

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 Order Approving and Authorizing
Payment of Receiver's and Professionals' Fees and Expenses
[September 1, 2007 Through February 29, 2008]

Filed May 8, 2008

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 SECURITIES AND EXCHANGE
COMMISSION,

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Plaintiff,

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v.

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

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Defendants.

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CASE NO. CV 04-02949 JFW (Ex)

**NOTICE HEARING ON MOTION
FOR ORDER APPROVING AND
AUTHORIZING PAYMENT OF
RECEIVER'S AND
PROFESSIONALS' FEES AND
EXPENSES [SEPTEMBER 1, 2007
THROUGH FEBRUARY 29, 2008]**

DATE: June 2, 2008
TIME: 1:30 p.m.
DEPT.: Courtroom 16

1 PLEASE TAKE NOTICE that on June 2, 2008 at 1:30 p.m. or as soon
2 thereafter as counsel may be heard in Courtroom 16 of the above-entitled Court,
3 located at 312 N. Spring Street, Los Angeles, California, Robb Evans as permanent
4 receiver of D.W. Heath & Associates, Inc., Private Capital Management, Inc.,
5 Private Collateral Management, Inc. and PCM Fixed Income Fund I, LLC and their
6 subsidiaries and affiliates (collectively, the "Heath Receivership Defendants") and
7 as Receiver over the Schlarmann Interests ("Receiver"), will and does hereby move
8 the Court for an order approving and authorizing the payment of the fees and
9 expenses of the Receiver, the Receiver's staff, and the Receiver's counsel for the
10 six-month period from September 1, 2007 through February 29, 2008 ("Ninth
11 Expense Period"), including payment of the fees of the Receiver, the Receiver's
12 deputies, agents, staff and professionals, and reimbursement of costs incurred
13 during the Ninth Expense Period. The fees of the Receiver and his staff incurred
14 during the Ninth Expense Period total \$44,688.62 and expenses total \$12,807.54,
15 for total Receiver's fees and expenses of \$57,496.16 during the Ninth Expense
16 Period. The Receiver's legal fees and expenses, including those of outside
17 attorneys and fees of the Receiver's in-house counsel, Linda Candler, incurred
18 during the Ninth Expense Period total \$60,343.09.

19 PLEASE TAKE FURTHER NOTICE that the motion is made pursuant
20 to Local Rule 66-7(f), and is based upon the notice of motion and motion, this
21 separate notice of hearing on the motion served pursuant to the Court's prior order
22 limiting notice in the matter,¹ the memorandum of points and authorities and
23 declarations of Robb Evans and Gary Owen Caris, the Appendix of Exhibits filed
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26 ¹ Order: (1) Approving Receiver's Report for the Period July 12, 2004 through
27 December 31, 2004; (2) Approving Receiver's Proposed Claims Filing and
28 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 ("Limited Notice Order").

1 with the motion, and upon such other pleadings and oral and documentary evidence
2 as may be presented at or before the time of hearing.

3 PLEASE TAKE FURTHER NOTICE that notice of the notice of hearing and
4 motion are served in accordance with the Limited Notice Order. Pursuant to the
5 Limited Notice Order, this notice of hearing and the notice of motion and motion,
6 the memorandum of points and authorities and declarations of Robb Evans and
7 Gary Owen Caris in support of the Motion, without the Appendix of Exhibits and
8 the voluminous exhibits attached thereto, are posted on the Receiver's website at
9 www.heath-receiver.com, where they may be viewed by any interested party.

10 Copies of the complete motion papers will be provided to any interested party upon
11 receipt of a written request, which may be sent to: Robb Evans & Associates LLC,
12 11450 Sheldon Street, Sun Valley, CA 91352-1121, Facsimile No. (818) 768-8802,
13 attention Cherrie Eustaquio.

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15 Dated: May 8, 2008

Respectfully submitted,

MCKENNA LONG & ALDRIDGE LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

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19 By: /s/ Gary Owen Caris
20 Gary Owen Caris

21 Attorney for Permanent Receiver,
22 **ROBB EVANS**
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