

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

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Sun Valley, California 91352-1121
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Securities and Exchange Commission v. D. W. Heath & Associates Inc., et al.
CASE No. CV-04-02949 JFW (Ex)

- Notice of Hearing on Motion and Motion for Order:**
- (1) Approving Receiver's Report of Activities (January 1, 2005 Through June 30, 2005); and**
 - (2) Approving Payment of Receiver's and Professionals' Fees and Expenses for the Period from January 1, 2005 Through June 30, 2005**

Filed August 26, 2005

2005 AUG 26 PM 3: 24

U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

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Lesley Anne Hawes (State Bar No. 117101)
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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11
12 **SECURITIES AND EXCHANGE**
COMMISSION,

13 **Plaintiff,**

14 v.

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

17 **Defendants.**

CASE NO. CV 04-02949 JFW (Ex)

**NOTICE OF HEARING ON
MOTION FOR ORDER: (1)
APPROVING RECEIVER'S
REPORT OF ACTIVITIES
(JANUARY 1, 2005 THROUGH
JUNE 30, 2005); AND (2)
APPROVING PAYMENT OF
RECEIVER'S AND
PROFESSIONALS' FEES AND
EXPENSES FOR THE PERIOD
FROM JANUARY 1, 2005
THROUGH JUNE 30, 2005**

DATE: September 19, 2005
TIME: 1:30 p.m.
DEPT.: Courtroom 16

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23 **PLEASE TAKE NOTICE** that on September 19, 2005 at 1:30 p.m., or as soon
24 thereafter as counsel may be heard in Courtroom 16 of the above-entitled Court,
located at 312 N. Spring Street, Los Angeles, California, Robb Evans as permanent
25 receiver of D.W. Heath & Associates, Inc., Private Capital Management, Inc.,
Private Collateral Management, Inc. and PCM Fixed Income Fund I, LLC and their
26 subsidiaries and affiliates (collectively, the "Heath Receivership Defendants") and
as Receiver over the Schlarmann Interests ("Receiver"), will and does hereby move
27 the Court for the following relief: (1) an order approving the Receiver's Report of
Activities for the period of January 1, 2005 through June 30, 2005 (the "Receiver's
28 Fourth Report") filed with the Court on August 4, 2005 and confirming the
Receiver's activities described therein; and (2) an order approving the payment of

6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
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1 the fees and expenses of the Receiver, the Receiver's staff, and the Receiver's
2 counsel for the period from January 1, 2005 through June 30, 2005 ("Subject
3 Expense Period") as reflected in the summary of Receivership Collections and
4 Administrative Expenses attached as Exhibit 1 to the Appendix of Exhibits filed and
5 served concurrently with this Motion. The Receiver seeks approval and
6 authorization for payment of fees and expenses incurred by the receivership during
7 this six-month expense period as follows: (a) Receiver's fees and expenses and fees
8 and expenses of the Receiver's staff totaling \$224,178.44; and (b) legal fees and
9 expenses incurred in the aggregate of \$392,236.34, including fees and costs of
10 Frandzel Robins Bloom & Csato, L.C. as the Receiver's general receivership and
11 litigation counsel in the sum of \$345,323.60 in fees and \$28,226.72 in costs, for a
12 total sum of \$373,550.32.

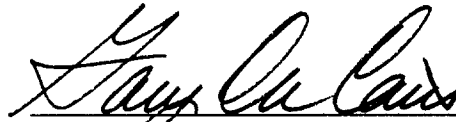
13 PLEASE TAKE FURTHER NOTICE that the motion is made pursuant to
14 Local Rule 66-7(f), and is based upon this notice of hearing served pursuant to the
15 Court's prior order limiting notice in the matter, the notice of motion and motion,
16 memorandum of points and authorities and declarations of Robb Evans and Gary
17 Owen Caris and the Appendix of Exhibits on file with the Court, and upon such
18 other pleadings and oral and documentary evidence as may be presented at or before
19 the time of hearing.

20 PLEASE TAKE FURTHER NOTICE that the motion, the memorandum of
21 points and authorities and declarations, exclusive of the Appendix containing
22 voluminous exhibits, is posted on the Receiver's website at www.heath-receiver.com
23 where it may be viewed by any interested party. Copies of the motion,
24 memorandum of points and authorities, declarations and Appendix of Exhibits will
25 be provided to any interested party upon receipt of a written request, which may be
26 sent to: Robb Evans & Associates LLC, 11450 Sheldon Street, Sun Valley, CA
27 91352-1121, Facsimile No. (818) 768-8802, Attn: Judi Ehrlich.

28 DATED: August 25, 2005

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

By:



GARY OWEN CARIS
Attorneys for Permanent Receiver,
ROBB EVANS

¹ Order: (1) Approving Receiver's Report for the Period July 12, 2004 through
December 31, 2004; (2) Approving Receiver's Proposed Claims Filing and
Allowance Procedures; and (3) Granting an Order Limiting Notice Under Local
Rule 66-7 in Connection with Administrative and Similar Motions Under Local
Rule 66-7 entered March 4, 2005.

