

ROBB EVANS
Receiver of
Asset Protection Group, Inc., et al.
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Federal Trade Commission v. Asset Protection Group, Inc., et al.
CASE No. 4:96 CV02225 SNL

Notice of Filing of Motion For Order;

- (1) Approving Receiver's Final Report and Accounting;**
- (2) Approving Turnover of Remaining Receivership Funds to Plaintiff Federal Trade Commission;**
- (3) Approving and Authorizing Payment of Receiver's and Counsel's Fees and Expenses from July 1, 2010 Through Closing;**
- (4) Discharging Receiver;**
- (5) Relieving Receiver of All Duties and Liabilities;**
- (6) Exonerating Receiver's Bond;**
- (7) Authorizing Abandonment and Destruction of Records and Deeming Abandoned any Unadministered Assets; and**
- (8) Granting any Other Relief Related to the Wind Up of the Estate**

Filed October 3, 2011

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FEDERAL TRADE COMMISSION,)

Plaintiff,)

v.)

RICHARD C. NEISWONGER, et al.,)

Defendants,)

Case No. 4:96CV02225 SNLJ

NOTICE OF FILING OF: MOTION FOR ORDER (1) APPROVING RECEIVER'S FINAL REPORT AND ACCOUNTING; (2) APPROVING TURNOVER OF REMAINING RECEIVERSHIP FUNDS TO PLAINTIFF FEDERAL TRADE COMMISSION; (3) APPROVING AND AUTHORIZING PAYMENT OF RECEIVER'S AND COUNSEL'S FEES AND EXPENSES FROM JULY 1, 2010 THROUGH CLOSING; (4) DISCHARGING RECEIVER; (5) RELIEVING RECEIVER OF ALL DUTIES AND LIABILITIES; (6) EXONERATING RECEIVER'S BOND; (7) AUTHORIZING ABANDONMENT AND DESTRUCTION OF RECORDS AND DEEMING ABANDONED ANY UNADMINISTERED ASSETS; AND (8) GRANTING ANY OTHER RELIEF RELATED TO THE WIND UP OF THE ESTATE

PLEASE TAKE NOTICE that Robb Evans as Receiver ("Receiver") of Asset Protection Group, Inc. and its subsidiaries, affiliates, divisions, successors and assigns ("Receivership Defendants") pursuant to the Ex Parte Temporary Restraining Order With Ancillary Equitable Relief filed July 17, 2006 ("Temporary Restraining Order") and the Preliminary Injunction filed June 12, 2007 ("Preliminary Injunction"), has filed with the Court his Motion for Order (1) Approving Receiver's Final Report and Accounting; (2) Approving Turnover of Remaining Receivership Funds to Plaintiff Federal Trade Commission; (3) Approving and Authorizing Payment of Receiver's and Counsel's Fees and Expenses from July 1, 2010 Through Closing; (4) Discharging Receiver; (5) Relieving Receiver of All Duties and Liabilities; (6) Exonerating

Receiver's Bond; (7) Authorizing Abandonment and Destruction of Records and Deeming Abandoned Any Unadministered Assets; and (8) Granting Any Other Relief Related to the Wind Up of the Estate ("Motion"). Pursuant to the Motion, the Receiver moves the Court for an order for the following relief:

1. An order approving the Receiver's Final Report and Accounting attached collectively as Exhibit 1 to the Declaration of M. Val Miller filed concurrently herewith, approving and confirming the activities of the Receiver described therein, and approving and confirming all actions and activities taken by or on behalf of the Receiver and all payments made by the Receiver in connection with the administration of the receivership estate;

2. An order approving all receivership administrative expenses, including the Receiver's fees and expenses and those of his counsel incurred in connection with the receivership proceeding, including those previously paid to the Receiver and his counsel, and approving and authorizing payment of all administrative expenses and Receiver's and counsel's fees and expenses through the conclusion of this proceeding and the discharge of the Receiver, including those reflected in the Final Report and Accounting, to the extent any such administrative expenses and Receiver's and counsel's fees and expenses remain unpaid, including Receiver's and counsel's actual fees and expenses incurred and unpaid from the period from July 1, 2010 through the closing of the estate. The Receiver's actual fees and expenses incurred, outstanding and unpaid from July 1, 2010 through June 30, 2011 plus estimated fees and expenses for the Receiver and his counsel from July 1, 2011 through closing indicated in the Final Report and Accounting total \$116,551.05, exclusive of asset preservation and operating expenses;

3. An order authorizing the Receiver to turn over to plaintiff Federal Trade Commission ("FTC") all funds remaining in the receivership estate after payment of all administrative expenses, including payment of the fees and expenses of the Receiver and his counsel, after wind up of the estate, in an amount presently estimated at approximately \$832,000.00;

4. Effective upon the completion of the Receiver's wind up of the estate, payment of administrative expenses and distribution of remaining estate assets as provided herein, an order (1) discharging the Receiver, his deputies, agents, employees, members, officers, independent contractors, attorneys and representatives; (2) releasing the Receiver, his deputies, agents, employees, members, officers, independent contractors, attorneys and representatives from all claims and liabilities arising out of and/or pertaining to the receivership herein, including without limitation all claims that were or could have been asserted concerning the Receiver's activities, including without limitation the activities reflected in the Final Report and Accounting; (3) relieving the Receiver, his deputies, agents, employees, members, officers, independent contractors, attorneys and representatives of all duties and responsibilities pertaining to the receivership established in this action; and (4) exonerating the Receiver's bond;

5. An order authorizing the Receiver to dispose of and destroy the records and all computer hard drives of the Receivership Defendant in the Receiver's possession, custody or control, unless within 30 days after entry of the Order on the Motion, the Receiver has been served with a request by the FTC for possession of the records and/or hard drives or with a subpoena by a law enforcement agency for the records and/or hard drives, in which event the Receiver is authorized to turn over the original records and/or hard drives to the FTC or a law enforcement agency in response to the request or subpoena, as applicable;

6. An order deeming notice of the Motion to be sufficient; and

7. An order for any other and further relief as may be reasonable or appropriate in connection with the wind up and closure of the receivership estate.

The Motion is made and based on this Notice of Filing of the Motion, on the Motion, the Memorandum of Law and Declarations of M. Val Miller and Gary Owen Caris filed in support of the Motion concurrently herewith, on the pleadings, records and files of the Court in this case of which the Receiver requests the Court take judicial notice, and on such further oral and documentary evidence and arguments of counsel as may hereafter be presented in support of the Motion.

PLEASE TAKE FURTHER NOTICE that copies of the Motion and supporting pleadings, other than the voluminous exhibits to the Declarations of M. Val Miller and Gary Owen Caris, will be posted on the Receiver's web site for the case at www.robbevans.com/html/apginc.html and copies of the Motion and all supporting pleadings may be obtained upon written request to counsel for the Receiver.

DATED: October 3, 2011

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