

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

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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
Settling Parties**

Filed November 7, 2007

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SCAN

FILED
CLERK, U.S. DISTRICT COURT
NOV - 7 2007
CENTRAL DISTRICT OF CALIFORNIA
DA

7 Attorneys for Receiver
8 **ROBB EVANS**

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 Plaintiff,

14 v.

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

18 Defendants.

CASE NO. CV 03-9354 ABC (VBKx)

**ORDER GRANTING MOTION FOR
APPROVAL OF RECEIVER'S
SETTLEMENTS WITH SETTLING
PARTIES**

DATE: November 5, 2007
TIME: 10:00 a.m.
PLACE: Courtroom 680

ORIGINAL

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20 The matter of the Motion for Approval of Receiver's Settlements with
21 Settling Parties ("Motion") filed by Robb Evans as Receiver over the assets of
22 James P. Lewis, Jr., individually and doing business as Financial Advisory
23 Consultants, Income Fund, Ltd. and Growth Fund, Ltd. ("Receiver"), came on
24 regularly for hearing at the above-referenced date, time and place before the
25 Honorable Audrey B. Collins, United States District Judge presiding. Gary Owen
26 Caris of McKenna Long & Aldridge LLP appeared on behalf of the Receiver and
27 Gregory Glynn appeared on behalf of the Securities and Exchange Commission.
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1 There were no other appearances despite due and proper notice. The Court having
2 read and considered the Motion and all supporting papers, the Securities and
3 Exchange Commission having filed its Statement of Non-Opposition to the Motion,
4 having heard and considered the arguments and contentions of counsel, no
5 opposition to the Motion having been served or filed, and good cause appearing
6 therefor,

7 IT IS ORDERED that:

8 1. The Motion is granted in its entirety;

9 2. Without limiting the generality of the foregoing, the Court hereby
10 approves the Receiver's proposed settlements identified in Exhibit 1 attached
11 hereto;

12 3. The Settlement Payments made or to be made by the Settling Parties as
13 described in Exhibit 1 hereto shall be deemed to be made in full and final
14 satisfaction of all claims, demands, actions and causes of action that could have
15 been asserted by any party for recovery of excess profits or other claims for
16 recovery against the Settling Parties arising out of or pertaining to their investment
17 in the Lewis fraudulent investment scheme and that such claims by third parties
18 shall be deemed forever barred; and

19 4. Upon each Settling Party's full and complete performance of all
20 settlement terms, including without limitation, payment in full of the Settlement
21 Payment by each Settling Party, all such claims, demands, actions and causes of
22 action by the Receiver against the Settling Party shall be deemed satisfied.

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Dated: 11-7-07

AUDREY COLLINS

AUDREY B. COLLINS
United States District Judge

Exhibit 1

EXHIBIT 1

Defendants	Amount Sued	Settlement Amount	Settlement Terms	Settlement Document
D. Kent	\$51,181.32	\$21,000	All cash	Yes – with mutual releases
M. Kuntz	\$3,083,160.13	\$625,000	\$200,000 to be paid w/in 3 business days of execution of agreement, and \$425,000 paid by November 16, 2007	Yes – with mutual releases
R. and J. Granata	\$94,307	\$55,853	All cash	Yes- with mutual releases
W. Seers	\$84,300	\$45,000	All cash	Yes- with mutual releases
P. and S. Matzdorff	\$1,508,668.02	\$50,000	All cash	Yes- with mutual releases
Janet Tomaseck	\$112,500	\$17,500	All cash	Yes- with mutual releases
B. and B. Harman	\$152,638.31	\$35,000	All cash	Yes- with mutual releases
J. Armour	\$408,520.31	\$40,000	All cash	Yes- with mutual releases
C. Ball	\$156,500	\$130,000	\$130,000 - \$60,000 paid and \$70,000 by 12/1/07	Yes – with mutual releases
W. Rankin	\$159,000	\$30,000	All cash	Yes – with mutual releases
W. Owens, K. Owens, Z. Owens and C. Swangham	\$295,467.27* *This amount has been reduced to \$29,000 based on combination of accounts and claims.	\$25,000	All cash	Yes - with mutual releases
T. Eames, C. Eames, J. Eames, G. Eames and F.	\$442,225	\$140,000	\$70,000 paid, \$70,000 to be paid by 4/1/08.	Yes – with mutual releases

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Eames				
A. Routson	\$509,331.99	\$105,000	All cash	Yes – with mutual releases.
A. and D. Ward	\$76,057.83	\$30,000	All cash	Yes – with mutual releases
Z. Raouf and H. Faridpak	\$125,824.71	\$15,000	\$15,000 to be paid after execution of agreement.	Yes – with mutual release
C. Fookson	\$335,200.37	\$8,500	\$8,500 to be paid by October 30, 2007.	Yes – with mutual release
TOTAL	\$7,328,414.99	\$1,372,853.00		