

ROBB EVANS
Receiver of
D.W. Heath & Associates, Inc.;
PCM Fixed Income Fund I, LLC;
Private Capital Management, Inc.;
Private Collateral Management, Inc.
and the Schlarmann Interests

11450 Sheldon Street
Sun Valley, California 91352-1121
Telephone No.: (818) 768-8100
Facsimile No.: (818) 768-8802

Securities and Exchange Commission v. D. W. Heath & Associates Inc., et al.
CASE No. CV-04-02949 JFW (Ex)

Notice of Hearing on Notice of Motion and Motion for Approval of Settlement Re: Satisfaction of Loans and Transfer of Stock Interests in Direct PT Inc., Management and Business Associates, Inc. dba Restorative Health Care, National Nursing and Rehabilitation and UHC Inc. and for Modification of Notice Procedures Under Local Rule 66-7 in Connection Therewith; Declaration of Earl Lanna in Support Thereof Pursuant to Order Shortening Time

Dated December 28, 2004

1 Gary Owen Caris (State Bar No. 088918)
Lesley Anne Hawes (State Bar No. 117101)
2 FRANDZEL ROBINS BLOOM & CSATO, L.C.
6500 Wilshire Boulevard
3 Seventeenth Floor
Los Angeles, California 90048-4920
4 Telephone: (323) 852-1000
Facsimile: (323) 651-2577

5 Attorneys for Permanent Receiver,
6 ROBB EVANS

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

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11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 v.

14 D.W. HEATH & ASSOCIATES, INC.,
15 etc., et al.,

16 Defendants.

CASE NO. CV 04-02949 JFW (Ex)

**NOTICE OF HEARING ON
NOTICE OF MOTION AND
MOTION FOR APPROVAL OF
SETTLEMENT RE
SATISFACTION OF LOANS AND
TRANSFER OF STOCK
INTERESTS IN DIRECT PT, INC.,
MANAGEMENT AND BUSINESS
ASSOCIATES, INC. DBA
RESTORATIVE HEALTH CARE,
NATIONAL NURSING AND
REHABILITATION AND UHC,
INC. AND FOR MODIFICATION
OF NOTICE PROCEDURES
UNDER LOCAL RULE 66-7 IN
CONNECTION THEREWITH;
MEMORANDUM OF POINTS AND
AUTHORITIES AND
DECLARATION OF EARL LANNA
IN SUPPORT THEREOF
PURSUANT TO ORDER
SHORTENING TIME**

DATE: January 10, 2005

TIME: 1:30 p.m.

PLACE: Courtroom 16

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26 PLEASE TAKE NOTICE that on January 10, 2005, commencing at 1:30 p.m.
27 or as soon thereafter as the parties may be heard, in Courtroom 16 of the above-
28 entitled court located at 312 North Spring Street, Los Angeles, California, the Court

FRANDZEL ROBINS BLOOM & CSATO, L.C.
6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
(323) 852-1000


1 will hear the Notice of Motion and Motion for Approval of Settlement Re
2 Satisfaction of Loans and Transfer of Stock Interests in Direct PT, Inc.,
3 Management and Business Associates, Inc. dba Restorative Health Care, National
4 Nursing and Rehabilitation and UHC, Inc. and for Modification of Notice
5 Procedures Under Local Rule 66-7 in Connection Therewith; Memorandum of
6 Points and Authorities and Declaration of Earl Lanna in Support Thereof
7 (collectively "Motion") filed by Robb Evans as Permanent Receiver ("Receiver") of
8 D.W. Heath & Associates, Inc., Private Capital Management, Inc., Private Collateral
9 Management, Inc. and PCM Fixed Income Fund I, LLC and their subsidiaries and
10 affiliates (collectively, the "Receivership Defendants"). The hearing on the Motion
11 has been set by the Court pursuant to an order shortening time.

12 PLEASE TAKE FURTHER NOTICE that pursuant to the order shortening
13 time, opposition to the Motion, if any, must be filed with the Court with a courtesy
14 copy delivered to the Chambers of the Honorable John F. Walter concurrently with
15 the filing, no later than January 4, 2005 and served on counsel for the Receiver and
16 the parties to the action so as to be received by them by 10:00 a.m. on January 5,
17 2005.

18 PLEASE TAKE FURTHER NOTICE that reply, if any, to any opposition
19 shall be filed with the Court, with a courtesy copy delivered to the Chambers of the
20 Honorable John F. Walter concurrently with the filing, no later than January 7, 2005
21 and served on counsel for the Receiver, the parties to the action and the parties who
22 filed the opposition so as to be received by them by 3:00 p.m. on January 7, 2005.

23 DATED: December 28, 2004

FRANDZEL ROBINS BLOOM & CSATO, L.C.
GARY OWEN CARIS
LESLEY ANNE HAWES

24
25
26 By: 
27 GARY OWEN CARIS
Attorneys for Permanent Receiver,
28 ROBB EVANS

FRANZEL ROBINS BLOOM & CSATO, L.C.
6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
(323) 852-1000

PROOF OF SERVICE

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of FRANZEL ROBINS BLOOM & CSATO, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 6500 Wilshire Boulevard, Seventeenth Floor, Los Angeles, California 90048-4920.

On December 28, 2004, I served true copy(ies) of the **NOTICE OF HEARING ON NOTICE OF MOTION AND MOTION FOR APPROVAL OF SETTLEMENT RE SATISFACTION OF LOANS AND TRANSFER OF STOCK INTERESTS IN DIRECT PT, INC., MANAGEMENT AND BUSINESS ASSOCIATES, INC. DBA RESTORATIVE HEALTH CARE, NATIONAL NURSING AND REHABILITATION AND UHC, INC. AND FOR MODIFICATION OF NOTICE PROCEDURES UNDER LOCAL RULE 66-7 IN CONNECTION THEREWITH; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF EARL LANNA IN SUPPORT THEREOF PURSUANT TO ORDER SHORTENING TIME**, the original(s) of which is(are) affixed hereto, to the party(ies) listed on the attached service list.

BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such document(s) were placed in envelopes addressed to the person(s) served hereunder for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices. **(Served By Mail on Defendant Daniel Heath Only.)**

BY FACSIMILE: At approximately _____, I caused said document(s) to be transmitted by facsimile. The telephone number of the sending facsimile machine was (323) 651-2577. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

BY OVERNIGHT DELIVERY: I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) served hereunder. **(See Attached Service List.)**

BY EXPRESS MAIL: I deposited such document(s) in a box or other facility regularly maintained by the United States Postal Service, in an envelope or package designated by the United States Postal Service with delivery fees paid or provided for, addressed to the person(s) served hereunder. **(See Attached Service List.)**

I certify under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on December 28, 2004, at Los Angeles, California.


HELEN SCHWARTZ

SERVICE LIST

Securities and Exchange Commission v. D.W. Heath & Associates, Inc., et al.
U.S.D.C. Case No. CV 04-02949

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David S. Brown, Esq.
Molly White, Esq.
Securities and Exchange Commission
5670 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90036-3648
Tel: (323) 965-3841
Fax: (323) 965-3908

Attorneys for Plaintiff Securities and
Exchange Commission (**By Overnight
Express**)

Barry O. Bernstein, Esq.
3727 W. Magnolia Boulevard, Suite 767
Burbank, CA 91505
Tel: (818) 558-1717
Fax: (818) 526-7672

Advisory Counsel for Defendant Daniel
William Heath (**By Overnight Express**)

Michael A. Oswald, Esq.
Oswald & Yap, APC
16148 Sand Canyon Avenue
Irvine, CA 92618
Tel: (949) 788-8900
Fax: (949) 788-8980

Attorney for Defendant Denis Timothy
O'Brien (**By Overnight Express**)

Ross H. Parker, Esq.
Munsch Hardt Kopf & Harr PC
4000 Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2790
Tel: (214) 855-7500
Fax: (214) 855-7584

Attorney for Stephen Wallace
(**By Federal Express**)

John Bray, Esq.
Cox Smith Matthews Incorporated
112 East Pecan Street, Suite 1800
San Antonio, Texas 78205-1521
Tel: (210) 554-5500
Fax: (210) 226-8395

Attorney for J. Ron Sanchez and
Roberta Sanchez (**By Federal Express**)

Mr. Daniel Heath
Booking No. 200427981
Robert Presley Detention Center
P. O. Box 710
Riverside, California 92501

Defendant (**By First Class Mail**)

1 R. L. Goodrich, Chapter 7 Trustee Bankruptcy Trustee
 2 3600 Lime Street, Suite 416 (By Overnight Express)
 3 Riverside, CA 92501
 4 Tel: (951) 341-9300
 Fax: (951) 341-9309

5 Jeffrey W. Broker, Esq. Attorney for Debtor
 6 18191 Von Karman Avenue, Suite 470 (By Overnight Express)
 Irvine, CA 92612
 7 Tel: (949) 222-2000
 Fax: (949) 222-2022

8 Norman Hanover, Esq.
 9 Reid & Hellyer (By Overnight Express)
 10 3880 Lemon Street, 5th Floor
 Riverside, CA 92502-1300
 11 Tel: (951) 682-1771
 Fax: (951) 686-2415

12 David Osias, Esq.
 13 Allen Matkins Leck Gamble & Mallory LLP (By Overnight Express)
 14 501 West Broadway, Suite 900
 San Diego, CA 92101
 15 Tel: (619) 233-1155
 Fax: (619) 233-1158

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(By Express Mail)

CITICORP VENDOR FINANCE, INC.
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PHILADELPHIA, PA 19170-0322
(By Express Mail)

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PASADENA, CA 91109
(By Express Mail)

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FULLERTON, CA 92831
(By Overnight Express)

VERIZON
P.O. BOX 1040
WESTFIELD, IN 46074
(By Express Mail)

TAMARA LONG
P.O. BOX 3025
HEMET, CA 92546
(By Express Mail)

THE GAS COMPANY
P.O. BOX C
MONTEREY PARK, CA 91756
(By Express Mail)

EAGLE
12411 E. SLAUSON AVENUE
SUITE "E"
WHITTIER, CA 90606
(By Overnight Express)

BESTNETWORKX, LLC
100 E. SAN MARCOS BLVD.,
SUITE 350
SAN MARCOS, CA 92069
(By Overnight Express)

CITICORP VENDOR FINANCE, INC.
P.O. BOX 7247-0322
PHILADELPHIA, PA 19170-0322
(By Express Mail)

AMERICAN EXPRESS
BOX 0001
LOS ANGELES, CA 90096-0001
(By Express Mail)

AMERICAN EXPRESS
P.O. BOX 360002
FT. LAUDERDALE, FL 33336-0002
(By Express Mail)

KALI P. CHAUHDURI TRUST
ACCOUNT
1600 E. FLORIDA AVENUE
SUITE 110
HEMET, CA 92544
(By Overnight Express)

PBCC
27 WATERVIEW DRIVE
P.O. BOX 5151
SHELTON, CT 06484-7151
(By Express Mail)

PURCHASE POWER
P.O. BOX 856042
LOUISVILLE, KY 40285-6042
(By Express Mail)

BANK OF AMERICA
P.O. BOX 21848
GREENSBORO, NC 27420-1848
(By Express Mail)

SOUTHERN CALIFORNIA EDISON
P.O. BOX 6400
RANCHO CUCAMONGA, CA
91729-6400
(By Express Mail)