

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

Securities and Exchange Commission v. James P. Lewis, Jr., et al.
CASE No. CV 03-9354 ABC (VBKx)

**Order Granting Motion by Receiver for Order Approving and
Authorizing Sale of Judgments by Auction, Modifying Sale Procedures of
28 U.S.C. Sections 2001 and 2008 in Connection Therewith and for Other
Related Relief**

Filed September 16, 2009

1 GARY OWEN CARIS (SBN 088918)
gcaris@mckennalong.com
2 LESLEY ANNE HAWES (SBN 117101)
lhawes@mckennalong.com
3 MCKENNA LONG & ALDRIDGE LLP
444 South Flower Street, 8th Floor
4 Los Angeles, CA 90071-2901
Telephone: (213) 688-1000
5 Facsimile: (213) 243-6330

6 Attorneys for Receiver
ROBB EVANS

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**
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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
17 GROWTH FUND, LTD.,

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

**ORDER GRANTING MOTION
BY RECEIVER FOR ORDER
APPROVING AND AUTHORIZING
SALE OF JUDGMENTS BY
AUCTION, MODIFYING SALE
PROCEDURES OF 28 U.S.C. § §
2001 AND 2004 IN CONNECTION
THEREWITH AND FOR OTHER
RELATED RELIEF**

DATE: September 14, 2009
TIME: 10:00 a.m.
PLACE: Courtroom 680

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22 The matter of the Motion by Receiver for Order Approving and Authorizing
23 Sale of Judgments by Auction, Modifying Sale Procedures of 28 U.S.C. § § 2001
24 and 2004 in Connection Therewith and for Other Related Relief (“Motion”) filed by
25 Robb Evans as Receiver over the assets of James P. Lewis, Jr., individually and
26 doing business as Financial Advisory Consultants, Income Fund, Ltd. and Growth
27 Fund, Ltd. (“Receiver”), came on regularly for hearing at the above-referenced
28 date, time and place before the Honorable Audrey B. Collins, Chief Judge of the

1 United States District Court presiding. Lesley Anne Hawes of McKenna Long &
2 Aldridge LLP appeared on behalf of the Receiver. There were no other
3 appearances despite due and proper notice. The Court, having read and considered
4 the Motion and all supporting papers, no opposition to the Motion having been
5 served or filed, having considered the arguments and contentions of counsel, and
6 good cause appearing 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 Receiver is hereby
10 authorized to sell the outstanding and uncollected judgments totaling a face amount
11 of \$4,177,434.68 (“Judgments”) by auction pursuant to that certain Intermediary
12 Services Agreement dated as of July 13, 2009 between the Receiver and
13 SecondMarket, Inc. (“Intermediary”) and the Auction Procedures attached thereto
14 as Annex A (collectively the “Auction Agreement”), a true and correct copy of
15 which is attached to the Declaration of Gary Owen Caris filed in support of the
16 Receiver’s Motion;


17 2. The Receiver’s proposed modified sale procedures under 28 U.S.C.
18 § § 2001 and 2004 for the sale of the Judgments are hereby approved, and the
19 Receiver is authorized to sell the Judgments by auction through notice and posting
20 of the Judgments to be sold on an electronic platform owned and maintained by the
21 Intermediary and pursuant to the other terms and procedures set forth in the Auction
22 Agreement;

23 3. The Receiver is authorized to compensate the Intermediary in
24 accordance with the Auction Agreement for its services in connection with the sale
25 of the Judgments, including without limitation making payment to the Intermediary
26 in the minimum sum of \$13,500, or 5% of the amount of the highest and best bid
27 accepted by the Receiver, whichever is greater; and
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4. The Receiver is authorized to execute all documents and instruments necessary or convenient in connection with the Auction Agreement and the sale of Judgments pursuant to the Auction Agreement, including without limitation all assignments and other documents transferring the Receiver's interest in the Judgments to the successful buyer of the Judgments under the Auction Agreement.

Dated: 9/16/09



AUDREY B. COLLINS
Chief Judge of the United States District
Court