

1 Craig A. Welin (State Bar No. 138418)  
 cwelin@frandzel.com  
 2 Hal D. Goldflam (State Bar No. 179689)  
 hgoldflam@frandzel.com  
 3 FRANDZEL ROBINS BLOOM & CSATO, L.C.  
 1000 Wilshire Boulevard  
 4 Nineteenth Floor  
 Los Angeles, California 90017-2427  
 5 Telephone: (323) 852-1000  
 Facsimile: (323) 651-2577  
 6  
 7 Attorneys for Permanent Receiver and  
 Liquidator Receiver ROBB EVANS &  
 ASSOCIATES LLC  
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9 **UNITED STATES DISTRICT COURT**  
 10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 11

12 FEDERAL TRADE COMMISSION,  
 13 Plaintiff,  
 14 v.  
 15 CREAM GROUP, INC., etc., et al.  
 16 Defendants.

CASE NO. CV13-8843 JFW (PLAx)  
**UNOPPOSED EX PARTE  
 APPLICATION OF THE  
 LIQUIDATOR RECEIVER FOR AN  
 ORDER EXTENDING DEADLINE  
 TO COMPLETE LIQUIDATION  
 (AND RELATED MATTERS)  
 UNDER SUBSECTION V.G. OF  
 THE COURT'S FINAL ORDER  
 FOR PERMANENT INJUNCTION  
 AND MONETARY JUDGMENT,  
 ETC. TO JUNE 30, 2016**

**[No Hearing Assigned]**

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1 TO: THE HONORABLE JOHN F. WALTER, UNITED STATES  
2 DISTRICT COURT JUDGE, AND ALL PARTIES AND THEIR COUNSEL OF  
3 RECORD:

4 **APPLICATION**

5 Robb Evans & Associates LLC (“REA”), in its capacity as Permanent  
6 Receiver and Liquidator Receiver for certain real property of Individual Defendant  
7 Sami Charchian and the Relief Defendants Spring Acres, LLC, and Bahareh Ramin  
8 (“Liquidator Receiver”), hereby applies to the Court for an ex parte order extending  
9 the deadline under Subsection V.G. of the Court’s Final Order for Permanent  
10 Injunction and Monetary Judgment against Defendants Cream Group, Inc., and  
11 Sami Charchian and for Monetary Relief as to Relief Defendants Spring Acres,  
12 LLC, and Bahareh Ramin, filed on December 22, 2014 (“Final Order”) [Dkt. No.  
13 108] for the Liquidator Receiver to (a) file its final application for fees, (b) complete  
14 liquidation, and (c) terminate its service. Specifically, the Final Order at Subsection  
15 V.G. sets December 24, 2015, as the deadline for the Liquidator Receiver to  
16 complete the above-identified tasks, and for the reasons specified herein and the  
17 accompanying Declaration of Brick Kane, President & Chief Operating Officer of  
18 REA, the Liquidator Receiver requests the Court to extend the deadline to June 30,  
19 2016 to complete these tasks.

20 As discussed below and the accompanying Declaration of Hal D. Goldflam,  
21 counsel for the Permanent Receiver/Liquidator Receiver, the parties do not oppose  
22 the relief sought by this Application.

23 **Good Cause Exists for Ex Parte Relief**

24 Good cause exists for the Court to grant the requested order on an ex parte  
25 basis. Pursuant to Section V of the Final Order, the Court appointed REA as the  
26 Liquidator Receiver, with all rights and powers of an equity receiver, over the  
27 following six real properties (the “Real Property”): (a) 5037 Opal Avenue,  
28 Palmdale, California 93552; (b) 2559 W. Paxton Avenue, Palmdale, California

FRANZEL ROBINS BLOOM & CSATO, L.C.  
1000 WILSHIRE BOULEVARD, 19TH FLOOR  
LOS ANGELES, CALIFORNIA 90017-2427  
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1 93551; (c) 2537 Wicopy Court, Palmdale, California 93551; (d) 5776 Expedition  
2 Way, Palmdale, California 93552; (e) 3709 Saddleback Drive, Palmdale, California  
3 93552; and (f) 3222 Rollingridge Avenue, Palmdale, California 93550.

4 to Pursuant to Subsection V.A. the Final Order, as soon as reasonably possible, the  
5 Liquidator Receiver shall, at reasonable cost and in a commercially reasonable  
6 fashion, liquidate, without further approval from the Court, the Real Property for  
7 fair market value. On February 25, 2015, the Court entered its Order Authorizing  
8 the Liquidator Receiver to Borrower Money from City National Bank, N.A., Issue  
9 Receiver's Certificates of Indebtedness [Dkt. No. 114] in connection with the  
10 Liquidator Receiver fulfilling its duties under the Final Order. The Liquidator  
11 Receiver thereafter continued to perform its duties under the Final Order.

12 Specifically, as discussed in the Declaration of Brick Kane and evidenced by  
13 the Seller's Settlement Statements – Final attached thereto, the Liquidator Receiver  
14 marketed and sold (i) the Opal Avenue property (escrow closed date: 8/26/15), (i)  
15 the Saddleback Drive property (escrow closed date: 9/3/2015), and (iii) the  
16 Expedition Way property (escrow closed date: 11/25/15), yielding net proceeds to  
17 the receivership estate. However, despite the Liquidator Receiver's diligent and  
18 reasonable efforts, the remainder of the Real Property has yet to be sold, although  
19 the Wicopy Court property currently is in escrow, and, barring any delays in the  
20 purchaser's loan funding by the FHA, the escrow should close before the end of this  
21 year.<sup>1</sup>

22 Regarding the W. Paxton Avenue property, the occupants are scheduled to  
23

24 <sup>1</sup> Shortly after the Wicopy Court property sale is completed, the Liquidator  
25 Receiver will present to the Court a Liquidatorship Report pursuant to Subsection  
26 V.D. of the Final Order, along with an application to the Court seeking authority for  
27 it to make an interim distribution to Plaintiff Federal Trade Commission under the  
28 terms of the Final Order, as well as authorizing an interim payment of the Liquidator  
Receiver's fees and expenses.

1 vacate the property by the end of this year (however, if they do not, the Liquidator  
2 Receiver may need to commence an unlawful detainer action, and if so, may need to  
3 apply for another extension of the subject deadline). Assuming the occupants vacate  
4 the property, The Liquidator Receiver anticipates selling this property by the end of  
5 June, 2016.

6 Regarding the Rollingridge Avenue property, the occupants recently vacated  
7 same but left it in disrepair. The Liquidator Receiver has obtained bids to clean and  
8 refurbish the property, and will soon cause the work to be performed. The  
9 Liquidator Receiver expects to sell this property by the end of the first quarter of  
10 2016.

### 11 **Local Rule 7-19 Disclosures**

12 As specified in the Declaration of Hal D. Goldflam and evidenced by the  
13 chain of e-mails attached as Exhibit 2 thereto, prior to filing this Application, Mr.  
14 Goldflam, counsel for the Permanent Receiver / Liquidator Receiver, notified Laura  
15 M. Solis, counsel of record for Plaintiff Federal Trade Commission, and Stephen G.  
16 Larson, counsel of record for the Defendants and Relief Defendants, the relief  
17 sought by this Application. Ms. Solis advised the Liquidator Receiver and Mr.  
18 Goldflam that the Federal Trade Commission has no objection to the Liquidator  
19 Receiver's request to extend the subject deadline. Mr. Larson responded that he no  
20 longer represents the Defendants and Relief Defendants and directed Mr. Goldflam  
21 to contact Defendant Sami Charchian. Mr. Goldflam then spoke with Mr.  
22 Charchian who explained that neither he, Cream Group, Inc., Relief Defendant  
23 Bahareh Ramin (who is his wife), nor Relief Defendant Spring Acres, LLC would  
24 oppose this Application; Mr. Goldflam confirmed same by e-mail.

25 Ms. Solis' contact information is: 915 Second Ave., Suite 2896, Seattle,  
26 Washington 98174; telephone: (206) 220-4544; e-mail:lsolis@ftc.gov.

27 Mr. Larson's contact information is: ARENT FOX LLP, 555 West Fifth  
28 Street, 48th Floor, Los Angeles, California 90013-1065; telephone: (213) 629-7400;

1 e-mail: stephen.larson@arentfox.com.

2 Mr. Charchian’s contact information is: 14037 Vanowen Street, Van Nuys,  
3 California 91405; telephone: (310) 709-1582; e-mail:  
4 sami@privatelabeleyewear.com

5 **Compliance with Court’s Standing Order, Section 6:**

6 Following the terms of the Court’s Standing Order at Section 6. [Dkt. No.  
7 19], the undersigned counsel certifies that copies of this Application and supporting  
8 declarations will be delivered by e-mail to counsel and Mr. Charchian immediately  
9 after they are filed.

10 **CONCLUSION**

11 For the reasons specified herein and in the Declaration of Brick Kane, the  
12 Permanent Receiver and Liquidator Receiver respectfully requests the Court grant  
13 the relief requested by this Application.

14 Respectfully submitted,

15 DATED: December 11, 2015 FRANDZEL ROBINS BLOOM & CSATO, L.C.  
16 CRAIG A. WELIN  
17 HAL D. GOLDFLAM

18 By: /s/ Hal D. Goldflam  
19 Attorneys for Permanent Receiver and  
20 Liquidator Receiver ROBB EVANS &  
21 ASSOCIATES LLC  
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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

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12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 CREAM GROUP, INC., etc., et al.

16 Defendants.  
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CASE NO. CV13-8843 JFW (PLAx)

**DECLARATION OF BRICK KANE  
IN SUPPORT OF UNOPPOSED EX  
PARTE APPLICATION OF THE  
LIQUIDATOR RECEIVER FOR AN  
ORDER EXTENDING DEADLINE  
TO COMPLETE LIQUIDATION  
(AND RELATED MATTERS)  
UNDER SUBSECTION V.G. OF  
THE COURT'S FINAL ORDER  
FOR PERMANENT INJUNCTION  
AND MONETARY JUDGMENT,  
ETC. TO JUNE 30, 2016**

**[No Hearing Assigned]**

**DECLARATION OF BRICK KANE**

I, Brick Kane, declare as follows:

1. I am the President & Chief Operating Officer of Robb Evans & Associates LLC (“REA”). I am one of the Members REA, the Court-appointed Permanent Receiver for the Receivership Defendant and the Liquidator Receiver for certain real property of Individual Defendant Sami Charchian (“Charchian”) and the Relief Defendants Spring Acres, LLC, and Bahareh Ramin in this action, that has had and continues to have primary responsibility for the day-to-day supervision and management of the receivership estate in this case as well as the liquidation of the real property of Charchian and the Relief Defendants as discussed below.

2. I have personal knowledge of the matters set forth in this declaration and, if I were called upon to testify as to those matters, I could and would competently testify thereto based upon my personal knowledge.

3. Pursuant to Section X of the Court’s Stipulated Order for Preliminary Injunction with Asset Freeze, Appointment of a Receiver and Other Equitable Relief, filed on January 1, 2014, [Dkt. No. 32], the Court appointed REA, as the Permanent Receiver for the Receivership Defendant, with full power of equity receiver.

4. Pursuant to Section V of the Court’s Final Order for Permanent Injunction and Monetary Judgment against Defendants Cream Group, Inc., and Sami Charchian and for Monetary Relief as to Relief Defendants Spring Acres, LLC, and Bahareh Ramin, filed on December 22, 2014 (“Final Order”) [Dkt. No. 108], the Court appointed REA as the Liquidator Receiver, with all rights and powers of an equity receiver, over the following six real properties (the “Real Property”): (a) 5037 Opal Avenue, Palmdale, California 93552; (b) 2559 W. Paxton Avenue, Palmdale, California 93551; (c) 2537 Wicopy Court, Palmdale, California 93551; (d) 5776 Expedition Way, Palmdale, California 93552; (e) 3709 Saddleback Drive, Palmdale, California 93552; and (f) 3222 Rollingridge Avenue, Palmdale,

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1 California 93550.

2 5. Pursuant to Subsection V.A. of the Final Order, as soon as reasonably  
3 possible, the Liquidator Receiver shall, at reasonable cost and in a commercially  
4 reasonable fashion, liquidate, without further approval from the Court, the Real  
5 Property for fair market value. Subsection V.G. of the Final Order provides that  
6 “[t]he Liquidator Receiver shall file its final application for fees, complete  
7 liquidation, and terminate its service within twelve (12) months of execution of this  
8 Order unless good cause is shown to extend beyond twelve (12) months.

9 6. On February 25, 2015, the Court entered its Order Authorizing the  
10 Liquidator Receiver to Borrower Money from City National Bank, N.A., Issue  
11 Receiver’s Certificates of Indebtedness (“Borrowing Order”) [Dkt. No. 114] in  
12 connection with the Liquidator Receiver fulfilling its duties under the Final Order.  
13 The Liquidator Receiver thereafter continued to perform its duties under the Final  
14 Order.

15 7. Specifically, the Liquidator Receiver has marketed and sold (i) the Opal  
16 Avenue property (escrow closed date: 8/26/15), (i) the Saddleback Drive property  
17 (escrow closed date: 9/3/2015), and (iii) the Expedition Way property (escrow  
18 closed date: 11/25/15), yielding net proceeds to the receivership estate. However,  
19 despite the Liquidator Receiver’s diligent and reasonable efforts, the remainder of  
20 the Real Property has yet to be sold, although the Wicopy Court property currently  
21 is escrow and, barring any delays in the purchaser’s loan funding by the FHA, I  
22 expect the escrow should close before the end of this year. I attach hereto  
23 collectively as Exhibit 1 true and correct copies of the Seller’s Settlement Statement  
24 – Final for the Opal Avenue, Saddleback Drive, and Expedition Way properties.

25 8. Regarding the W. Paxton Avenue property, the occupants are scheduled  
26 to vacate the property by the end of this year (however, if they do not, the Liquidator  
27 Receiver may need to commence an unlawful detainer action, and if so, may need to  
28 apply for another extension of the subject deadline). Assuming the occupants vacate

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1 the property, I expect the Liquidator Receiver to complete the sale of this property  
2 by the end of June, 2016.

3 9. Regarding the Rollingridge Avenue property, the occupants recently  
4 vacated same but left it in disrepair. The Liquidator Receiver has obtained bids to  
5 clean and refurbish the property, and will soon cause the work to be performed. I  
6 expect the Liquidator Receiver to sell this property by the end of the first quarter of  
7 2016.

8 10. Accordingly, for the reasons specified above, I respectfully submit that  
9 good cause exists for the Court to grant the relief sought by the accompanying ex  
10 parte application.

11 I declare under penalty of perjury under the laws of the United States of  
12 America that the foregoing is true and correct and that this declaration was executed  
13 on December 11, 2015, at Sun Valley, California.

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BRICK KANE

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

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12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 CREAM GROUP, INC., etc., et al.

16 Defendants.  
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CASE NO. CV13-8843 JFW (PLAx)

**DECLARATION OF HAL D. GOLDFLAM RE NOTICE OF UNOPPOSED EX PARTE APPLICATION OF THE LIQUIDATOR RECEIVER FOR AN ORDER EXTENDING DEADLINE TO COMPLETE LIQUIDATION (AND RELATED MATTERS) UNDER SUBSECTION V.G. OF THE COURT'S FINAL ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT, ETC. TO JUNE 30, 2016**

**[No Hearing Assigned]**

**DECLARATION OF HAL D. GOLDFLAM**

1  
2 1. I am an attorney at law duly admitted to practice before the courts of  
3 the State of California, the federal courts of the State of California, including the  
4 United States District Court for the Central District of California, and the Ninth  
5 Circuit Court of Appeals, and am partner of Frandzel Robins Bloom & Csato, L.C.  
6 ("FRBC"), attorneys for the Permanent Receiver and Liquidator Receiver in this  
7 matter, Robb Evans and Robb & Associates LLC.

8 2. I am one of the attorneys primarily responsible for the representation of  
9 the Permanent Receiver and Liquidator Receiver, along with Craig A. Welin, who is  
10 a shareholder of FRBC.

11 3. On December 9, 2015, I notified Laura M. Solis, counsel of record for  
12 Plaintiff Federal Trade Commission, and Stephen G. Larson, counsel of record for  
13 the Defendants and Relief Defendants, by e-mail the relief that would be sought by  
14 the accompany ex parte application. Ms. Solis responded that the Federal Trade  
15 Commission has no objection to the Liquidator Receiver's request to extend the  
16 subject deadline. Mr. Larson responded that he no longer represents the Defendants  
17 and Relief Defendants and directed me to contact Defendant Sami Charchian. I then  
18 sent a follow-up e-mail to Mr. Mr. Charchian who then called me. He told me that  
19 neither he, Cream Group, Inc., Relief Defendant Bahareh Ramin (who he told me is  
20 his wife), nor Relief Defendant Spring Acres, LLC would oppose the Application,  
21 and I confirmed by e-mail his representation to me. A true and correct copy of the  
22 chain of these e-mails is attached hereto as Exhibit 2.

23 I declare under penalty of perjury under the laws of the United States of  
24 America that the foregoing is true and correct and that this declaration was executed  
25 on December 11, 2015, at Los Angeles, California.

26  
27   
28 HAL D. GOLDFLAM

FRANZEL ROBINS BLOOM & CSATO, L.C.  
1000 WILSHIRE BOULEVARD, 19TH FLOOR  
LOS ANGELES, CALIFORNIA 90017-2427  
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