

1 JOSE F. SANCHEZ, Cal. Bar No. 161362
2 J. CINDY ESON, Cal. Bar No. 219782
3 DAVID S. BROWN, Cal. Bar No. 134569
4 CAMMY C. DUPONT, Cal. Bar No. 176660

5 Attorneys for Plaintiff
6 Securities and Exchange Commission
7 Randall R. Lee, Regional Director
8 Sandra J. Harris, Associate Regional Director
9 5670 Wilshire Boulevard, 11th Floor
10 Los Angeles, California 90036-3648
11 Telephone: (323) 965-3998
12 Facsimile: (323) 965-3908

Priority
Send
Enter
Closed
JS-5/JS-6
JS-2/JS-3
Scan Only

FILED
CLERK, U.S. DISTRICT COURT
MAY 6 2004
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16 **SECURITIES AND EXCHANGE**
17 **COMMISSION,**

18 Plaintiff,

19 vs.

20 **D.W. HEATH & ASSOCIATES, INC.;**
21 **PCM FIXED INCOME FUND I, LLC;**
22 **PRIVATE CAPITAL MANAGEMENT,**
23 **INC.; PRIVATE COLLATERAL**
24 **MANAGEMENT, INC.; DANIEL**
25 **WILLIAM HEATH; AND DENIS**
26 **TIMOTHY O'BRIEN,**

27 Defendants.

Case No. CV 04-02949 JFW (Ex)

STIPULATION AND
[PROPOSED] PRELIMINARY
INJUNCTION AND ORDERS:
(1) FREEZING ASSETS;
(2) PROHIBITING THE
DESTRUCTION OF
DOCUMENTS; (3) REQUIRING
ACCOUNTINGS; (4) GRANTING
EXPEDITED DISCOVERY; AND
ORDER TO SHOW CAUSE RE
APPOINTMENT OF A
PERMANENT RECEIVER

28 **STIPULATION**

Plaintiff Securities and Exchange Commission ("Commission") and
Defendants Daniel William Heath ("Heath"), Denis Timothy O'Brien ("O'Brien"),
D.W. Heath & Associates, Inc. ("Heath & Associates"), Private Capital
Management, Inc. ("PCM"), Private Collateral Management, Inc. ("Private
Collateral Management"), and the PCM Fixed Income Fund I, LLC (the "PCM
Fund") ("defendants"), by and through their counsel, stipulate and agree as

DOCKETED ON CM

MAY - 7 2004

28

RECEIVED

RECEIVED
CENTRAL DISTRICT OF CALIF.
MAY 10 2004

SECRET

1 follows:

2 A. This Court has jurisdiction over the parties to, and the subject matter of, this
3 action.

4 B. The Commission filed an *Ex Parte* Application For A Temporary
5 Restraining Order and Orders: (1) Freezing Assets; (2) Appointing a
6 Temporary Receiver; (3) Granting Expedited Discovery; (4) Prohibiting The
7 Destruction Of Documents, (5) Requiring Accountings; And Order To
8 Show Cause Re Preliminary Injunction And Appointment Of A Permanent
9 Receiver (the "Application").

10 C. On April 29, 2004, the Court granted a temporary restraining order and
11 orders freezing assets, prohibiting the destruction of documents, authorizing
12 expedited discovery, and requiring accountings, and ordered to show cause
13 why a preliminary injunction should not issue and receiver not appointed
14 (the "April 29, 2004 TRO Order"), and denied the Commission's request for
15 a temporary receiver.

16 D. As part of its April 29, 2004 TRO Order, the Court found that: (1) good
17 cause exists to believe that defendants Heath, O'Brien, Heath & Associates,
18 PCM, Private Collateral Management, the PCM Fund, and each of them
19 have engaged in, are engaging in, and are about to engage in transactions,
20 acts, practices and courses of business which constitute violations of
21 Sections 5(a) and 5(c) of the Securities Act of 1933 ("Securities Act"), 15
22 U.S.C. §§ 77e(a), 77e(c), Section 17(a) of the Securities Act, 15 U.S.C. §
23 77q(a), and Section 10(b) of the Securities Exchange Act of 1934
24 ("Exchange Act"), 15 U.S.C. § 78j(b) and Rule 10b-5 thereunder, 17 C.F.R.
25 § 240.10b-5; (2) the Commission has demonstrated a probability of success
26 on the merits and the possibility of dissipation of assets in this case; and (3)
27 it is appropriate and the interests of justice require that the Commission's
28 Application be granted without notice to defendants as the Commission has

1 certified in writing pursuant to Local Rule 7-19.2 the reasons supporting its
2 claim that notice should not be required, and it appears from specific facts
3 shown by the declarations and other supporting evidence filed by the
4 Commission that immediate and irreparable injury, loss, or damage will
5 result if notice to the defendants is given.

6 E. The Court set a hearing on the Commission's application for a temporary
7 receiver for May 3, 2004, at 1:30 p.m., and a hearing on the Court's OSC re
8 issuing a preliminary injunction and appointing a receiver for May 10, 2004,
9 at 1:30 p.m.

10 F. The Court held a hearing on the appointment of a temporary receiver on
11 May 3, 2004.

12 G. Defendants did not oppose, and submitted a stipulation consenting to, the
13 appointment of a temporary receiver over Heath & Associates, PCM,
14 Private Collateral Management, and the PCM Fund.

15 H. At the May 3, 2004 hearing, the Court ordered the appointment of Robb
16 Evans as temporary receiver over Heath & Associates, PCM, Private
17 Collateral Management, and the PCM Fund until further order of this Court;

18 I. At the May 3, 2004 hearing, the Court also ordered the parties and their
19 counsel to meet and confer about the possibility of defendants' consenting
20 to the preliminary injunction sought by the Commission;

21 J. Defendants do not oppose the Commission's request for a preliminary
22 injunction.

23 K. Defendant Heath, however, is not prepared at this time to consent to the
24 appointment of a permanent receiver and wants to give the temporary
25 receiver until May 14, 2004, to complete his preliminary investigation and
26 file a preliminary status report with the Court;

27 L. Defendant O'Brien is prepared to consent to the appointment of a permanent
28 receiver at this time;

SCANNED

1 M. The parties request that the Court set a hearing on the appointment of a
2 permanent receiver for Monday, May 17, at 1:30 p.m. in the event
3 Defendant Heath is unable to stipulate to such appointment;

4 N. The parties agree that expedited discovery will be necessary in the event
5 that Heath does not stipulate to the appointment of a permanent receiver and
6 the parties need to prepare for the a hearing on the appointment of a
7 permanent receiver in this case; and

8 O. Accordingly, each of the defendants consent to the following order:

9 **ORDER**

10 The Court, having considered the Commission's Complaint, its Application,
11 the Memorandum Of Points And Authorities, the Declarations and other
12 documents filed in support of the Application and all other evidence and argument
13 presented regarding the Application, and finding that the Commission has
14 demonstrated a probability of success on the merits and a possibility of dissipation
15 of assets in this case, and the defendants having consented to this order, without
16 admitting or denying the allegations in the Commission's Complaint, and without
17 waiver of any of defendants' rights and privileges, including without limitation,
18 the Fifth Amendment Privilege against self-incrimination, IT IS HEREBY
19 ORDERED, for good cause shown, as follows:

20 **I.**

21 IT IS ORDERED that the Commission's request for a preliminary
22 injunction and orders: (1) freezing assets; (2) prohibiting the destruction of
23 documents, and (3) requiring accountings is hereby GRANTED.

24 **II.**

25 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &
26 Associates, PCM, Private Collateral Management, and PCM Fund, and their
27 officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and
28 those persons in active concert or participation with any of them, who receive

SCANNED

1 actual notice of this Order, by personal service or otherwise, and each of them, be
2 and hereby are preliminarily restrained and enjoined from, directly or indirectly,
3 making use of any means or instruments of transportation or communication in
4 interstate commerce or of the mails, to sell, to offer to sell, or to offer to buy any
5 security, or carrying or causing securities to be carried through the mails or in
6 interstate commerce, by any means or instruments of transportation, for the
7 purpose of sale or delivery after sale, in violation of Sections 5(a) and 5(c) of the
8 Securities Act, 15 U.S.C. §§ 77(e)(a) and 77(e)(c).

9 **III.**

10 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &
11 Associates, PCM, Private Collateral Management, and PCM Fund, and their
12 officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and
13 those persons in active concert or participation with any of them, who receive
14 actual notice of this Order, by personal service or otherwise, and each of them, be
15 and hereby are preliminarily restrained and enjoined from, directly or indirectly, in
16 the offer or sale of any securities, by the use of any means or instruments of
17 transportation or communication in interstate commerce or by use of the mails:

- 18 A. employing any device, scheme or artifice to defraud;
19 B. obtaining money or property by means of any untrue statement of a
20 material fact or any omission to state a material fact necessary in
21 order to make the statements made, in light of the circumstances
22 under which they were made, not misleading; or
23 C. engaging in any transaction, practice, or course of business which
24 operates or would operate as a fraud or deceit upon the purchaser
25 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

26 **IV.**

27 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &
28 Associates, PCM, Private Collateral Management, PCM Fund, and their officers,

FILED
SCANNED

1 agents, servants, employees, attorneys, subsidiaries and affiliates, and those
2 persons in active concert or participation with any of them who receive actual
3 notice of this Order, by personal service or otherwise, and each of them, be and
4 hereby are preliminarily restrained and enjoined from, directly or indirectly, in
5 connection with the purchase or sale of any security, by the use of any means or
6 instrumentality of interstate commerce, or of the mails, or of any facility of any
7 national securities exchange:

- 8 A. employing any device, scheme, or artifice to defraud;
- 9 B. making any untrue statement of a material fact or omitting to state a
10 material fact necessary in order to make the statements made, in the
11 light of the circumstances under which they were made, not
12 misleading; or
- 13 C. engaging in any act, practice, or course of business which operates or
14 would operate as a fraud or deceit upon any person

15 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule
16 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

17 V.

18 IT IS FURTHER ORDERED that, except as otherwise ordered by this
19 Court, defendants Heath, O'Brien, Heath & Associates, PCM, Private Collateral
20 Management, PCM Fund, and their officers, agents, servants, employees,
21 attorneys, subsidiaries and affiliates, and those persons in active concert or
22 participation with any of them, who receive actual notice of this Order, by
23 personal service or otherwise, and each of them, be and hereby are preliminarily
24 restrained and enjoined from, directly or indirectly, transferring, assigning, selling,
25 hypothecating, changing, wasting, dissipating, converting, concealing,
26 encumbering, or otherwise disposing of, in any manner, any funds, assets,
27 securities, claims, or other real or personal property, including any notes or deeds
28 of trust or other interests in real property, wherever located, of defendants Heath,

SCANNED

1 Heath & Associates, PCM, Private Collateral Management, PCM Fund, and their
2 subsidiaries and affiliates, whether owned by, controlled by, managed by or in the
3 possession or custody of any of them and from transferring, encumbering,
4 dissipating, incurring charges or cash advances on any debit or credit card or the
5 credit arrangement, of defendants Heath, Heath & Associates, PCM, Private
6 Collateral Management, or PCM Fund.

7 **VI.**

8 IT IS FURTHER ORDERED that, except as otherwise ordered by this
9 Court, an immediate freeze shall be placed on all monies and assets (with an
10 allowance for necessary and reasonable living expenses to be granted only upon
11 good cause shown by application to the Court with notice to and an opportunity
12 for the Commission to be heard) in all accounts at any bank, financial institution
13 or brokerage firm, all certificates of deposit, and other funds or assets, such as
14 personal or real property, held in the name of, for the benefit of, or over which
15 account authority is held by Heath, Heath & Associates, PCM, Private Collateral
16 Management, PCM Fund, Heath, or any trust, partnership, joint venture, person or
17 entity affiliated with them (including subsidiaries), including but not limited to (1)
18 40616 Village Drive, Big Bear Lake, CA 92315; (2) 15845 Berkeley Drive, Chino
19 Hills, CA 91709, (3) 201 N Eureka Drive, Big Bear Lake, CA 92315 and (4) the
20 following accounts:

Financial Institution	Account Name	Account Number
Bank of America	Private Capital Management, Inc. Disbursement Account	1202102320
Bank of America	Private Capital Management, Inc. Disbursement Account	1202807522

Financial Institution	Account Name	Account Number
Bank of America	Private Capital Management, Inc. Executive Account	1202412870
Bank of America	D. W. Heath & Associates, Inc. General Account	09525-02188
T.D. Waterhouse	Daniel W. Heath	593-90769-1-4

SCANNED

VII.

IT IS FURTHER ORDERED that representatives of the Commission are authorized to have continuing access to inspect or copy any or all of the corporate books and records and other documents of Heath & Associates, PCM, Private Collateral Management, and PCM Fund and their subsidiaries and affiliates and continuing access to inspect their funds, property, assets and collateral, wherever located.

VIII.

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, defendants Heath, O'Brien, Heath & Associates, PCM, Private Collateral Management, and PCM Fund, and their officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those persons in active concert or participation with any of them, who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are preliminarily restrained and enjoined from, directly or indirectly: destroying, mutilating, concealing, transferring, altering, or otherwise disposing of, in any manner, any documents, which includes all books, records, computer programs, computer files, computer printouts, contracts, correspondence, memoranda, brochures, or any other documents of any kind in their possession, custody or control, however created, produced, or stored (manually, mechanically, electronically, or otherwise),

SCANNED

1 pertaining in any manner to Heath & Associates, PCM, Private Collateral
2 Management, or PCM Fund.

3 **IX.**

4 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &
5 Associates, PCM, Private Collateral Management, and PCM Fund shall within
6 fifteen days of the date of issuance of this Order, prepare and deliver to the
7 Commission a detailed and complete schedule of all assets of Heath, O'Brien,
8 Heath & Associates, PCM, Private Collateral Management, and PCM Fund,
9 including all real and personal property exceeding \$5,000 in value, and all bank,
10 securities, futures and other accounts identified by institution, branch address and
11 account number. The accountings shall include a description of the source(s) of
12 all such assets. Such accountings shall be filed with the Court and copies shall be
13 delivered to the attention of Jose Sanchez, Senior Trial Counsel, at the
14 Commission's Pacific Regional Office located at 5670 Wilshire Boulevard, 11th
15 Floor, Los Angeles, California 90036. After completion of the accountings,
16 Heath, O'Brien, Heath & Associates, PCM, Private Collateral Management, and
17 PCM Fund shall produce to the Commission's Pacific Regional Office, at a time
18 agreeable to the Commission, all books, records and other documents supporting
19 or underlying the accountings.

20 **X.**

21 IT IS FURTHER ORDERED that at 1:30 p.m. on May 17, 2004, or as soon
22 thereafter as the parties can be heard, the defendants, and each of them, shall
23 appear before the Honorable John F. Walter, to show cause, if there be any, why a
24 permanent receiver shall not be appointed over Heath & Associates, PCM, Private
25 Collateral Management, PCM Fund, and their subsidiaries and affiliates, with full
26 powers of an equity receiver. Any declarations, affidavits, points and authorities,
27 or other submissions in support of, or in opposition to, the issuance of an order
28 appointing Robb Evans as permanent receiver in this case shall be filed with the

SCANNED

1 Court and delivered to the Commission's Pacific Regional Office and the offices
2 of the Defendants and/or their attorneys no later than 12 p.m. on May 11, 2004.
3 Any reply papers shall be filed with the Court and delivered to opposing counsel
4 no later than 12 p.m. on May 13, 2004. Service of all such papers shall be made
5 by facsimile or personal service.

6 **XI.**

7 IT IS FURTHER ORDERED that, for purposes of preparing for the hearing
8 on the appointment of the permanent receiver, and upon entry of this Order, the
9 parties may take depositions upon oral examination and obtain document
10 production from parties and non-parties subject to two (2) business days notice.
11 Service of all expedited discovery requests shall be proper if made upon the
12 parties by facsimile or overnight courier. The times applicable to discovery under
13 the Federal Rules of Civil Procedure shall govern after the hearing on the
14 appointment of a permanent receiver.

15 **XII.**

16 IT IS FURTHER ORDERED that this Court shall retain jurisdiction over
17 this action for the purpose of implementing and carrying out the terms of all orders

18 /
19 /
20 /
21 /
22 /
23 /
24 /
25 /
26 /
27 /
28 /

SCANNED

1 and clerks which may be entered herein and to enter any suitable application,
2 or motion for additional relief within the jurisdiction of this Court.

3 **SO AGREED AND STIPULATED:**

4 DATED: 5-5, 2004


JOSE F. SANCHEZ
Attorney for Plaintiff
Securities and Exchange Commission

6 DATED: _____, 2004

Defendant Daniel William Heath

8 DATED: 5-5, 2004


Defendant Denis Timothy O'Brien

10 DATED: _____, 2004

Defendant D.W. Heath & Associates, Inc.
By: Daniel William Heath
Its: _____

12 DATED: _____, 2004

Defendant Private Capital Management, Inc.
By: Daniel William Heath
Its: _____

14 DATED: _____, 2004

Defendant PCM Fixed Income Fund I, LLC
By: Daniel William Heath
Its: _____

17 DATED: _____, 2004

Private Collateral Management, Inc.
By: Daniel William Heath
Its: _____

19 **IT IS SO ORDERED.**

20 DATED: 5/6/03, 2004


The Honorable John F. Walter
UNITED STATES DISTRICT JUDGE

23 Approved as to form and content:

24 DATED: _____, 2004

David Bortman
Attorney for Defendant Daniel William Heath

26 DATED: 5/5, 2004


Steven L. Krongold / Thomas H. Biernacki, Jr.
Attorney for Defendant Denis Timothy O'Brien

SCANNED

1 and decrees which may be entered herein and to entertain any suitable application
2 or motion for additional relief within the jurisdiction of this Court.

3 SO AGREED AND STIPULATED:

4 DATED: 5-7, 2004

JOSE F. SANCHEZ
Attorney for Plaintiff
Securities and Exchange Commission

6 DATED: 5-7-, 2004

Daniel William Heath
Defendant Daniel William Heath

8 DATED: 5-7-, 2004

Defendant Denis Timothy O'Brien

10 DATED: 5-7-, 2004

Daniel William Heath
Defendant D.W. Heath & Associates, Inc.
By: Daniel William Heath
Its: CEO

12 DATED: 5-7-, 2004

Daniel William Heath
Defendant Private Capital Management, Inc.
By: Daniel William Heath
Its: CEO

14 DATED: 5-7-, 2004

Daniel William Heath
Defendant PCM Fixed Income Fund I, LLC
By: Daniel William Heath
Its: Mgr.

17 DATED: 5-7-, 2004

Daniel William Heath
Private Collateral Management, Inc.
By: Daniel William Heath
Its: CEO

19 IT IS SO ORDERED.

21 DATED: _____, 2004

The Honorable John F. Walter
UNITED STATES DISTRICT JUDGE

23 Approved as to form and content:

24 DATED: _____, 2004

David Bortman
Attorney for Defendant Daniel William Heath

27 DATED: _____, 2004

Steven L. Krongold
Attorney for Defendant Denis Timothy O'Brien

SCANNED

1 and decrees which may be entered herein and to entertain any suitable application
2 or motion for additional relief within the jurisdiction of this Court.

3 SO AGREED AND STIPULATED:

4 DATED: _____, 2004

JOSE F. SANCHEZ
Attorney for Plaintiff
Securities and Exchange Commission

6 DATED: _____, 2004

Defendant Daniel William Heath

8 DATED: _____, 2004

Defendant Denis Timothy O'Brien

10 DATED: _____, 2004

Defendant D.W. Heath & Associates, Inc.
By: Daniel William Heath
Its: _____

12 DATED: _____, 2004

Defendant Private Capital Management, Inc.
By: Daniel William Heath
Its: _____

14 DATED: _____, 2004

Defendant PCM Fixed Income Fund I, LLC
By: Daniel William Heath
Its: _____

17 DATED: _____, 2004

Private Collateral Management, Inc.
By: Daniel William Heath
Its: _____

19 IT IS SO ORDERED.

21 DATED: _____, 2004

The Honorable John F. Walter
UNITED STATES DISTRICT JUDGE

23 Approved as to form and content:

24 DATED: May 5, 2004

David Bortman
David Bortman
Attorney for Defendant Daniel William Heath

27 DATED: _____, 2004

Steven L. Krongold
Attorney for Defendant Denis Timothy O'Brien

1 **PROOF OF SERVICE**

2 I am over the age of 18 years and not a party to this action. My business address
3 is:

4 U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire
Boulevard, 11th Floor, Los Angeles, California 90036.

5 Telephone: (323) 965-3998 Fax: (323) 965-3908

6 On May 5, 2004, I served the document entitled **STIPULATION AND**
7 **[PROPOSED] PRELIMINARY INJUNCTION AND ORDERS: (1)**
8 **FREEZING ASSETS; (2) PROHIBITING THE DESTRUCTION OF**
9 **DOCUMENTS; (3) REQUIRING ACCOUNTINGS; (4) GRANTING**
EXPEDITED DISCOVERY; AND ORDER TO SHOW CAUSE RE
APPOINTMENT OF A PERMANENT RECEIVER upon the parties to this
action addressed as stated on the attached service list:

10 **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for
11 collection and mailing today following ordinary business practices. I am
12 readily familiar with this agency's practice for collection and processing of
correspondence for mailing; such correspondence would be deposited with
the U.S. Postal Service on the same day in the ordinary course of business.

13 **PERSONAL DEPOSIT IN MAIL:** By placing in sealed
14 envelope(s), which I personally deposited with the U.S. Postal
15 Service. Each such envelope was deposited with the U.S. Postal
Service at Los Angeles, California, with first class postage thereon
fully prepaid.

16 **EXPRESS U.S. MAIL:** Each such envelope was deposited in a
17 facility regularly maintained at the U.S. Postal Service for receipt of
Express Mail at Los Angeles, California, with Express Mail postage
18 paid.

19 **PERSONAL SERVICE:** I caused to be personally delivered each such
envelope by hand to the office of the addressee in the attached service list.

20 **FEDERAL EXPRESS:** By placing in sealed envelope(s) designated by
21 Federal Express with delivery fees paid or provided for, which I deposited
in a facility regularly maintained by Federal Express or delivered to a
Federal Express courier, at Los Angeles, California.

22 **FACSIMILE (by agreement of parties only):** By transmitting the
23 document by facsimile transmission. The transmission was reported as
complete and without error.

24 **(Federal)** I declare that I am employed in the office of a member of the bar
25 of this Court, at whose direction the service was made. I declare under
26 penalty of perjury that the foregoing is true and correct

27 Date: May 5, 2004

28 *Magnolia M. Marcelo*
MAGNOLIA M. MARCELO

SCANNED

1 **SEC v. D.W. HEATH & ASSOCIATES, INC., et al.**
2 **United States District Court - Central District of California**
3 **Case No. CV 04-02949 JFW (Ex)**
 (LA-2581)

SCANNED

4 SERVICE LIST

5 **David Bortman, Esq. (also served by facsimile)**
6 **Law Offices of David Bortman**
7 **433 N. Camden Drive, Suite 600**
8 **Beverly Hills, CA 90210**
9 **Telephone: (310) 288-1980**
 Facsimile: (310) 288-1981
 Attorney for Defendant Daniel William Heath

10 **Donald G. Davis, Esq. (also served by facsimile)**
11 **Davis & Associates**
12 **P.O. Box 12009**
13 **Marina del Rey, CA 90295**
 Facsimile: (310) 301-3370
 Attorney for Defendant Daniel William Heath

14 **Thomas H. Bienert, Jr., Esq. (also served by facsimile)**
15 **Steven L. Krongold, Esq.**
16 **Bienert & Krongold**
17 **107 Avenida Miramar, Suite B**
18 **San Clemente, CA 92672**
 Telephone: (949) 369-3700
 Facsimile: (949) 496-6753
 Attorney for Defendant Denis Timothy O'Brien

19 **Robb Evans, Receiver**
20 **Robb Evans & Associates**
21 **11450 Sheldon Street**
22 **Sun Valley, CA 91352-1121**
 Facsimile: (818) 768-8802
 Court-Appointed Temporary Receiver