

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 December 23, 2008

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

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12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 v.

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

18 Defendants.
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CASE NO. CV 03-9354 ABC (VBKx)

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

DATE: December 8, 2008
TIME: 10:00 a.m.
PLACE: Courtroom 680


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21 The matter of the Motion for Approval of Receiver's Settlements with
22 Settling Parties ("Motion") filed by Robb Evans as Receiver over the assets of
23 James P. Lewis, Jr., individually and doing business as Financial Advisory
24 Consultants, Income Fund, Ltd. and Growth Fund, Ltd. ("Receiver"), came on
25 regularly for hearing at the above-referenced date, time and place before the
26 Honorable Audrey B. Collins, United States District Judge presiding. Lesley Anne
27 Hawes of McKenna Long & Aldridge LLP appeared on behalf of the Receiver and
28

1 Peter F. Del Greco appeared on behalf of the Plaintiff Securities and Exchange
2 Commission. There were no other appearances despite due and proper notice. The
3 Court, having read and considered the Motion and all supporting papers, plaintiff
4 Securities and Exchange Commission having filed its Statement of Non-Opposition
5 to the Motion, no opposition to the Motion having been served or filed, having
6 considered the arguments and contentions of counsel, and good cause appearing
7 therefor,

8 IT IS ORDERED that:

- 9 1. The Motion is granted in its entirety;
- 10 2. Without limiting the generality of the foregoing, the Court hereby
11 approves the Receiver's proposed settlements identified in Exhibit 1 attached
12 hereto;
- 13 3. The Settlement Payments made or to be made by the Settling Parties as
14 described in Exhibit 1 hereto shall be deemed to be made in full and final
15 satisfaction of all claims, demands, actions and causes of action that could have
16 been asserted by any party for recovery of excess profits or other claims for
17 recovery against the Settling Parties arising out of or pertaining to their investment
18 in the fraudulent investment scheme and that such claims by third parties shall be
19 deemed forever barred; and
- 20 4. Upon each Settling Party's full and complete performance of all
21 settlement terms, including without limitation, payment in full of the Settlement
22 Payment by each Settling Party, all such claims, demands, actions and causes of
23 action by the Receiver against the Settling Party shall be deemed satisfied.

24 Dated: December 23, 2008



AUDREY B. COLLINS
United States District Judge

EXHIBIT 1

| Defendants | Amount Sued For | Settlement Amount | Settlement Terms | Settlement Document |
|-------------------------------------|---|--------------------------|---|----------------------------|
| K. Olmos | \$132,485.38 | \$28,000.00 | \$88,028.00 judgment against K. Olmos, but only a total of \$28,000.00 shall be paid (\$23,000.00 has been paid and \$5,000.00 shall be paid no later than March 23, 2009). | Yes – with mutual releases |
| D. Hilborn, E. Hilborn & B. Hilborn | \$274,459.15 | \$50,000.00 | All cash | Yes – with mutual releases |
| C. Joly & R. Joly | \$254,658.66 | \$27,500.00 | All cash | Yes – with mutual releases |
| D. Segovia | \$67,273.00 | \$8,750.00 | All cash | Yes – with mutual releases |
| E. Johnson & J. Johnson | \$224,829.00 (sued for \$244,400.42 but after further review the correct amount of liability is \$224,829.00) | \$45,000.00 | \$75,000.00 stipulated judgment against E. Johnson and J. Johnson, but only a total of \$45,000.00 shall be paid (\$5,000.00 has been paid and \$40,000 shall be paid no later than January 8, 2009). | Yes – with mutual releases |

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| R. Welt & J. Welt | \$505,725.00 | Not less than \$6,966.61 comprised of \$2,000.00 cash and waiver of past and future distribution payments to Awesome Five, Inc., dba Eternal Financial Guardians worth not less than \$4,966.61. | All cash | Yes – with mutual releases |
| A. Moridzadeh & S. Moridzadeh | \$406,930.00 | \$50,000.00 | \$250,000.00 judgment against A. Moridzadeh & S. Moridzadeh, but only a total of \$50,000.00 shall be paid (\$25,000.00 shall be paid no later than December 12, 2008 and \$25,000.00 shall be paid no later than January 12, 2009). | Pending – will include mutual releases |
| TOTAL: | \$1,866,360.19 | \$216,216.61 | | |