

**ROBB EVANS**  
**Receiver of**  
**Equinox International Corp., et al.**  
11450 Sheldon Street  
Sun Valley, California 91352-1121  
Telephone No.: (818) 768-8100  
Facsimile No.: (818) 768-8802

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

**Order Further Modifying Distribution Procedures to Address  
Unclaimed Funds and Authorize a Supplemental Distribution**

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1 GARY OWEN CARIS (SBN 088918)  
gcaris@mckennalong.com  
2 LESLEY ANNE HAWES (SBN 117101)  
lhawes@mckennalong.com  
3 MCKENNA LONG & ALDRIDGE LLP  
444 South Flower Street, 8th Floor  
4 Los Angeles, CA 90071-2901  
Telephone: (213) 688-1000  
5 Facsimile: (213) 243-6330

6 THOMAS F. KUMMER  
KUMMER KAEMPFER BONNER & RENSHAW  
7 3800 Howard Hughes Parkway, 7th Floor  
Las Vegas, Nevada 89109-0907  
8 Telephone: (702) 792-7000  
Facsimile: (702) 796-7181  
9

10 Attorneys for Receiver  
**ROBB EVANS**

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**  
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14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

17 EQUINOX INTERNATIONAL  
CORP., et al.,

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

**ORDER FURTHER MODIFYING  
DISTRIBUTION PROCEDURES TO  
ADDRESS UNCLAIMED FUNDS  
AND AUTHORIZE A  
SUPPLEMENTAL DISTRIBUTION**

20  
21 Robb Evans, Receiver of Defendants Equinox International Corporation,  
22 Advanced Marketing Seminars, Inc. and BG Management, Inc., and Related  
23 Entities as defined in the Order Preliminarily Approving Stipulated Final Judgment  
24 and Class Action Settlement and Setting Fairness Hearing entered April 20, 2000  
25 (“Permanent Receivership Order”) and over various assets as set forth in the  
26 Permanent Receivership Order (hereinafter Robb Evans is referred to as the  
27 “Receiver”), having duly filed and served his Motion for Order Further Modifying  
28 Distribution Procedures to Address Unclaimed Funds and Authorize Supplemental

1 Distribution (“Motion”), no opposition or response to the Motion having been  
2 timely filed, and the Court, having read and considered the Motion and the  
3 pleadings and papers in support thereof, and good cause appearing therefore,

4 IT IS ORDERED that:

5 1. The Motion, and all relief sought therein, is granted in its entirety;

6 2. Without limiting the generality of the foregoing, the procedures for  
7 distribution of the remaining estate assets shall be modified as follows:

8 A. The Receiver is hereby permitted to make a supplemental  
9 distribution to claimants in the amount of not less than \$3,300,000.00 from the  
10 balance of cash on hand in the receivership estate based on the uncashed checks  
11 from the Receiver’s initial distribution of \$16,556,412.77 to be paid pro rata to the  
12 36,355 claimants for whom the Receiver has valid mailing addresses who have  
13 received and cashed their initial distribution checks and/or which claimants have  
14 contacted the Receiver and provided valid current addresses as of November 24,  
15 2008, with the supplemental distribution checks to provide an expiration date of  
16 sixty days from the date of issuance (“Stale Date Deadline”) after which such  
17 supplemental distribution checks shall become stale-dated. In connection  
18 therewith, the Receiver is hereby authorized to pay Garden City Group from  
19 receivership estate assets on hand for the actual expenses incurred in making the  
20 supplemental distribution;


21 B. The Receiver is hereby permitted to remove from the  
22 distribution list the 14,658 claimants who as of November 24, 2008 (a) did not  
23 cash the initial distribution check prior to the expiration date on the check, and (b)  
24 have not contacted the Receiver and advised the Receiver in writing of a correct  
25 current address for the initial distribution check to be mailed;

26 C. To the extent that any of the checks from the supplemental  
27 distribution remain uncashed after such checks become stale-dated by their terms,  
28 the Receiver is hereby permitted to turn over to plaintiff Federal Trade Commission

1 all remaining funds in the estate after payment of all outstanding and unpaid  
2 receivership administrative expenses, including all Receiver's fees and expenses  
3 and attorneys' fees and expenses, after entry of an order approving the Receiver's  
4 final report and accounting and related relief for the wind up of the estate; and

5 D. The Receiver is permitted to make distributions to claimants  
6 such that the minimum supplemental distribution shall be fixed at \$5.00 so that  
7 those claimants with projected distributions below that figure receive a flat \$5.00  
8 distribution.

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10 Dated: June 19th 2009

  
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KENT J. DAWSON  
United States District Judge

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