.** Represented one of the Southwest's largest real property brokerages in connection with litigation alleging a violation of federal consumer protection statutes.
- **Lenders and Institutional Investors.** Represented lender in connection with litigation alleging systematic violations of the Fair Credit Reporting Act. Represented national institutional investor in connection with revision of internal policies and procedures for compliance with new or revised consumer protection statutes.
- **Telecommunications Business.** Represented cell tower leasing entity in connection with policies and procedures for compliance with new or revised consumer protection statutes.
- **Public Interest Organizations.** Provided analysis of applicability of provisions of Dodd-Frank Act to highly publicized business practices of so-called buy-here / pay-here automobile dealerships.

#### EVENTS

California Bankruptcy Forum's 26th Annual Insolvency Conference

5/16/2014

**Speakers:** Joshua A. del Castillo and Ted G. Fates

#### PUBLICATIONS

##### LEGAL ALERTS

- |             |  |
|-------------|--|
| 18-May-2015 | Two Recent Decisions Potentially Expand Fraudulent Transfer Exposure in Ponzi Schemes  |
| 02-Dec-2014 | Financial Institutions May Post Online Privacy Disclosures   |
| 18-Dec-2013 | New California Court of Appeal Decision Reaffirms General Rule that Residential Lenders Owe no Duty to Borrowers, Including in the Loan Modification Context |
| 16-Apr-2013 | New California Court of Appeal Decision May Affect Administration of Foreclosure-Avoidance Actions   |
| 17-Sep-2012 | Recent Ninth Circuit Decision Emphasizes Importance Of Remaining Vigilant – And Current – In Connection With Consumer Finance Regulation Compliance          |
| 20-Jul-2012 | "Who is going to pay for this?"<br>California Court of Appeal Highlights Receiver Compensation Issues  |

- 01-Feb-2012 Recent Seventh and Ninth Circuit Cases Affect Federal Equity Receiverships
- 17-Aug-2011 California Superior Court Invalidates Receiver's Sale of Real Property Holding That the Sale of Collateral Over the Objection of the Borrower is Tantamount to Foreclosure  
This alert applies to secured lenders and court-appointed real property receivers considering the disposition of receivership estate property by receiver's sale.

## ARTICLES

- 20-May-2015 Unwitting transfers to Ponzi schemes  
by Joshua A. del Castillo and Ted G. Fates in *Daily Journal*
- 01-Dec-2014 What Flagstar Bank Can Teach Mortgage Servicers and Others About the CFPB  
By Joshua A. del Castillo and Kenyon D. Harbison in *California Mortgage Finance News*
- 27-May-2014 Update on Evolving California Homeowner's Bill of Rights Case Law  
By Joshua A. del Castillo and Kenyon Harbison in *California Mortgage Finance News*
- 01-Sep-2013 California Foreclosure Proceedings: Recent court decisions may illustrate trends in foreclosure-avoidance actions  
By Joshua A. del Castillo and Tim C. Hsu in *Scotsman Guide Residential Edition*
- 01-Jul-2013 Adverse Action Notices in a Fluid Regulatory Environment  
By Joshua A. del Castillo and Kenyon Harbison in *CMBA Legal News*
- 02-Jan-2013 For Sale by Receiver  
By Joshua A. del Castillo, co-author, in *Scotsman Guide*
- 27-Feb-2012 Sales by Rents and Profits Receivers: A Discussion of the Practice and Governing Law  
By Joshua A. del Castillo, co-author, in *Receivership News*
- 06-Feb-2012 7th, 9th Circuit Cases To Affect Federal Equity Receiverships  
By Joshua A. del Castillo and Ted G. Fates in *Daily Journal*
- 23-Jun-2010 Respecting Foreclosure: Section 2923.5 Remedies Clarified  
By Joshua A. del Castillo and Kenyon D. Harbison in *Los Angeles Daily Journal*
- 01-Jan-2008 The New Age of Real Estate Loan Defaults

By Joshua A. del Castillo, co-author, in *Real Property Law Reporter*

#### **PRESS & MEDIA**

- 26-May-2015 Lawyers React To Justices' Ruling On Bankruptcy Court Power  
Joshua del Castillo in *Law360*
- 03-Jul-2014 55 Allen Matkins Attorneys Named Among Super Lawyers and Rising Stars 2014
- 11-Jul-2013 60 Allen Matkins Attorneys Named Among Super Lawyers 2013 and Rising Stars 2013
- 19-Jul-2012 61 Allen Matkins Attorneys Named Among Super Lawyers 2012 and Rising Stars 2012  
More Than 40 Percent of Firm's Partners Make the List

#### **VIDEOS**

- 08-Jan-2013 The FCRA, ECOA and the Consumer Financial Protection Bureau: Two Areas of Ambiguity the Bureau May Address



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TIM C. HSU

## BIOGRAPHY

Tim C. Hsu is an associate in the firm's Los Angeles office, where he is a member of the firm's Restructuring, Insolvency and Bankruptcy Practice Group, the Environmental and Natural Resources Practice Group, as well as the Receiverships, Lenders and Special Creditor Remedies Practice Group. Tim's practice includes general commercial litigation, including lender and financial services litigation, environmental claims litigation brought under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and federal and state receivership matters. He has worked in all phases of state and federal litigation, from initial pleadings through discovery and trial, including defending subsequent appeals in state court proceedings. In addition to his litigation practice, Tim also has experience representing lenders in financial transactions, including secured credit transactions.

Prior to joining Allen Matkins, Tim served as a Judicial Extern for the Honorable Ernest M. Robles in the United States Bankruptcy Court, Central District of California. He has also served as a Judicial Extern for Magistrate Judge Oswald Parada in the United States District Court, Central District of California, where he reviewed and analyzed statutes, regulations, and case law addressing substantive and procedural issues arising in civil rights, habeas corpus, and Social Security Administration benefits appeals matters.

Tim is also a licensed Certified Public Accountant in California and has previously worked for a number of years as a senior financial statement auditor with PricewaterhouseCoopers, LLP, and was an assistant fund controller at the Capital Group Companies. He is fluent in Mandarin Chinese and conversational in Cantonese.

## EDUCATION

Tim received his J.D. from Loyola Law School Los Angeles and his B.S. in accounting from the University of Southern California, Leventhal School of Accounting.

## PUBLICATIONS

### LEGAL ALERTS

- 23-Jun-2015 Mutual Water Companies: A Water Supply Option for Multifamily and Residential Developments
- 11-Aug-2014 The California Supreme Court Further Limits the Scope of CEQA Review for Voter-Sponsored Initiatives in Tuolumne Jobs & Small Business Alliance v. Superior Court
- 22-Aug-2013 EPA Endorses New ASTM Phase I Standard
- 16-Apr-2013 New California Court of Appeal Decision May Affect Administration of Foreclosure-Avoidance Actions

### ARTICLES

- 30-Jun-2015 Alternative water supply options for some development by Courtney A. Davis and Tim C. Hsu in *Daily Journal*
- 01-Sep-2013 California Foreclosure Proceedings: Recent court decisions may illustrate trends in foreclosure-avoidance actions  
By Joshua A. del Castillo and Tim C. Hsu in *Scotsman Guide Residential Edition*

**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 515 S. Figueroa Street, 9th Floor, Los Angeles, California 90071-3398.

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

**DECLARATION OF STEPHEN J. DONELL IN SUPPORT OF MOTION OF RECEIVER FOR ORDER IN AID OF RECEIVERSHIP**

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 **January 28, 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**  
mhiraide@hiraidelaw.com, kju@phlcorplaw.com, hitabashi@phlcorplaw.com, eganous@phlcorplaw.com
- **David J. Van Havermaat**  
vanhavermaatd@sec.gov, larofiling@sec.gov, berryj@sec.vog, irwinma@sec.gov

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.

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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 **January 28, 2016** at Los Angeles, California.

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