

ROBB EVANS & ASSOCIATES LLC

Receiver of

The Rodis Law Group, Inc.

America's Law Group

The Financial Group, Inc. dba Tax Relief ASAP

Federal Trade Commission v. Data Medical Capital, Inc, et al.

CASE No. SA-CV-99-1266 AHS (EEx)

Notice of Hearing on Motion for Order:

- (1) Approving Receiver's Final Report and Accounting;**
- (2) Approving Final Distribution of Receivership Assets;**
- (3) Approving Receiver's and Professionals' Fees and Expenses from November 1, 2009 Through Closing;**
- (4) Discharging Receiver;**
- (5) Relieving Receiver of All Duties and Liabilities;**
- (6) Exonerating Receiver's Bond;**
- (7) Authorizing Abandonment and Destruction of Records;**
- (8) Granting any Other Relief Related to the Wind Up of the Estate; and**
- (9) Limiting Notice Under Local Rule 66-7 Pertaining to Notice to Creditors**

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

11 FEDERAL TRADE
12 COMMISSION,
13 Plaintiff,
14 v.
15 DATA MEDICAL CAPITAL,
16 INC., *et al.*,
17 Defendants.

Case No. 8:99-cv-01266 AHS (EEx)

**NOTICE OF HEARING ON MOTION
FOR ORDER (1) APPROVING FINAL
REPORT AND ACCOUNTING;
(2) APPROVING FINAL
DISTRIBUTION OF RECEIVERSHIP
ASSETS; (3) APPROVING RECEIVER'S
AND PROFESSIONALS' FEES AND
EXPENSES FROM NOVEMBER 1, 2009
THROUGH CLOSING;
(4) DISCHARGING RECEIVER;
(5) RELIEVING RECEIVER OF ALL
DUTIES AND LIABILITIES;
(6) EXONERATING RECEIVER'S
BOND; (7) AUTHORIZING
ABANDONMENT AND DESTRUCTION
OF RECORDS; (8) GRANTING ANY
OTHER RELIEF RELATED TO THE
WIND UP OF THE ESTATE; AND
(9) GRANTING RELIEF FROM LOCAL
RULE 66-7 PERTAINING TO NOTICE
TO CREDITORS**

DATE: September 13, 2010
TIME: 10:00 a.m.
PLACE: Courtroom 10A

1 **PLEASE TAKE NOTICE** that on September 13, 2010 commencing at
2 10:00 a.m., or as soon thereafter as the parties may be heard in Courtroom 10A of
3 the above-entitled Court located at 411 West Fourth Street, Santa Ana, California,
4 Robb Evans & Associates LLC, as permanent Receiver (“Receiver”), will and does
5 hereby move the Court for the following relief:

6 1. An order approving the Receiver’s Final Report and Accounting
7 attached collectively to the Declaration of Brick Kane as Exhibit 1 (collectively the
8 “Final Report”) filed concurrently herewith;

9 2. An order approving the Receiver’s final distribution of all remaining
10 receivership assets to the Federal Trade Commission (“FTC”) pursuant to the
11 Court’s Contempt Judgment as to Bryan D’Antonio, The Rodis Law Group, Inc.,
12 America’s Law Group, and The Financial Group, Inc., after payment of all
13 remaining Receiver’s administrative expenses;

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 approving all receivership administrative expenses, including
18 without limitation the Receiver’s fees and expenses and those of its professionals
19 incurred and previously paid in connection with the receivership proceeding, and
20 approving and authorizing payment of all administrative expenses and Receiver’s
21 and professionals’ fees and expenses for the period from November 1, 2009 through
22 the closing of the receivership estate and the discharge of the Receiver (“Final
23 Expense Period”), as reflected in the Final Report, to the extent any such
24 administrative expenses and Receiver’s and counsel’s fees and expenses remain
25 unpaid, including Receiver’s and counsel’s fees and expenses incurred and unpaid
26 for the period from November 1, 2009 through the closing of the estate. During the
27 period from November 1, 2009 through June 30, 2010, the Receiver incurred fees
28 for the Receiver, its members and staff of \$25,409.07 and costs of \$1,829.89 for

1 total Receiver's fees and expenses of \$27,238.96 during the eight-month time
2 frame. The Receiver incurred fees of \$44,370.45 and costs of \$1,620.35 for the
3 services of its counsel, for total legal fees and costs of \$45,990.80 for the eight-
4 month period from November 1, 2009 through June 30, 2010. In addition, the
5 Receiver estimates total closing expenses to be \$29,027.72, including Receiver's
6 fees and expenses of \$14,027.72 and counsel fees of \$15,000;

7 5. An order authorizing the Receiver to abandon and destroy the records
8 of the Receivership Entities and any other corporations or businesses under the
9 control of any of the Receivership Entities in the possession, custody or control of
10 the Receiver unless, within 30 days after entry of the wind up order, the Receiver
11 has been served with a request by the FTC for possession of the records or a
12 subpoena by a law enforcement agency for the records, in which event the Receiver
13 is authorized to turn over the original records to the FTC or a law enforcement
14 agency in response to the subpoena;

15 6. An order discharging the Receiver, its agents, employees, members,
16 officers, independent contractors, attorneys and representatives and relieving the
17 Receiver, its agents, employees, members, officers, independent contractors,
18 attorneys and representatives of all duties, liabilities and responsibilities pertaining
19 to the receivership established in this action effective upon the completion of the
20 Receiver's wind up of the estate, payment of administrative expenses and final
21 distribution of funds as provided herein;

22 7. An order exonerating the Receiver's bond effective upon the
23 completion of the Receiver's wind up of the estate, payment of administrative
24 expenses and final distribution of funds as provided herein;

25 8. An order for any other and further relief as may be reasonable or
26 appropriate in connection with the wind up and closure of the receivership estate;
27 and
28

1 9. Granting relief from Local Rule 66-7 pertaining to the giving of notice
2 to all creditors of the receivership estate.

3 **PLEASE TAKE FURTHER NOTICE** that the Motion is made pursuant to
4 Local Rule 66-7, and is based upon this Notice of Hearing and the Notice of Motion
5 and Motion, the memorandum of points and authorities and declaration of Gary
6 Owen Caris, the separate Declaration of Brick Kane filed concurrently herewith and
7 upon all other and further pleadings, oral and documentary evidence and arguments
8 of counsel as may be presented by the Receiver at or before the time of the hearing
9 on the Motion.

10 **PLEASE TAKE FURTHER NOTICE** that a copy of the Motion, exclusive
11 of voluminous exhibits, will be posted on the Receiver's website at
12 www.robbevans.com/html/dmedcap.html, where it may be reviewed in its entirety.
13 Copies of this motion will be provided to any interested party upon receipt of a
14 written request which may be sent to: Robb Evans & Associates LLC, Attn:
15 Cherrie Eustaquio, 11450 Sheldon Street, Sun Valley, CA 91352-1121; Facsimile:
16 (818) 768-8802.

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18 Dated: August 12, 2010

MCKENNA LONG & ALDRIDGE LLP
Gary Owen Caris
Lesley Anne Hawes

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21 By: /s/ Gary Owen Caris
22 Gary Owen Caris
23 Attorneys for Permanent Receiver,
24 ROBB EVANS & ASSOCIATES
25 LLC
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