

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

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Sun Valley, California 91352-1121  
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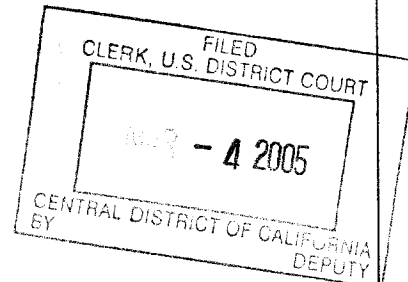
**Securities and Exchange Commission v. James P. Lewis, Jr., et al.**  
**CASE No. CV 03-9354 ABC (VBKx)**

**Stipulation to Reschedule Hearing Date and Extend Response  
Deadlines on Order to Show Cause as to Why James J. Warner and  
Blakney Boggs Should Not be Held in Contempt of Court; and Order  
Thereon**

**Filed March 4, 2005**

1 Gary Owen Caris (State Bar No. 088918)  
gcaris@frandzel.com  
2 Lesley Anne Hawes (State Bar No. 117101)  
lhawes@frandzel.com  
3 FRANDZEL ROBINS BLOOM & CSATO, L.C.  
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4 Seventeenth Floor  
Los Angeles, California 90048-4920  
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6

7 Attorneys for Receiver,  
ROBB EVANS



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

10  
11 SECURITIES AND EXCHANGE  
COMMISSION,

12 BY Plaintiff,

13 v.

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

17 Defendants.  
18

CASE NO. CV 03-9354 ABC (VBKx)

**STIPULATION TO RESCHEDULE  
HEARING DATE AND EXTEND  
RESPONSE DEADLINES ON ORDER TO  
SHOW CAUSE AS TO WHY JAMES J.  
WARNER AND BLAKNEY BOGGS SHOULD  
NOT BE HELD IN CONTEMPT OF  
COURT; AND ORDER THEREON**

Original Hearing Date:  
March 7, 2005

NEW HEARING DATE:

DATE: March 21, 2005  
TIME: 10:00 a.m.  
PLACE: Courtroom 680

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22 This Stipulation is made by and between Robb Evans as  
23 Receiver for the assets of James P. Lewis, Jr., individually and  
24 doing business as Financial Advisory Consultants, Income Fund, I  
25 and Growth Fund, I ("Receiver"), plaintiff Securities and  
26 Exchange Commission, and James J. Warner ("Warner") and Blakney  
27 Boggs ("Boggs") by and through her counsel, Joseph Dicks, in  
28 reference to the following:

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U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

1           A.     On February 24, 2005, the Receiver filed his Ex Parte  
2 Application as to Why James J. Warner and Blakney Boggs Should  
3 Not Be Held in Contempt of Court ("Ex Parte Application"). Boggs  
4 through her counsel filed an opposition to the Ex Parte  
5 Application on or about February 25, 2005, and no opposition to  
6 the Ex Parte Application was filed by Warner.

7           B.     On February 25, 2005, the Court issued its Order to  
8 Show Cause as to Why James J. Warner and Blakney Boggs Should Not  
9 Be Held in Contempt of Court ("OSC"), which orders that Warner  
10 and Boggs, and each of them, appear before the Court at 10:00  
11 a.m. on March 7, 2005 to show cause as to why Warner and Boggs,  
12 and each of them, should not be held in contempt of court for  
13 violation of the Preliminary Injunction Order and Orders: (1)  
14 Freezing Assets; (2) Prohibiting the Destruction of Documents;  
15 (3) Granting Expedited Discovery; (4) for Accountings; and (5)  
16 Order Appointing a Permanent Receiver ("Receivership/Asset Freeze  
17 Order") filed by the Court on January 22, 2004 in this action.  
18 The OSC also requires opposition to the OSC to be filed by  
19 March 1, 2005 and any reply to the opposition by the Receiver by  
20 March 3, 2005.

21           C.     Lead counsel for the Receiver, Gary Owen Caris,  
22 responsible for the prosecution of the Ex Parte Application and  
23 OSC is scheduled to appear in two appeals hearings before the  
24 Court of Appeals for the Fifth Circuit in New Orleans, Louisiana  
25 on March 7, 2005, and is therefore unavailable at the date and  
26 time set for the hearing on the OSC. Additionally, the other  
27 primary counsel for the Receiver in this case, Lesley Anne Hawes,  
28 is scheduled to appear in the United States District Court in

FRANDZEL ROBINS BLOOM & CSATO, L.C.  
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(323) 852-1000

1 Riverside on multiple hearings in two different cases commencing  
2 at 10:00 a.m. on March 7, 2005, and is therefore also unavailable  
3 at the date and time set for the hearing on the OSC.

4 D. Plaintiff Securities and Exchange Commission ("SEC"),  
5 Warner and Boggs do not oppose the Receiver's request to change  
6 the hearing on the OSC to 10:00 a.m. on March 21, 2005 and to  
7 extend the opposition and reply deadlines accordingly.

8 NOW, THEREFORE, the parties hereto do stipulate and agree  
9 that:

10 1. The hearing on the OSC shall be rescheduled to  
11 10:00 a.m. on March 21, 2005; and

12 2. The deadline for opposition to be filed by Warner and  
13 Boggs shall be extended to March 7, 2005, and the deadline for  
14 the Receiver's reply to the opposition shall be extended to  
15 March 9, 2005.

16 DATED: March \_\_, 2005

SECURITIES AND EXCHANGE COMMISSION  
GREGORY C. GLYNN  
PETER F. DEL GRECO

19 By:

20 \_\_\_\_\_  
GREGORY C. GLYNN

22 DATED: March 2, 2005

FRANDZEL ROBINS BLOOM & CSATO, L.C.  
GARY OWEN CARIS  
LESLEY ANNE HAWES

25 By: Lesley Anne Hawes

26 LESLEY ANNE HAWES  
27 Attorneys for Receiver,  
28 ROBB EVANS

[SIGNATURES CONTINUED ON NEXT PAGE]

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1 Riverside on multiple hearings in two different cases commencing  
2 at 10:00 a.m. on March 7, 2005, and is therefore also unavailable  
3 at the date and time set for the hearing on the OSC.

4 D. Plaintiff Securities and Exchange Commission ("SEC"),  
5 Warner and Boggs do not oppose the Receiver's request to change  
6 the hearing on the OSC to 10:00 a.m. on March 21, 2005 and to  
7 extend the opposition and reply deadlines accordingly.

8 NOW, THEREFORE, the parties hereto do stipulate and agree  
9 that:


10 1. The hearing on the OSC shall be rescheduled to  
11 10:00 a.m. on March 21, 2005; and

12 2. The deadline for opposition to be filed by Warner and  
13 Boggs shall be extended to March 7, 2005, and the deadline for  
14 the Receiver's reply to the opposition shall be extended to  
15 March 9, 2005.

16 DATED: March 2, 2005

SECURITIES AND EXCHANGE COMMISSION  
GREGORY C. GLYNN  
PETER F. DEL GRECO

17  
18  
19 By:

  
\_\_\_\_\_  
GREGORY C. GLYNN

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21  
22 DATED: March \_\_, 2005

FRANZEL ROBINS BLOOM & CSATO, L.C.  
GARY OWEN CARIS  
LESLEY ANNE HAWES

23  
24  
25 By:

\_\_\_\_\_  
LESLEY ANNE HAWES  
Attorneys for Receiver,  
ROBB EVANS

26  
27  
28 [SIGNATURES CONTINUED ON NEXT PAGE]

1 DATED: March \_\_, 2005

LAW OFFICES OF JAMES J. WARNER

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3

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JAMES J. WARNER

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6

DATED: March 2, 2005

LAW OFFICES OF JOSEPH G. DICKS, APC

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By:

*Joseph G. Dicks*

JOSEPH G. DICKS

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Attorneys for BLAKNEY BOGGS

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1 DATED: March 2, 2005

LAW OFFICES OF JAMES J. WARNER

2  
3  
4 James J. Warner  
JAMES J. WARNER

5 DATED: March \_\_\_\_, 2005

LAW OFFICES OF JOSEPH G. DICKS, APC

6 By: \_\_\_\_\_  
7 JOSEPH G. DICKS  
8 Attorneys for BLAKNEY BOGGS  
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ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing therefor,

IT IS ORDERED that:

1. The hearing on the OSC shall be rescheduled to 10:00 a.m. on March 21, 2005.

2. The deadline for opposition to be filed by Warner and Boggs shall be extended to March 7, 2005, and the deadline for the Receiver's reply to the opposition shall be extended to March 9, 2005.

Dated: *3-3-05*

AUDREY COLLINS  
AUDREY B. COLLINS, United States District Judge

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LOS ANGELES, CALIFORNIA 90048-4920  
(323) 652-1000

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 FRANZEL 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 March 3, 2005, I served true copy(ies) of the **STIPULATION TO RESCHEDULE HEARING DATE AND EXTEND RESPONSE DEADLINES ON ORDER TO SHOW CAUSE AS TO WHY JAMES J. WARNER AND BLAKNEY BOGGS SHOULD NOT BE HELD IN CONTEMPT OF COURT; AND ORDER THEREON**, 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.

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 March 3, 2005, at Los Angeles, California.

  
BONITA ZEIER

