

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 May 7, 2008

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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: May 5, 2008
TIME: 10:00 a.m.
PLACE: Courtroom 680

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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 there were no other appearances despite due and proper notice. The Court having
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1 read and considered the Motion and all supporting papers, having heard and
2 considered the arguments and contentions of counsel, no opposition to the Motion
3 having been served or filed, and good cause appearing therefor,

4 IT IS ORDERED that:

5 1. The Motion is granted in its entirety;

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

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

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

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22 Dated: May 07, 2008

23 _____
24 AUDREY B. COLLINS
25 United States District Judge
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EXHIBIT 1

Defendants	Amount Sued	Settlement Amount	Settlement Terms	Settlement Document
D. Welt	\$565,899.00* *Original amount demanded was \$1,905,899.00, however, \$1,340,000.00 in payments could not be substantiated and are believed to have not been made.	\$20,000.00	All cash	Yes – with mutual releases
L. Cohen and S. Cohen	\$1,108,875.95	\$280,000.00	All cash	Yes – with mutual releases
D. Osborne	\$53,701.00	\$7,000.00	All cash	Yes – with mutual releases
U. Cook	\$355,449.00	\$17,000.00	All cash	Yes – with mutual releases
T. Shubin	\$674,218.95	\$165,000.00	All cash	Yes – with mutual releases
D. Levy	\$56,896.35	\$7,500.00	All cash	Yes – with mutual releases
D. Gahn and A. Gahn	\$157,393.02	\$16,000.00	\$16,000.00 to be paid upon execution of agreement	Yes – with mutual releases
J. Gomez-Marinelli and R. Gomez	\$84,363.24	\$0	Stipulation for Entry of Judgment in the amount of \$10,000.00	
M. Austin and L. Austin	\$156,394.85	\$17,355.40	\$17,355.40 to be paid upon execution of agreement	Yes – with mutual releases
TOTAL:	\$3,213,191.36	\$529,855.40		