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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 23
DAYS TO OCTOBER 31, 2019**

(SECOND 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 31, 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 provided that no later than 180 days from the date of the entry of the
13 judgment, or April 8, 2019, the Receiver was to file and serve on the parties a Final Report to the
14 Court detailing the steps taken to dissolve the receivership estate, including a final accounting of
15 the estate's finances and a description of what other actions, if any, must be taken to wind up the
16 receivership. No later than 14 days after submission of the Final Report, the Receiver was to file
17 an application for final payment of compensation and expenses. After completion of the wind up
18 of the receivership estate, and payment of administrative fees and costs, all remaining funds are to
19 be turned over to the Federal Trade Commission ("FTC") or its designated agent to reduce the
20 monetary judgment. (Adams Consulting Judgment, Section VII. A, C and D.)

21 The Receiver was not in a position to issue its Final Report by April 8, 2019 and take the
22 other steps necessary to wind up the receivership estate. Despite diligently collecting and
23 liquidating assets, the Receiver had several remaining tasks that had to be accomplished before it
24 could prepare, file and serve a Final Report, file a final application for payment of compensation
25 and expenses and otherwise wind up the receivership estate. As a result, the Receiver brought its
26 Ex Parte Application for Order Extending Time to File Receiver's Final Report and Motion to
27 Wind Up the Receivership Estate for Six Months to October 8, 2019 (ECF No. 113), which was
28 granted by Court Order entered April 1, 2019 (ECF No. 115). This Order permitted the Receiver

1 to file its Final Report and to file and serve its final wind-up motion by no later than October 8,
2 2019.

3 The Receiver brings this second request for a brief extension of another 23 days to file its
4 Final Report and to file and serve its final wind-up motion, which will include the Receiver's
5 final request for the payment of reasonable fees and costs for the Receiver and its professionals
6 through termination of the receivership estate. There are three reasons for this requested brief
7 extension. First, all disputes with merchant reserve processors and merchant processing banks
8 have been resolved, however the written settlement agreement resolving the final dispute with a
9 merchant processor has not yet been executed. The parties have exchanged at least four
10 settlement drafts and it is believed that the agreement is now in final or near-final form, however
11 it has not yet been executed nor has the settlement payment been made.

12 Second, as previously reported in its last ex parte application for an extension of time to
13 wind up the receivership estate, the Receiver is in the process of winding up a 401(k) plan held by
14 receivership entity Online Auction Learning Center pursuant to applicable federal law. The plan
15 has been terminated and distributions have commenced, however various actions remain to be
16 completed in order that the 401(k) plan is properly wound up. While it is anticipated that there
17 will be remaining steps to be taken following the filing of the Final Report and wind-up motion,
18 the Receiver is still finalizing the approach which will most expeditiously wind up the 401(k)
19 plan and needs a short extension of time for this purpose. This includes contacting the Plan
20 Administrator, defendant Adam Bowser, who will be asked to sign various forms to promptly
21 complete the 401(k) wind-up and compliance process.

22 Third, the Receiver's lead lawyer's spouse suffered a serious fall on September 21, 2019.
23 The Receiver's lawyer was unable to devote the time necessary to address these matters and
24 prepare the Final Report and wind up motion in order that they could be filed and served by
25 October 8, 2019.

26 In light of these outstanding issues, the Receiver will not be able to serve and file a Final
27 Report and wind-up motion by October 8, 2019. However, the Receiver believes that it only
28 needs a very short extension of time of 23 days, until October 31, 2019, to accomplish these tasks.

1 The Receiver has discussed this request with the FTC and the FTC has indicated that it has no
2 objection to the requested extension of time for the Receiver to file and serve its Final Report and
3 to file and serve its final wind-up motion, through and including October 31, 2019.

4 Therefore, the Receiver respectfully requests that the Court grant the Receiver's request
5 for an extension of 23 days, through October 31, 2019, to file and serve its Final Report and to
6 file and serve its final wind-up motion, which will include the Receiver's final request for the
7 payment of reasonable fees and costs for the Receiver and its professionals through termination of
8 the receivership estate.

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11 Dated: October 4, 2019

Respectfully submitted,


MICHAEL F. LYNCH
LYNCH LAW PRACTICE, PLLC

GARY OWEN CARIS
BARNES & THORNBURG LLP

By: /s/ Gary Owen Caris
GARY OWEN CARIS

Attorneys for Receiver
ROBB EVANS & ASSOCIATES LLC

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19 IT IS SO ORDERED:

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THE HONORABLE JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE

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23 DATED: October 17, 2019