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9 Attorneys for Receiver
ROBB EVANS & ASSOCIATES LLC

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

14 FEDERAL TRADE COMMISSION,
15 Plaintiff,

16 v.

17 AWS, LLC, a Nevada limited liability
company; ADAMS CONSULTING, LLC, a
18 California limited liability company; FBA
DISTRIBUTORS, LLC, a Massachusetts
19 limited liability company; FBA STORES,
LLC, a Nevada limited liability company;
20 GLOBAL MARKETING SERVICES
L.L.C., a Nevada limited liability company;
21 INFO PROS, LLC, a Nevada limited liability
company; ONLINE AUCTION LEARNING
22 CENTER, INC., a Massachusetts
corporation; ONLINE AUCTION
23 LEARNING CENTER, INC., a Nevada
corporation; CHRISTOPHER F. BOWSER,
24 individually and as an officer of FBA
DISTRIBUTORS, LLC, FBA STORES,
25 LLC, INFO SOLUTIONS, LLC, ONLINE
AUCTION LEARNING CENTER, INC. and
26 ONLINE AUCTION LEARNING CENTER,
INC.; ADAM S. BOWSER, individually and
27 as an officer of AWS, LLC, FBA
DISTRIBUTORS, LLC, FBA STORES,
28 LLC, INFO SOLUTIONS, LLC, ONLINE

Case No. 2:18-cv-00442-JCM-PAL

**EX PARTE APPLICATION FOR ORDER
EXTENDING TIME TO FILE RECEIVER'S
FINAL REPORT AND MOTION TO WIND
UP THE RECEIVERSHIP ESTATE FOR
SIX MONTHS TO OCTOBER 8, 2019**

(FIRST REQUEST)

1 AUCTION LEARNING CENTER, INC. and
2 ONLINE AUCTION LEARNING CENTER,
3 INC.; JODY L. MARSHALL, individually
4 and as an officer of INFO PROS, LLC and
5 INFO SOLUTIONS, LLC; and JEFFERY A.
6 GOMEZ, a/k/a JEFF ADAMS or JEFF
7 ADAM, individually and as an officer of
8 ADAMS CONSULTING, LLC and
9 GLOBAL MARKETING SERVICES
10 L.L.C.,
11 Defendants.

12 COMES NOW, Robb Evans & Associates LLC, the permanent equity Receiver
13 (“Receiver”) appointed by the Court pursuant to the Stipulated Order for Permanent Injunction
14 and Monetary Judgment as to Defendants AWS, LLC, FBA Distributors, LLC, FBA Stores, LLC,
15 Info Pros, LLC, Info Solutions, LLC, Online Auction Learning Center, Inc. (Mass. Corp.), Online
16 Auction Learning Center, Inc. (Nev. Corp.), Christopher F. Bowser, Adam S. Bowser, and Jody
17 L. Marshall (ECF No. 80) entered June 15, 2018 (“AWS Judgment”) and the Stipulated Order for
18 Permanent Injunction and Monetary Judgment as to Defendants Adams Consulting, LLC, Global
19 Marketing Services L.L.C., and Jeffrey A. Gomez (ECF No. 107) entered October 10, 2018
20 (“Adams Consulting Judgment”), and makes this *ex parte* application for an order extending the
21 time by which the Receiver is required to serve and file its final report and wind up the
22 receivership estate to October 8, 2019.

23 The Receiver was originally appointed as a temporary receiver pursuant to a Temporary
24 Restraining Order (“TRO”) filed March 14, 2018 (ECF No. 28). The entities subject to the TRO
25 were principally the entities which eventually entered into the AWS Judgment. The Receiver
26 thereafter became temporary receiver pursuant to a Stipulated Temporary Restraining Order
27 entered April 18, 2018 (ECF No. 57) over the entities which eventually entered into the Adams
28 Consulting Judgment.

The Receiver became permanent equity receiver over AWS, LLC, FBA Distributors,
LLC, FBA Stores, LLC, Info Pros, LLC, Info Solutions, LLC, Online Auction Learning Center,

1 Inc. (Mass. Corp.), and Online Auction Learning Center, Inc. (Nev. Corp.) pursuant to the AWS
2 Judgment. Under the AWS Judgment, the Receiver was responsible for taking into its possession
3 32 different categories of assets, selling the unliquidated assets and holding the assets and the
4 proceeds from the sale of the unliquidated assets for future transfer in accordance with further
5 instructions from the Court. (AWS Judgment, Section III. D and E.)

6 Thereafter, the Receiver was named permanent equity receiver over Adams Consulting,
7 LLC and Global Marketing Services, L.L.C. pursuant to the Adams Consulting Judgment. Under
8 the Adams Consulting Judgment, the Receiver was responsible for taking into its possession eight
9 different categories of assets, selling the unliquidated assets and holding the assets and the
10 proceeds from the sale of the unliquidated assets for future transfer in accordance with further
11 instructions from the Court. (Adams Consulting Judgment, Section III. G and H.) The Adams
12 Consulting Judgment further provides that no later than 180 days from the date of the entry of the
13 judgment, or April 8, 2019, the Receiver shall file a Final Report with the Court detailing the
14 steps taken to dissolve the receivership estate, including a final accounting of the estate's finances
15 and a description of what other actions, if any, must be taken to wind up the receivership, and
16 serve the Final Report on the parties. No later than 14 days after submission of the Final Report,
17 the Receiver shall file an application for final payment of compensation and expenses. After
18 completion of the wind up of the receivership estate, and payment of administrative fees and
19 costs, all remaining funds are to be turned over to the Federal Trade Commission ("FTC") or its
20 designated agent to reduce the monetary judgment. (Adams Consulting Judgment, Section VII. A,
21 C and D.)

22 The Receiver is not presently in a position to issue its Final Report by April 8, 2019 and
23 take the other steps necessary to wind up the receivership estate. Despite diligently collecting and
24 liquidating assets, the Receiver has three main tasks that remain to be accomplished before it is in
25 a position to prepare, file and serve a Final Report, file a final application for payment of
26 compensation and expenses and otherwise wind up the receivership estate. First, there are
27 remaining disputes over several merchant reserve accounts and the extent to which merchant
28 reserve funds should be turned over and/or retained by the Receiver. There have been ongoing

1 settlement discussions with merchant reserve processors and merchant processing banks in an
2 effort to resolve these disputes and these discussions are ongoing. It is not yet known whether
3 and the extent to which these disputes will be resolved by settlement or will require further
4 litigation. In any event, these disputes may likely require several more months to resolve.
5 Second, there is a pending dispute with Bank of America, N.A (“Bank of America”) as to the
6 extent, validity and priority of its security interest, which impacts the extent to which some of the
7 assets of the receivership estate are subject to Bank of America’s asserted interest. Negotiations
8 are ongoing in an effort to resolve this dispute, but it is unknown whether the dispute will be
9 resolved by settlement or require further litigation. Finally, the Receiver is in the process of
10 winding up a 401(k) plan held by receivership entity Online Auction Learning Center pursuant to
11 applicable federal law.

12 In light of these outstanding issues, the Receiver will not be able to serve and file a Final
13 Report by April 8, 2019 and thereafter promptly wind up the receivership estate as required by the
14 Adams Consulting Judgment. The Receiver estimates that a reasonable extension of time to
15 complete these tasks is six months, or until October 8, 2019, although the Receiver intends on
16 continuing to act as expeditiously as possible to wind up the estate without prejudicing the
17 receivership estate’s rights. The Receiver has discussed this request with the FTC and the FTC
18 has indicated that it has no objection to the requested six-month extension of time for the
19 Receiver to file and serve its Final Report and to file and serve its final wind-up motion.

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Therefore, the Receiver respectfully requests that the Court grant the Receiver’s first request for an extension of six months, through October 8, 2019, to file and serve its Final Report and to file and serve its final wind-up motion, which will include the Receiver’s final request for the payment of reasonable fees and costs for the Receiver and its professionals through termination of the receivership estate.

Dated: March 28, 2019

Respectfully submitted,

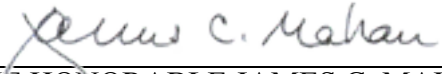
MICHAEL F. LYNCH
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GARY OWEN CARIS
BARNES & THORNBURG LLP

By: /s/ Gary Owen Caris
 GARY OWEN CARIS

Attorneys for Receiver
ROBB EVANS & ASSOCIATES LLC

IT IS SO ORDERED:



THE HONORABLE JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE
DATED: April 1, 2019