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Federal Trade Commission v. Equinox International Corp., et al.
CASE No. CV-S-99-0969 KJD (Pal)

**Order Approving Receiver's Final Report and Accounting and Final
Payment of Receivership Expenses and Related Relief**

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 9 **ROBB EVANS**

11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**

13
 14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

17 EQUINOX INTERNATIONAL
 18 CORP., et al.,

19 Defendants.

CASE NO. CV-S-99-0969-KJD (PAL)

**ORDER APPROVING
 RECEIVER'S FINAL REPORT
 AND ACCOUNTING AND FINAL
 PAYMENT OF RECEIVERSHIP
 EXPENSES AND RELATED
 RELIEF**

20 The matter of the Motion for Order Approving Receiver's Final Report and
 21 Accounting and Final Payment of Receivership Expenses and Related Relief
 22 ("Wind Up Motion") filed by Robb Evans, Receiver of Defendants Equinox
 23 International Corporation, Advanced Marketing Seminars, Inc. and BG
 24 Management, Inc., and Related Entities as defined in the Order Preliminarily
 25 Approving Stipulated Final Judgment and Class Action Settlement and Setting
 26 Fairness Hearing entered April 20, 2000 ("Permanent Receivership Order") and
 27 over various assets as set forth in the Permanent Receivership Order (hereinafter
 28

1 Robb Evans is referred to as the “Receiver”), came on before the Court ^{for}~~without~~ a
2 hearing. The Court, having read and considered the Wind Up Motion and all
3 pleadings and papers filed by the Receiver in support thereof, and opposition or
4 response, if any, to the Wind Up Motion by parties to this action, and good cause
5 appearing therefor,

6 IT IS HEREBY ORDERED that:

7 1. The Wind Up Motion and all relief sought therein is granted in their
8 entirety;

9 2. Without limiting the generality of the foregoing:

10 A. The Receiver’s Final Report and Accounting, a copy of which is
11 attached to the Declaration of Kenton Johnson as Exhibit 1 filed in support of the
12 Wind Up Motion, is hereby approved and all activities of the Receiver in
13 connection with the administration of the receivership estate, including without
14 limitation those described in the Final Report and Accounting and all prior
15 Receiver’s Reports, are hereby approved and confirmed;

16 B. The Receiver’s fees and expenses from receivership assets for the
17 period from January 1, 2007 through September 30, 2010 in the sum of \$5,240.00
18 are approved and authorized to be paid from assets of the receivership estate;

19 C. The Court hereby approves and ratifies on a final basis payment of all
20 receivership expenses from inception of the receivership through September 30,
21 2010, as set forth in the Receiver’s final accounting attached as Tab 1 to the
22 Receiver’s Final Report and Accounting, and approves and authorizes payment
23 from receivership assets of all receivership expenses incurred from October 1, 2010
24 through the closing of the receivership estate, estimated in the total sum of
25 \$174,910.00, including without limitation all fees and expenses of the Receiver, the
26 Receiver’s staff and the Receiver’s counsel;

27 D. Effective upon the completion of the Receiver’s wind up of the estate
28 and payment of receivership administrative expenses as provided herein, (1) the

1 Receiver, his agents, employees, members, officers, independent contractors,
2 attorneys and representatives are hereby discharged; (2) the Receiver, his agents,
3 employees, members, officers, independent contractors, attorneys and
4 representatives are hereby released from all claims and liabilities arising out of
5 and/or pertaining to the receivership herein, including without limitation all claims
6 of Professional Benefit Trust and all other claims that were or could have been
7 asserted concerning the Receiver's activities; (3) the Receiver, his agents,
8 employees, members, officers, independent contractors, attorneys and
9 representatives are hereby relieved of all duties and responsibilities pertaining to the
10 receivership established in this action; and (4) the Receiver's bond is hereby
11 exonerated;

12 E. The Receiver is authorized to dispose of the records of the
13 Receivership Entities and any other corporations or businesses under the control of
14 any of the Receivership Entities in the possession, custody, or control of the
15 Receiver, with such disposal to be by a means that protects against unauthorized
16 access to private personal information, such as burning, pulverizing, or shredding
17 any papers, and by erasing or destroying any electronic media, to ensure that the
18 private personal information cannot practicably be read or reconstructed, unless
19 within 30 days after entry of the Order on this Motion, the Receiver has been served
20 with a request by plaintiff Federal Trade Commission (the "FTC") for possession of
21 the records, in which event the Receiver is authorized to turn over the original
22 records to the FTC;

23 F. The Receiver is authorized to distribute to the FTC all remaining funds
24 in the receivership estate after payment of all unpaid receivership administrative
25 expenses, including all receivership expenses incurred through the closing of the
26 estate, and to close the estate without dissolving the Receivership Entities and
27 providing that any assets or property of the receivership estate not administered by
28 the Receiver is deemed abandoned; and

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G. The notice of this Motion provided by the Receiver to the parties to this action and any other interested parties named on the service list filed with the Wind Up Motion is sufficient under the circumstances.

Dated: **January 18, 2011**

KENT J. DAWSON, United States
District Judge