

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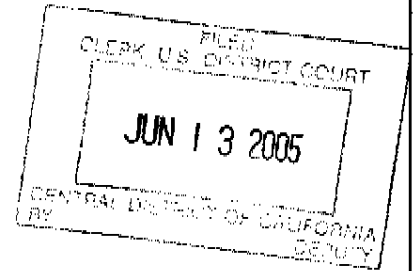
**Securities and Exchange Commission v. D. W. Heath & Associates Inc., et al.**  
**CASE No. CV-04-02949 JFW (Ex)**

**Order Granting Motion to Approve Settlement Agreement and Release  
with Thomas A. Johnson and the Alderwood Group, LLC**

**Filed June 13, 2005**

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7 ROBB EVANS



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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

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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)

**[PROPOSED] ORDER GRANTING  
MOTION TO APPROVE  
SETTLEMENT AGREEMENT AND  
RELEASE WITH THOMAS A.  
JOHNSON AND THE  
ALDERWOOD GROUP, LLC**

DATE: June 13, 2005  
TIME: 1:30 p.m.  
PLACE: Courtroom 16  
312 N. Spring Street  
Los Angeles, CA

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21 The matter of the Motion to Approve Settlement Agreement and Release with  
22 Thomas A. Johnson and The Alderwood Group, LLC ("Motion") filed by Robb  
23 Evans as permanent receiver ("Receiver") of D.W. Heath & Associates, Inc., Private  
24 Capital Management, Inc., Private Collateral Management, Inc. and PCM Fixed  
25 Income Fund I, LLC and their subsidiaries and affiliates (collectively the  
26 "Receivership Defendants") came on regularly for hearing at the above-referenced  
27 date, time and place before the Honorable John F. Walter, United States District  
28 Judge presiding. Appearances at the hearing were as noted in the record. The

1 Court having reviewed and considered the moving papers, and no opposition to the  
2 Motion having been filed despite due and proper notice to the interested parties in  
3 the case and the receivership proceeding, and having heard the arguments of  
4 counsel, and good cause appearing therefor,

5 IT IS ORDERED that:

- 6 1. The Motion and the relief sought therein is granted; and  
7 2. Without limiting the generality of the foregoing, the Settlement  
8 Agreement and Release by and among the Receiver, on one hand, and Thomas A.  
9 Johnson ("Johnson") and The Alderwood Group, LLC ("Alderwood"), on the other  
10 (the "Settlement Agreement"), a true and correct copy of which is attached to the  
11 declaration of Kenton Johnson as Exhibit 2 filed in support of the Motion, is hereby  
12 approved in its entirety.

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14 Dated: 6/13/08

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JOHN F. WALTER  
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JOHN F. WALTER, United States  
District Judge

FRANDZEL ROBINS BLOOM & CSATO, L.C.  
6500 WILSHIRE BOULEVARD, 17TH FLOOR  
LOS ANGELES, CALIFORNIA 90048-4920  
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**PROOF OF SERVICE**

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of FRANDZEL ROBINS BLOOM & CSATO, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 6500 Wilshire Boulevard, Seventeenth Floor, Los Angeles, California 90048-4920.

On June 13, 2005, I served true copy(ies) of the **[PROPOSED] ORDER GRANTING MOTION TO APPROVE SETTLEMENT AGREEMENT AND RELEASE WITH THOMAS A. JOHNSON AND THE ALDERWOOD GROUP, LLC**, the original(s) of which is(are) affixed hereto, to the party(ies) listed on the attached service list.

- BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such document(s) were placed in envelopes addressed to the person(s) served hereunder for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.
- BY FACSIMILE:** At approximately \_\_\_\_\_, I caused said document(s) to be transmitted by facsimile. The telephone number of the sending facsimile machine was (323) 651-2577. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.
- BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) served hereunder.
- BY EXPRESS MAIL:** I deposited such document(s) in a box or other facility regularly maintained by the United States Postal Service, in an envelope or package designated by the United States Postal Service with delivery fees paid or provided for, addressed to the person(s) served hereunder.
- BY PERSONAL SERVICE:** I personally delivered such document(s) to the person(s) served hereunder.

I certify under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on June 13, 2005, at Los Angeles, California.

  
HELEN SCHWARTZ

**SERVICE LIST**

Securities and Exchange Commission v. D.W. Heath & Associates, Inc., et al.  
U.S.D.C. Case No. CV 04-02949

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