

ROBB EVANS
Receiver of
Assets of James P. Lewis, Jr.,
Financial Advisory Consultants,
Income Fund Ltd. &
Growth Fund Ltd.

11450 Sheldon Street
Sun Valley, California 91352-1121
Telephone No.: (818) 768-8100
Facsimile No.: (818) 768-8802

Securities and Exchange Commission v. James P. Lewis, Jr., et al.
CASE No. CV 03-9354 ABC (VBKx)

Order Granting Receiver's Motion for Order Authorizing Receiver to
Commence Litigation

Filed June 17, 2004

LODGED

1 Gary Owen Caris (State Bar No. 088918)
2 Lesley Anne Hawes (State Bar No. 117410)
3 FRANDZEL ROBINS BLOOM & CSATO, L.C.
4 6500 Wilshire Boulevard
5 Seventeenth Floor
6 Los Angeles, California 90048-4920
7 Telephone: (323) 852-1000
8 Facsimile: (323) 651-2577

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CENTRAL DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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JUN 17 2004
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

Attorneys for Receiver, ROBB EVANS

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11 SECURITIES AND EXCHANGE
12 COMMISSION,

Plaintiff,

v.

14 JAMES P. LEWIS, JR., individually and
15 doing business as FINANCIAL
16 ADVISORY CONSULTANTS, INCOME
17 FUND, LTD. AND GROWTH FUND,
18 LTD.,

Defendant.

CASE NO. CV 03-9354 ABC (VBKx)

**ORDER GRANTING RECEIVER'S
MOTION FOR ORDER
AUTHORIZING RECEIVER TO
COMMENCE LITIGATION**

**Date: June 14, 2004
Time: 10:00 a.m.
Place: Courtroom 680
255 E. Temple Street
Los Angeles, CA**

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20 The continued hearing on the Receiver's Motion for an order authorizing the
21 Receiver to institute ancillary litigation against those investors in the Defendant's Ponzi
22 scheme who were overpaid, comprising approximately 450 investors who were overpaid
23 approximately \$72 million, to the extent of the overpayments came on regularly for
24 hearing at the date, time and place set forth above before the Honorable Audrey B. Collins,
25 United States District Judge presiding. Gary Owen Caris of Frandzel Robins Bloom &
26 Csato, L.C. appeared on behalf of the Receiver and moving party; and Sean A. O'Keefe of
27 Winthrop Couchot appeared on behalf of Timothy Robinson Eames, Cari Eames, Garth
28 Geddes Eames, Edna Lou Eames, Barry H. Lloyd, Jill Lloyd, Kent Mathis Harman,

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Tamara Harman, Jack Merrill Harman, Shelley Harman, Bob Merrill Harman, Twila Harman, Brent Maurice Harman, Kristin Harman, Kurt Ivie Harman and Robin Harman ("Eames/Harman Parties"). The Court having reviewed and considered all moving and opposing papers, and the supplemental papers filed by the Receiver and the Eames/Harman Parties, having heard the arguments and contentions of counsel, and good cause appearing therefor,

IT IS ORDERED that the Receiver's Motion for authority to commence litigation against those investors in the Defendant's Ponzi scheme who were overpaid, comprising approximately 450 investors who were overpaid approximately \$72 million ("Winning Investors"), is granted; and it is further

ORDERED that the Receiver is authorized to assert claims and/or commence litigation as may be necessary and/or appropriate in the Receiver's discretion and judgment to pursue overpayments received by the Winning Investors.

AUDREY COLLINS

Dated: *June 16, 2004*

AUDREY B. COLLINS
UNITED STATES DISTRICT JUDGE

FRANDZEL ROBINS BLOOM & CSATO, L.C.
6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
(323) 852-1000

PROOF OF SERVICE

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of FRANDZEL ROBINS BLOOM & CSATO, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 6500 Wilshire Boulevard, Seventeenth Floor, Los Angeles, California 90048-4920.

On June 16, 2004, I served true copy(ies) of the **ORDER GRANTING RECEIVER'S MOTION FOR ORDER AUTHORIZING RECEIVER TO COMMENCE LITIGATION**, the original(s) of which is(are) affixed hereto, to the party(ies) listed on the attached service list.

BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such document(s) were placed in envelopes addressed to the person(s) served hereunder for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

BY FACSIMILE: At approximately _____, I caused said document(s) to be transmitted by facsimile. The telephone number of the sending facsimile machine was (323) 651-2577. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

BY OVERNIGHT DELIVERY: I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) served hereunder.

I certify under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on June 16, 2004, at Los Angeles, California.


BONITA ZEIER

SERVICE LIST

- 1
- 2 Gregory C. Glynn, Esq. Attorneys for Plaintiff Securities and
Peter F. Del Greco, Esq. Exchange Commission
- 3 Securities and Exchange Commission
Randall R. Lee, Regional Director
- 4 Sandra J. Harris, Associate Regional Director
5670 Wilshire Blvd., 11th Floor
- 5 Los Angeles, CA 90036-3648
Tel.: (323) 965-3998
- 6 Fax: (323) 965-3908
- 7 George H. David, Esq. Attorneys for Leonard and Charmaine
George H. David Law Corporation Mackenzie
- 8 19800 Macarthur Blvd., Ste. 500
Irvine, CA 92612
- 9 Tel.: (949) 757-4153
Fax: (949) 726-4770
- 10 Michael Wischkaemper, Esq. Attorney for Harlan Loomas
- 11 Law Offices of Michael Wischkaemper
1808 Aston Avenue, Suite 240
- 12 Carlsbad, CA 92008
Tel.: (760) 438-1222
- 13 Fax: (760) 438-7888
- 14 Jeffrey Spitz, Esq. Attorneys for Janet Goldblatt
Aurelio Torre, Esq.
- 15 Greenberg Glusker Fields Claman
Machtiger & Kinsella LLP
- 16 1900 Avenue of the Stars, 21st Fl.
Los Angeles, CA 90067-4590
- 17 Tel.: (310) 553-3610
Fax: (310) 553-0687
- 18 Edward W. Cochran, Esq. Attorneys for Janet Goldblatt
- 19 Cochran & Cochran
2872 Broxton Road
- 20 Shaker Heights, Ohio 44120
Tel.: (216) 751-5546
- 21 Fax: (216) 751-6630
- 22 Frank H. Tomlinson, Esq. Attorneys for Janet Goldblatt
Pritchard, McCall & Jones, L.L.C.
- 23 505 North 20th Street, Suite 800
Birmingham, AL 35203
- 24 Tel.: (205) 328-9190
Fax: (205) 458-0035
- 25 Paul S. Rothstein Attorney for Janet Goldblatt
- 26 626 NE First Street
Gainesville, FL 32601
- 27 Tel.: (352) 376-7650
Fax: (352) 352-374-7133
- 28

1 Sean A. OKeefe, Esq.
2 Winthrop Couchot, PC
3 660 Newport Center Drive, Ste. 400
4 Newport Beach, CA 92660
5 Tel.: (949) 720-4100
6 Fax: (949) 720-4111

6 James J. Warner, Esq.
7 Law Offices of James J. Warner
8 3233 Third Avenue
9 San Diego, CA 92103
10 Tel: (619) 243-7333
11 Fax: (619) 243-7343

Counsel to Timothy Robinson Eames,
Cari Eames, Garth Geddes Eames, Edna
Lou Eames, Barry H. Lloyd, Jill Lloyd,
Kent Mathis Harman, Tamara Harman,
Jack Merrill Harman, Shelley Harman,
Bob Merrill Harman, Twila Harman,
Brent Maurice Harman, Kristin Harman,
Kurt Ivie Harman and Robin Harman

Attorney for James P. Lewis, Jr.

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