

**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 Motion for Approval of Receiver's Settlements with**  
**Winning Investors**

**Filed July 12, 2005**

LOGGED

1 Gary Owen Caris (State Bar No. 088918)  
2 Lesley Anne Hawes (State Bar No. 088918)  
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  
9 E-mail: gcaris@frandzel.com  
10 E-mail: lhawes@frandzel.com

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

FILED  
CLERK, U.S. DISTRICT COURT  
JUL 12 2005  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

11 Attorneys for Receiver,  
12 ROBB EVANS

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

15 SECURITIES AND EXCHANGE  
16 COMMISSION,  
17  
18 Plaintiff,  
19  
20 v.  
21 JAMES P. LEWIS, JR.,  
22 individually and doing business  
23 as FINANCIAL ADVISORY  
24 CONSULTANTS, INCOME FUND, LTD.  
25 AND GROWTH FUND, LTD.,  
26  
27 Defendants.

CASE NO. CV 03-9354 ABC (VBKx)  
  
ORDER GRANTING MOTION FOR  
APPROVAL OF RECEIVER'S  
SETTLEMENTS WITH WINNING  
INVESTORS

DATE: July 11, 2005  
TIME: 10:00 a.m.  
PLACE: Courtroom 680

28 The matter of the Motion for Approval of Receiver's  
Settlements with Winning Investors ("Motion") filed by Robb Evans  
as Receiver of the assets of James P. Lewis, Jr., individually  
and doing business as Financial Advisory Consultants, Income  
Fund, Ltd. and Growth Fund, Ltd. ("Receiver") came on regularly  
for hearing at the above-referenced date, time and place before  
the Honorable Audrey B. Collins, United States District Judge  
presiding. Gregory C. Glynn appeared on behalf of the plaintiff

1 Securities and Exchange Commission; Gary Owen Caris of Frandzel  
2 Robins Bloom & Csato, L.C. appeared on behalf of the Receiver;  
3 and Janet Goldblatt, an investor represented by counsel of  
4 record, appeared personally without her counsel of record.  
5 The Court, having reviewed and considered the moving papers and  
6 plaintiff's statement of non-opposition, no timely opposition  
7 to the Motion having been filed or served, the Court having heard  
8 the arguments of counsel and having permitted Janet Goldblatt  
9 personally to make a statement on the record notwithstanding  
10 that her counsel of record did not appear at the hearing and  
11 notwithstanding her failure to file any written opposition to  
12 the Motion, and good cause appearing therefor,

13  
14 IT IS ORDERED that:

15  
16 1. The Motion is granted in its entirety;

17  
18 2. Without limiting the generality of the foregoing,  
19 the Court hereby approves the Receiver's proposed settlements  
20 identified in Exhibit 1 attached hereto;

21  
22 3. The Court further orders that the Settlement Payments  
23 made or to be made by the above-referenced Settling Investors  
24 shall be deemed to be made in full and final satisfaction of  
25 all claims, demands, actions and causes of action that could  
26 have been asserted by any party for recovery of excess profits  
27 or other claims for recovery against the Settling Investors  
28 arising out of or pertaining to their investment in the Lewis

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

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fraudulent investment scheme and that such claims by third parties shall be deemed barred;

4. The Court further orders that upon each Settling Investor's full and complete performance of all settlement terms, including without limitation payment in full of the Settlement Payment by each Settling Investor, all such claims, demands, actions and causes of action by the Receiver against the Settling Investor shall be deemed satisfied.

Dated: *July 12, 2005*

AUDREY COLLINS

\_\_\_\_\_  
AUDREY B. COLLINS  
United States District Judge

## EXHIBIT 1

Winning Investor	Demand	Settlement Payment	Payment Terms	Written Agreement
Allensworth H. Babineau	4,344.63 150,660.00	4,344.63 100,000.00	All cash Assignment of life insurance; payable at the earliest of (a) close of receivershi p; (b) death of insured; or (c) April 2007	Yes - with mutual release
S. Babineau	13,969.61	13,969.61	All cash	
Battenschlag Family Trust	13,837.71	11,349.00	All cash	
Bischoff	277,006.94	120,000.00	\$20,000 paid - 36 mo. note secured by TD	Yes - with mutual release
Carter	6,872.70	6,872.70	\$300 per mo. note	Yes
Caspary	12,876.02	12,876.02	Assignment of claim	Yes
Chapman	67,214.08	67,214.08	37,214.08 paid; 30,000.00 12/31/05	Yes
Christian Life Ministries/ Moulton/Allen	75,100.00	50,000.00	\$10,000 cash paid and \$40,000 by 7/1/05	Yes
Farzad	23,000.00	23,000.00	All cash	
Fulton Trust	5,551.00	5,551.00	\$250 per mo.	Yes
E. Jackson	125,883.00	40,000.00	All cash	Yes - with mutual release
L. Jackson	621,639.95	100,000.00	All cash	Yes - with mutual release

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6500 WILSHIRE BOULEVARD, 17TH FLOOR  
 LOS ANGELES, CALIFORNIA 90048-4920  
 (323) 852-1000

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Winning Investor	Demand	Settlement Payment	Payment Terms	Written Agreement
Kanitz	129,491.74	72,000.00	All cash	Yes - with mutual release
Liss	140,013.66	50,000.00	All cash	
Longstreet	17,500.00	7,000.00	All cash	
Loomas	1,831,551.30	500,000.00	All cash	Yes - with mutual release
A. Lopez	517.92	517.92	All Cash	
M. Lopez	30,359.00	30,359.00	All Cash	
Lucci Family Trust	16,000.00	16,000.00	All Cash	
McBride	14,680.00	14,680.00	All Cash	Yes - with mutual release
Merrill Family Living Trust	15,000.00	15,000.00	All Cash	
Mills Trust	50,000.00	50,000.00	All Cash	
G. Parker	35,000.00	35,000.00	All Cash	
H. Parker	106,807.26	84,378.00	All Cash	Yes
Ramirez	2,513.72	2,513.72	\$500 rec'd to date	
Rodriguez	94,054.13	30,000.00	All Cash	Yes - with mutual release
Sheppard	2,814.04	2,814.04	All Cash	
Tiscareno	185.22	185.22	All Cash	
Trust of Warner	66,009.89	50,000.00	All Cash	
<b>TOTAL</b>	<b>\$3,950,453.52</b>	<b>\$1,515,624.94</b>		

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 July 11, 2005, I served true copy(ies) of the **ORDER GRANTING MOTION AND MOTION FOR APPROVAL OF RECEIVER'S SETTLEMENTS WITH WINNING INVESTORS**, 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 July 11, 2005, at Los Angeles, California.

  
HELEN SCHWARTZ

SERVICE LIST

- 1  
2 Gregory C. Glynn, Esq. Attorneys for Plaintiff  
Peter F. Del Greco, Esq. Securities and Exchange  
3 Securities and Exchange Commission Commission  
Randall R. Lee, Regional Director  
4 Sandra J. Harris, Associate  
Regional Director  
5 5670 Wilshire Blvd., 11<sup>th</sup> Floor  
Los Angeles, CA 90036-3648  
6 Tel.: (323) 965-3998  
Fax: (323) 965-3908  
7  
8 Thomas H. Bienert, Jr., Esq. Attorneys for Sally Lewis  
Steven L. Krongold, Esq.  
Bienert & Krongold  
9 107 Avenida Miramar, Suite B  
San Clemente, California 92672-6713  
10 Tel.: (949) 369-3700  
Fax: (949) 496-6753  
11  
12 Kerry L. Steigerwalt, Esq. Attorneys for Blakney Boggs  
The Law Offices of  
Kerry L. Steigerwalt, A.P.L.C.  
13 3555 Fourth Avenue  
San Diego, California 92103  
14 Tel.: (619) 297-2800  
Fax: (619) 908-3836  
15  
16 Joseph G. Dicks, Esq. Attorneys of Blakney Boggs  
Law Offices of  
Joseph G. Dicks, APC  
17 2720 Symphony Towers  
750 B Street  
18 San Diego, CA 92101-8129  
Tel.: (619) 685-6800  
19 Fax: (619) 557-2735  
20  
20 Michael Handwerker, Esq. Attorneys for Byron  
Hankin, Handwerker & Mazel, PLLC Lefevers and Sharon  
21 7 Penn Plaza, Suite 904 Lefevers  
New York, NY 10001  
22 Tel.: (212) 349-1668  
Fax: (212) 227-7317  
23  
24 George H. David, Esq. Attorneys for Leonard and  
George H. David Law Corporation Charmaine Mackenzie  
19800 Macarthur Blvd., Ste. 500  
25 Irvine, CA 92612  
Tel.: (949) 757-4153  
26 Fax: (949) 726-4770  
27  
28

- 1 Dean T. Kirby, Jr., Esq. Attorney for Harlan Loomas  
Kirby & McGuinn,
- 2 600 B Street, Suite 1950
- 3 San Diego, California 92101  
Tel.: (619) 685-4000  
Fax: (619) 685-4004
- 4
- 5 Michael Wischkaemper, Esq. Attorney for Harlan Loomas  
Law Offices of Michael Wischkaemper  
1808 Aston Avenue, Suite 240
- 6 Carlsbad, CA 92008  
Tel.: (760) 438-1222
- 7 Fax: (760) 438-7888
- 8 David M. Robinson, Esq. Attorneys for Janet  
Robinson & Schmidt Goldblatt
- 9 12121 Wilshire Blvd., Suite 1400
- 10 Los Angeles, CA 90025  
Tel: (310) 914-2444  
Fax: (310) 207-6308
- 11
- 12 Edward W. Cochran, Esq. Attorneys for Janet  
Cochran & Cochran Goldblatt  
2872 Broxton Road
- 13 Shaker Heights, Ohio 44120  
Tel.: (216) 751-5546
- 14 Fax: (216) 751-6630
- 15 Frank H. Tomlinson, Esq. Attorneys for Janet  
Pritchard, McCall & Jones, L.L.C. Goldblatt  
505 North 20<sup>th</sup> Street, Suite 800
- 16 Birmingham, AL 35203  
Tel.: (205) 328-9190
- 17 Fax: (205) 458-0035
- 18
- 19 Paul S. Rothstein Attorney for Janet  
626 NE First Street Goldblatt  
Gainesville, FL 32601
- 20 Tel.: (352) 376-7650  
Fax: (352) 352-374-7133
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- 22
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Sean A. OKeefe, Esq.  
Winthrop Couchot, PC  
660 Newport Center Drive, Ste. 400  
Newport Beach, CA 92660  
Tel.: (949) 720-4100  
Fax: (949) 720-4111

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 and other investors

James P. Lewis, Jr.  
c/o Santa Ana City Jail  
62 Civic Center Plaza  
Santa Ana, CA 92701-4060

Defendant

James J. Warner, Esq.  
James S. Brasher, Esq.  
Law Offices of James J. Warner  
3233 Third Avenue  
San Diego, CA 92103  
Tel.: (619) 243-7333  
Fax: (619) 243-7343

Attorney for James P.  
Lewis, Jr.

Kenneth I. Gross, Esq.  
Perliss & Gross  
555 S. Flower Street, Ste. 4520  
Los Angeles, CA 90071  
Tel.: (213) 627-0218  
Fax: (213) 623-4628

Attorneys for Investor and  
Interested Party John Kovak

OTHER INTERESTED PARTIES

- 1
- 2 Jane Bannister  
Estate's Realty
- 3 74596 Pepper Tree Drive  
Palm Desert, CA 92260
- 4
- 5 Bill Trepanier  
One Source Realty  
2655 Camino del Rio N, #450
- 6 San Diego, CA 92108
- 7
- 8 Gary Wilson  
Coldwell Banker  
4090 Mission Boulevard  
San Diego, CA 92109
- 9
- 10 Joan Lombardo  
Coldwell Banker  
4090 Mission Boulevard
- 11 San Diego, CA 92109
- 12
- 13 James J. Zakhar  
54 Spoon Lane  
Coto De Caza, CA 92679
- 14
- 15
- 16
- 17
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