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ROBB EVANS & ASSOCIATES LLC

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SOUTHERN DIVISION**

11 FEDERAL TRADE COMMISSION,
12 Plaintiff,

13 v.

14 AMERICAN MORTGAGE
CONSULTING GROUP, LLC, a
15 California Limited Liability Company,
also d.b.a. American Mortgage Group
16 and American Mortgage Consulting;
HOME GUARDIAN
17 MANAGEMENT SOLUTIONS, LLC,
a California Limited Liability
18 Company, also d.b.a. Home Guardian
Solutions; and MARK NAGY
19 ATALLA, d.b.a Home Guardian
Solutions, Home G Solutions Firm, and
20 Home G Solutions Group,

21 Defendants.

CASE NO. SACV 12-01561-DOC (JPRx)

**NOTICE OF HEARING ON
MOTION FOR ORDER: (1)
APPROVING RECEIVER'S FINAL
REPORT AND ACCOUNTING; (2)
APPROVING AND AUTHORIZING
PAYMENT OF RECEIVER'S AND
ITS PROFESSIONALS ' FEES AND
EXPENSES INCURRED FROM
NOVEMBER 1, 2012 THROUGH
CLOSING; (3) DISCHARGING
RECEIVER AND RELIEVING
RECEIVER OF ALL DUTIES AND
LIABILITIES; (4) AUTHORIZING
ABANDONMENT AND
DESTRUCTION OF RECORDS
AND RELATED RELIEF; AND (5)
LIMITING NOTICE UNDER
LOCAL CIV. R. 66-7 IN
CONNECTION THEREWITH**

DATE: July 11, 2016
TIME: 8:30 a.m.
PLACE: Courtroom 9D

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26 PLEASE TAKE NOTICE that on July 11, 2016, commencing at 8:30 a.m. or
27 as soon thereafter as the parties may be heard in Courtroom 9D of the above-
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1 entitled Court located at 411 West Fourth Street, Santa Ana, California 92701,
2 Robb Evans & Associates LLC, the Receiver ("Receiver") for American Mortgage
3 Consulting Group, LLC, Home Guardian Management Solutions, LLC and their
4 successors, assigns, subsidiaries and affiliates, will and does hereby move the Court
5 for the following relief:

6 1. An order approving the Receiver's Final Report, as described in the
7 memorandum of points and authorities and Declaration of Brick Kane filed
8 concurrently herewith in support of the Receiver's Motion for Order: (1) Approving
9 Receiver's Final Report and Accounting; (2) Approving and Authorizing Payment
10 of Receiver's Fees and Expenses Incurred from November 1, 2012 Through
11 Closing; (3) Discharging Receiver and Relieving Receiver of All Duties and
12 Liabilities; (4) Authorizing Abandonment and Destruction of Records and Related
13 Relief; and (5) Limiting Notice under Local Civ. R. 656-7 ("Wind Up Motion"),
14 and the Receiver's Final Accounting, a copy of which is attached hereto as Exhibit
15 1 and is also attached as Exhibit 1 to the Declaration of Brick Kane filed in support
16 of the Wind Up Motion;

17 2. An order (a) approving all receivership administrative expenses
18 incurred in this receivership proceeding, including the Receiver's fees and expenses
19 and those of its professionals incurred in connection with the receivership
20 proceeding, including those previously paid to the Receiver and its counsel, and (b)
21 approving and authorizing payment of all administrative expenses and Receiver's
22 and professionals' fees and expenses incurred during the Final Expense Period,
23 described and estimated in the Final Accounting. In connection therewith, the
24 Receiver seeks an order approving and authorizing payment from the assets of the
25 receivership estate of the fees and expenses of the Receiver, its members and staff,
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1 and of the Receiver's counsel Dentons US LLP ("Dentons"),¹ incurred from
2 November 1, 2012 through the closing of the estate (the "Final Expense Period").
3 From November 1, 2012 through March 31, 2016, the Receiver, its members and
4 staff have incurred fees in the aggregate sum of \$7,009.10 and Receiver's expenses
5 in the sum of \$213.13 and Dentons has incurred fees of \$10,587.15 and \$154.79 in
6 costs in connection with services rendered to the estate. The Receiver anticipates
7 incurring estimated additional Receiver's fees of \$2,189.00 and Receiver's costs of
8 \$94.36 and attorneys' fees of \$4,000.00 and costs of \$1,000.00 from April 1, 2016
9 through the closing of the receivership estate in connection with the wind up and
10 closing of the receivership, including without limitation in connection with the
11 Wind Up Motion. The Receiver seeks approval and authorization for payment of
12 total Receiver's fees and costs and attorneys' fees and costs of \$25,247.53 for the
13 Final Expense Period²;

14 3. An order approving and confirming all actions and activities taken by
15 or on behalf of the Receiver and all payments made by the Receiver in connection
16 with the administration of the receivership estate;

17 4. An order authorizing the Receiver to abandon and destroy the records
18 of the Receivership Defendants in the possession, custody or control of the
19 Receiver if, within 30 days after service of written notice to the FTC, the Receiver
20 has not been served with a written request by the FTC for possession of the records
21 or a subpoena by a law enforcement agency for the records, and if during such 30-
22 day period, the Receiver is served with a written request for the records by the FTC
23 or subpoena by a law enforcement agency for the records, authorizing the Receiver

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25 ¹ On July 1, 2015, McKenna Long & Aldridge LLP, counsel for the Receiver
26 changed its name to Dentons US LLP. See Notice of Change of Firm Name and
Email Addresses filed July 13, 2015, Doc. No. 93.

27 ² The Receiver and Dentons understand and acknowledge that the receivership
28 estate is administratively insolvent and does not have sufficient assets to pay those
sums at this time and will likely not have funds to satisfy the Receiver's and its
professionals' fees and expenses when the estate is closed.

1 to turn over the original records to the FTC or a law enforcement agency in
2 response to the request or subpoena;

3 5. An order, effective upon the completion of the Receiver's wind up and
4 closing of the estate as provided herein, directing that the Receiver, its agents,
5 employees, members, officers, independent contractors, attorneys and
6 representatives are: (a) discharged; (b) released from all claims and liabilities
7 arising out of and/or pertaining to the receivership herein; and (c) relieved of all
8 duties and responsibilities pertaining to the receivership previously established in
9 this action; and

10 6. An order limiting notice under Local Civil Rules 66-7 and 6-1 and
11 deeming the Receiver's service of notice of the Wind Up Motion and the Wind Up
12 Motion and supporting pleadings on the parties to this action through service on
13 their counsel of record, service of this notice of the hearing on the Wind Up Motion
14 on the governmental agencies reflected in the proof of service thereon and posting
15 of the Wind Up Motion and supporting memorandum and declarations without time
16 record exhibits on the Receiver's web site for this case to be sufficient and
17 appropriate notice under the circumstances.

18 The Wind Up Motion is made pursuant to Local Civil Rule 66-7 and is made
19 and based on the Wind Up Motion, the supporting memorandum of points and
20 authorities and the Declaration of Lesley Anne Hawes in support thereof, the
21 separate Declaration of Brick Kane in support thereof, this separate notice of
22 hearing on the Wind Up Motion, on the pleadings, records and files of the Court in
23 connection with this action, including without limitation the Report of Temporary
24 Receiver's Activities September 20, 2012 Through September 26, 2012 filed on
25 September 27, 2012 (Doc. No. 24), the Temporary Receiver's Report of Financial
26 Analysis Dated October 29, 2012 (Doc. No. 35), and the Temporary Receiver's
27 Report of Receipt of Funds Under Contempt Sanction (Doc. No. 36), and on such
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1 other oral and documentary evidence and arguments of counsel as may be presented
2 by the Temporary Receiver prior to or at the hearing on the Wind Up Motion.

3 PLEASE TAKE FURTHER NOTICE that a copy of the Wind Up Motion,
4 exclusive of billing record exhibits, is posted on the Receiver's website at
5 www.robbevans.com, where it may be reviewed in its entirety. Copies of the Wind
6 Up Motion will be provided to any interested party upon receipt of a written request
7 which may be sent to: Robb Evans & Associates LLC, Attn: Cherrie Eustaquio,
8 11450 Sheldon Street, Sun Valley, CA 91352-1121; Telephone (818) 768-8100;
9 Facsimile: (818) 768-8802.

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11 Dated: June 3, 2014

DENTONS US LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

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By: /s/ Lesley Anne Hawes

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Lesley Anne Hawes
Attorneys for Receiver
ROBB EVANS & ASSOCIATES LLC

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