

**ROBB EVANS &  
ROBB EVANS & ASSOCIATES, LLC**

**Receiver of**

**Fortune Hi-Tech Marketing, Inc., et al.**

11450 Sheldon Street

Sun Valley, California 91352-1121

Telephone No.: (818) 768-8100

Facsimile No.: (818) 768-8802

**Federal Trade Commission, State of Illinois,  
Commonwealth of Kentucky and State of North Carolina**

**v.**

**Fortune Hi-Tech Marketing, Inc., et al.**

**CASE No. 5:13-CV-123 KSF**

**Stipulation Authorizing Sale of Additional Personal Property Assets  
by Receiver [ 28 U.S.C. § 2004]; and Order Thereon**

**Filed August 14, 2013**

Eastern District of Kentucky

**FILED**

**AUG 14 2013**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY**

AT LEXINGTON  
ROBERT R. CARR  
CLERK U.S. DISTRICT COURT

FEDERAL TRADE COMMISSION,  
STATE OF ILLINOIS,  
COMMONWEALTH OF KENTUCKY, and  
STATE OF NORTH CAROLINA,

Plaintiffs

v.

FORTUNE HI-TECH MARKETING, INC.,  
a Kentucky corporation, *et al.*,

Defendants.

No. 5:13-cv-123-KSF

**STIPULATION AUTHORIZING SALE OF ADDITIONAL PERSONAL PROPERTY  
ASSETS BY RECEIVER [28 U.S.C. § 2004]; AND ORDER THEREON**

This Stipulation Authorizing Sale of Additional Personal Property Assets by Receiver is made by and among Robb Evans and Robb Evans & Associates LLC as Permanent Receiver ("Receiver") over Fortune Hi-Tech Marketing, Inc., FHTM, Inc., Alan Clark Holdings, LLC, FHTM Canada, Inc., Fortune Network Marketing (UK) Limited and their successors and assigns, as well as any subsidiaries, and any fictitious business entities or business names created or used by these entities ("Receivership Defendants"), and defendants Fortune Hi-Tech Marketing, Inc., FHTM, Inc., Alan Clark Holdings, LLC, FHTM Canada, Inc., Fortune Network Marketing (UK) Limited, Paul C. Orberon and Thomas A. Mills (collectively, "Stipulating Defendants"), in reference to the following:

A. Plaintiffs Federal Trade Commission ("FTC"), the State of Illinois, the Commonwealth of Kentucky and the State of North Carolina filed a complaint and request for a temporary restraining order, asset freeze and the appointment of a receiver against the Stipulating Defendants in the Northern District of Illinois on January 24, 2013. The Court entered the Temporary Restraining Order on January 24, 2013, pursuant to which the Receiver was

appointed as Temporary Receiver over the Receivership Defendants. On May 1, 2013, United States District Judge John W. Darrah of the Northern District of Illinois ordered the case transferred from the Northern District of Illinois to the Eastern District of Kentucky. Thereafter, on May 28, 2013, the Receiver was appointed Permanent Receiver pursuant to the Stipulated Preliminary Injunction entered into by the Stipulating Defendants and the Plaintiffs and approved by this Court.

B. On June 21, 2013, the Court entered an Order approving the Stipulation Authorizing (1) Sale of Certain Personal Property Assets By Receiver; and (2) Listing for Sale And Marketing Of Real Property Asset by Receiver [28 U.S.C. §§ 2001 and 2004]; And Order Thereon ("First Asset Sale Order"). The First Asset Sale Order authorized the Receiver to liquidate the Inventory, Office Furniture, Office Equipment, Warehouse Equipment and Warehouse Property, as those terms are defined therein, associated with the Receivership Defendants' business operations in Kentucky.

C. The Receivership Defendants include multiple entities who, in addition to the Kentucky business operations, also have business operations in Canada. The Receivership Defendants have inventory currently housed in a storage facility in Canada. As set forth in the First Asset Sale Order, the Receiver has concluded that the business operations of the Receivership Defendants should cease in order to minimize ongoing expenses to the receivership estate. The Receiver has determined that there is value in the inventory in Canada which should be liquidated for the benefit of the estate. The Receiver has further determined in consultation with the Receivership Defendants that certain trademarks owned by the Receivership Defendants also may have value. In connection with a pending sale of a portion of the inventory located in Kentucky pursuant to the First Asset Sale Order, two United States trademarks are being sold to facilitate such inventory sale. The Stipulating Defendants agree that the Receiver should liquidate the Receivership Defendants' personal property assets as set forth below.

D. The Receiver and the Stipulating Defendants agree that to the extent possible all of the Receivership Defendants' tangible and intangible personal property not covered by the

First Asset Sale Order should be liquidated as soon as reasonably practical, to the extent such personal property is saleable, and without further Court order or hearing as more particularly set forth herein.

NOW THEREFORE, in consideration of the foregoing, the parties hereto, by and through their counsel, do stipulate and agree as follows:

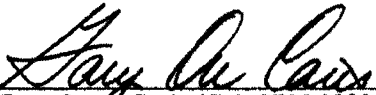
1. The Receiver shall be permitted to attempt to liquidate all tangible and intangible personal property assets of the Receivership Defendants, wherever located, not expressly covered by the First Asset Sale Order, including but not limited to (1) inventory located in Canada; and (2) all trademarks, including but not limited to Canadian and United States trademarks, as soon as reasonably practical, and without further Court order or hearing, in such a manner as the Receiver determines to be most cost-effective so as to maximize the recovery to the estate, in the Receiver's discretion and business judgment, by public auction or private sale, with or without public notice, as the Receiver may determine will maximize value, minimize expense and expedite the sale of the personal property to avoid incurring additional expenses for the administration of such personal property as authorized under 28 U.S.C. § 2004.

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2. Any personal property that cannot be liquidated for the benefit of the receivership estate may be abandoned by the Receiver in the Receiver's discretion and business judgment.

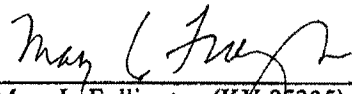
Dated: August 13, 2013

MCKENNA LONG & ALDRIDGE LLP

By:   
\_\_\_\_\_  
Gary Owen Caris (Cal. SBN 088918)  
Lesley Anne Hawes (Cal. SBN 117101)  
McKenna Long & Aldridge LLP  
300 South Grand Avenue, 14th Floor  
Los Angeles, California 90071-3124  
Telephone: (213) 688-1000  
Facsimile: (213) 243-6330  
gcaris@mckennalong.com  
lhawes@mckennalong.com

and

WYATT, TARRANT & COMBS, LLP

  
\_\_\_\_\_  
Mary L. Fullington (KY 85335)  
WYATT, TARRANT & COMBS, LLP  
250 West Main Street, Suite 1600  
Lexington, Kentucky 40507-1746  
Telephone: (859) 233-2012  
Facsimile: (859) 259-0649  
Lexbankruptcy@wyattfirm.com

Attorneys for Permanent Receiver  
Robb Evans and Robb Evans & Associates LLC

[SIGNATURES CONTINUE ON NEXT PAGE]

Dated: August 6, 2013

MCBRAYER, MCGINNIS, LESLIE & KIRKLAND,  
PLLC

By: 

Jaron P. Blandford  
Stephen G. Amato  
D. Luke Morgan  
McBrayer, McGinnis, Leslie & Kirkland, PLLC  
201 E. Main Street, Suite 900  
Lexington, Kentucky 40507  
Telephone: (859) 231-8780  
Facsimile: (859) 231-6518

Attorneys for Defendants  
Fortune Hi-Tech Marketing, Inc., FHTM, Inc., Alan  
Clark Holdings, LLC, FHTM Canada, Inc., Fortune  
Network Marketing (UK) Limited, Paul C.  
Orberson, and Thomas A. Mills

**The following parties do not object to the Stipulation.**

FEDERAL TRADE COMMISSION

By: \_\_\_\_\_

David A. O'Toole  
Elizabeth C. Scott  
Rozina C. Bhimani  
John C. Hallerud  
Federal Trade Commission  
55 West Monroe St., Suite 1825  
Chicago, Illinois 60603  
Telephone: (312) 960-5634  
Facsimile: (312) 960-5600  
dotoole@ftc.gov  
escott@ftc.gov  
rbhimani@ftc.gov  
jhallerud@ftc.gov

Attorneys for Plaintiff Federal Trade  
Commission

[SIGNATURES CONTINUE ON NEXT PAGE]

Dated: August \_\_, 2013

MCBRAYER, MCGINNIS, LESLIE & KIRKLAND,  
PLLC

By: \_\_\_\_\_

Jaron P. Blandford  
Stephen G. Amato  
D. Luke Morgan  
McBrayer, McGinnis, Leslie & Kirkland, PLLC  
201 E. Main Street, Suite 900  
Lexington, Kentucky 40507  
Telephone: (859) 231-8780  
Facsimile: (859) 231-6518

Attorneys for Defendants  
Fortune Hi-Tech Marketing, Inc., FHTM, Inc., Alan  
Clark Holdings, LLC, FHTM Canada, Inc., Fortune  
Network Marketing (UK) Limited, Paul C.  
Orberson, and Thomas A. Mills

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Elizabeth C. Scott  
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John C. Hallerud  
Federal Trade Commission  
55 West Monroe St., Suite 1825  
Chicago, Illinois 60603  
Telephone: (312) 960-5634  
Facsimile: (312) 960-5600  
dotoole@ftc.gov  
escott@ftc.gov  
rbhimani@ftc.gov  
jhallerud@ftc.gov

Attorneys for Plaintiff Federal Trade  
Commission

[SIGNATURES CONTINUE ON NEXT PAGE]

OFFICE OF THE ATTORNEY GENERAL  
- ILLINOIS

By: 

Adam J. Sokol (ILL Bar# 6216883)  
Office of the Attorney General  
100 W. Randolph Street, Suite 1200  
Chicago, Illinois 60601  
Telephone: (312) 814-4309  
Facsimile: (312) 814-2593  
Asokol@atg.state.il.us

Attorneys for Plaintiff State of Illinois

OFFICE OF ATTORNEY GENERAL - KENTUCKY

By: \_\_\_\_\_

Maryellen Buxton Mynear  
Todd E. Leatherman  
Office of Attorney General - KY  
1024 Capitol Center Drive, Suite 200  
Frankfurt, Kentucky 40601  
Telephone: (502) 696-5389  
Facsimile: (502) 573-8317  
Maryellen.mynear@ag.ky.gov  
Todd.leatherman@ag.ky.gov

Attorneys for Plaintiff Commonwealth of Kentucky

[SIGNATURES CONTINUE ON NEXT PAGE]

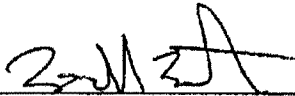


OFFICE OF THE ATTORNEY GENERAL  
- ILLINOIS

By: \_\_\_\_\_  
Adam J. Sokol (ILL Bar# 6216883)  
Office of the Attorney General  
100 W. Randolph Street, Suite 1200  
Chicago, Illinois 60601  
Telephone: (312) 814-4309  
Facsimile: (312) 814-2593  
Asokol@atg.state.il.us

Attorneys for Plaintiff State of Illinois


OFFICE OF ATTORNEY GENERAL - KENTUCKY

By:  \_\_\_\_\_  
Maryellen Buxton Mynear  
Todd E. Leatherman  
Office of Attorney General - KY  
1024 Capitol Center Drive, Suite 200  
Frankfurt, Kentucky 40601  
Telephone: (502) 696-5389  
Facsimile: (502) 573-8317  
Maryellen.mynear@ag.ky.gov  
Todd.leatherman@ag.ky.gov

Attorneys for Plaintiff Commonwealth of Kentucky


[SIGNATURES CONTINUE ON NEXT PAGE]

NORTH CAROLINA DEPARTMENT OF JUSTICE

By:   
Crecy Johnson  
North Carolina Department of Justice  
114 W. Edenton Street  
Raleigh, North Carolina 27603  
Telephone: (919) 716-6000

Attorneys for Plaintiff State of North Carolina

**IT IS SO ORDERED.**

  
Karl S. Forester, Senior Judge

Date: 8-14-13