

1 JOSE F. SANCHEZ, Cal. Bar No. 161362
LISA A. GOK, Cal. Bar No. 147660
2 J. CINDY ESON, Cal. Bar No. 219782
ROBERTO A. TERCERO, Cal. Bar No. 143760
3 DAVID S. BROWN, Cal. Bar No. 134569
CAMMY C. DUPONT, Cal. Bar No. 176660

4 Attorneys for Plaintiff
5 Securities and Exchange Commission
Randall R. Lee, Regional Director
6 Sandra J. Harris, Associate Regional Director
5670 Wilshire Boulevard, 11th Floor
7 Los Angeles, California 90036-3648
Telephone: (323) 965-3998
8 Facsimile: (323) 965-3908

FILED
CLERK, U.S. DISTRICT COURT
APR 29 2004
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

Priority
and
er
osed
S-5/JS-6
3-2/JS-3
can Only

9
10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 EASTERN DIVISION

13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 vs.

17 D.W. HEATH & ASSOCIATES, INC.;
PCM FIXED INCOME FUND I, LLC;
18 PRIVATE CAPITAL MANAGEMENT,
INC.; PRIVATE COLLATERAL
19 MANAGEMENT, INC.; DANIEL
WILLIAM HEATH; AND DENIS
20 TIMOTHY O'BRIEN,

21 Defendants.

Case No. CV 04-2949-JFW (Ex)

ORDER SETTING HEARING ON
PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION'S
APPLICATION FOR A
TEMPORARY RECEIVER

DOCKETED ON CM
MAY - 6 2004
BY MM 005

22
23 This matter came to be heard on April 29, 2004, upon Plaintiff Securities
24 and Exchange Commission's ("Commission") *Ex Parte* Application For A
25 Temporary Restraining Order and Orders: (1) Freezing Assets; (2) Appointing a
26 Temporary Receiver; (3) Granting Expedited Discovery; (4) Prohibiting The
27 Destruction Of Documents, (5) Requiring Accountings; And Order To Show
28 Cause Re Preliminary Injunction And Appointment Of A Permanent Receiver (the

1 "Application"). The Court granted a temporary restraining order, orders freezing
2 assets, prohibiting the destruction of documents, authorizing expedited discovery,
3 and requiring accountings, and order to show cause why a preliminary injunction
4 should not issue. The Court denied the Commission's request for a temporary
5 receiver.


6 The Court set a hearing on the Commission's application for a temporary
7 receiver for Monday, May 3, 2004, at 1:30 p.m. Defendants shall appear before
8 the Honorable John F. Walter, Judge of the United States District Court for the
9 Central District of California, Courtroom 16, 312 N. Spring Street, Los Angeles,
10 California.

11 The Commission shall provide notice of this order to defendants on Friday,
12 April 30, 2004. All declarations, affidavits, points and authorities, complaint, and
13 other submissions in support of the Commission's application for a temporary
14 receiver shall also be served on defendants concurrently with this order.

15 Defendants shall file a written response to the Commission's request for a
16 temporary receiver by Monday, May 3, 2004, at 10:00, with a courtesy copy
17 delivered to the Court's chambers and faxed to the Commission at 323-965-3908
18 to the attention of Jose F. Sanchez.

19 IT IS SO ORDERED.

20
21 APR 29 2004

22 
23 _____
24 UNITED STATES DISTRICT JUDGE
25
26
27
28