

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 Motion for Instructions Seeking Permission to
Produce Documents for Inspection and Copying Pursuant to Subpoena
Related to D.W. Heath & Associates**

Filed October 26, 2007

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ROBB EVANS

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8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10 SECURITIES AND EXCHANGE
11 COMMISSION,

12 Plaintiff,

13 v.

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

15 Defendants.

CASE NO. CV 04-02949 JFW (Ex)

**NOTICE OF HEARING ON
MOTION FOR INSTRUCTIONS
SEEKING PERMISSION TO
PRODUCE DOCUMENTS FOR
INSPECTION AND COPYING
PURSUANT TO SUBPOENA
RELATED TO D.W. HEATH &
ASSOCIATES**

Date: November 19, 2007

Time: 1:30 p.m.

Place: Courtroom 16
312 N. Spring Street
Los Angeles, CA

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20 TO: THE PARTIES TO THIS ACTION, THEIR COUNSEL OF RECORD,
21 CREDITORS OF THE RECEIVERSHIP ESTATE AND OTHER PARTIES-IN-
22 INTEREST:

23 PLEASE TAKE NOTICE that on November 19, 2007, at 1:30 p.m., in
24 Courtroom 16 of the U.S. District Court for the Central District of California,
25 located at 312 North Spring Street, Los Angeles, CA 90012, the Court-appointed
26 Receiver Robb Evans (the "Receiver") will bring on for hearing a Motion for
27 Instructions Seeking Permission to Produce Documents For Inspection and
28

07 OCT 26 PM 3:47
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

FILED

1 Copying Pursuant to Subpoena Related to D.W. Heath & Associates (“Motion”),
2 pursuant to a subpoena issued in the class action complaint filed by certain
3 investors against Fiserv Trust Company, Case No. CV05-03124 ABC (CTx) (the
4 “Jenson Action”). The documents to be produced consist of customer files and
5 other documents which may contain private and confidential information about
6 investors, including addresses and social security numbers, and over 200 boxes of
7 documents and files which potentially contain limited amounts of attorney-client
8 communications constituting communications between Daniel Heath and his
9 counsel and/or Larre Jaye Schlarmann and his counsel. However, documents
10 would be produced pursuant to a Protective Order and Confidentiality Order,
11 whereby disclosure of personal information will be limited to the parties in the
12 Jenson Action, their attorneys and their agents, the information will not be publicly
13 disseminated, and all personal information will be returned to the Receiver or
14 destroyed within 30 days of the resolution of the Jenson Action.

15 PLEASE TAKE FURTHER NOTICE that the Motion is posted on the
16 Receiver’s website at www.heath-receiver.com, where it may be viewed in its
17 entirety. Copies of this Motion will be provided to any interested party upon
18 receipt of a written request which may be sent to: Robb Evans & Associates LLC,
19 11450 Sheldon Street, Sun Valley, California 91352-1121, facsimile number (818)
20 768-8802.

21
22 DATED: October 26, 2007

McKENNA LONG & ALDRIDGE LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

23
24
25 By:



26 GARY OWEN CARIS
27 Attorneys for Permanent Receiver,
28 ROBB EVANS