

ROBB EVANS & ASSOCIATES LLC

Receiver of

**High Park Investment Group, Inc. and
Harbor Financial Investment Group, Inc., et al.**

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**Securities and Exchange Commission v. High Park Investment Group, Inc., et al.
CASE No. SACV 05-1090 CJC (MLGx)**

**Ex Parte Application for Order Shortening Time for Filing and
Hearing on Motion for Order for: (A) Approval of Pre-Bankruptcy
Receiver's and Attorneys' Fees and Expenses; and (B) for Approval
of Temporary Receiver's Report and Pre-Bankruptcy Final Report
and Accounting; Declaration of Gary Owen Caris in Support
Thereof**

Dated June 30, 2006

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ROBB EVANS & ASSOCIATES LLC
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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SOUTHERN DIVISION**

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12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 v.

15 HIGH PARK INVESTMENT GROUP,
16 INC., a Nevada corporation, HARBOR
FINANCIAL INVESTMENT GROUP,
17 INC., a Nevada corporation, EDWARD
R. SHOWALTER,

18 Defendants.
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CASE NO. SACV 05-1090 CJC
(MLGx)

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME FOR
FILING AND HEARING ON
MOTION FOR ORDER FOR: (A)
APPROVAL AND PAYMENT OF
PRE-BANKRUPTCY RECEIVER'S
AND ATTORNEYS' FEES AND
EXPENSES; AND (B) FOR
APPROVAL OF TEMPORARY
RECEIVER'S REPORT AND PRE-
BANKRUPTCY FINAL REPORT
AND ACCOUNTING;
DECLARATION OF GARY OWEN
CARIS IN SUPPORT THEREOF**

**[NO HEARING DATE SET ON EX
PARTE APPLICATION]**

1 Robb Evans & Associates LLC as Permanent Receiver (“Receiver”) of High
2 Park Investment Group, Inc., Harbor Financial Investment Group, Inc. and their
3 subsidiaries and affiliates (“Receivership Entities”) hereby presents this ex parte
4 application for an order shortening time for hearing on the Receiver’s Motion for
5 Order for: (A) Approval and Payment of Receiver’s and Attorneys’ Pre-Bankruptcy
6 Fees and Expenses; and (B) Approval of Temporary Receiver’s Report and
7 Receiver’s Pre-Bankruptcy Final Report and Accounting (“Receiver’s Wind Up
8 Motion”) filed concurrently herewith. The Receiver specifically seeks an order that
9 the Receiver’s Wind Up Motion be heard no later than July 17, 2006, which is less
10 than the full 24-days notice provided under Local Civil Rule 7, that opposition, if
11 any, to the Motion be filed not later than five days prior to the date of the hearing,
12 and that reply be filed one court day prior to the hearing for the reasons set forth
13 herein.

14 **I. GROUNDS FOR EX PARTE RELIEF**

15 The Receiver has been directed by the Court to file a plan for filing a
16 bankruptcy petition for the receivership entities to promptly move the receivership
17 entities into a liquidation to be conducted under the supervision of the Bankruptcy
18 Court. The Receiver filed its proposed plan on June 26, 2006. The Receiver’s
19 proposed plan provides for the Receiver to file a motion for approval of a final pre-
20 bankruptcy report and accounting and the Receiver’s and attorneys’ pre-bankruptcy
21 receivership fees and expenses in order to wind up the pre-bankruptcy activities and
22 expenses before this Court prior to the filing of the bankruptcy petitions.

23 The Receiver seeks a hearing on the Receiver’s Wind Up Motion on
24 shortened time to meet the Court’s and investors concerns that the entities be placed
25 in a bankruptcy liquidation proceeding promptly while completing the wind up of
26 the receivership activities subject to this Court’s review and supervision. The
27 Receiver believes a hearing date of no later than July 17, 2006 provides interested
28 parties a fair opportunity to review and respond to the Motion while allowing the

1 Motion to be heard and determined promptly. Moreover, if the Motion were heard
2 on regular notice on the Court's regular law and motion calendar, the earliest
3 hearing date possible would be August 7, 2006 based on the unavailability of the
4 Receiver's lead counsel on July 24 and July 31, 2006.

5 **II. COMPLIANCE WITH LOCAL CIVIL RULE 7-19**

6 The Receiver has conferred with counsel for plaintiff Securities and
7 Exchange Commission ("SEC") which does not oppose the requested order
8 shortening time. The Receiver has contacted counsel for defendant Edward
9 Showalter ("Showalter") and left a detailed voicemail message for Showalter's
10 counsel, Jonathan Boynton, who did not return the call prior to the time this ex
11 parte application was executed and prepared for filing. The other parties with a
12 potential interest in this relief are the investors and creditors of the estate, consisting
13 of over 250 persons, who are too numerous to attempt to contact to advise of this ex
14 parte application.

15 **III. AN ORDER SHORTENING TIME SHOULD BE GRANTED TO**
16 **EXPEDITE THE TRANSITION OF THE CASE TO BANKRUPTCY**

17 The Court has determined that the High Park proceeding should be handled
18 in bankruptcy court and has indicated its intention that the receivership entities be
19 placed into bankruptcy proceedings in an orderly but expeditious manner. As a
20 result, it is appropriate for the District Court to make various determinations at the
21 conclusion of the pre-bankruptcy phase of this matter, and the Receiver's Wind Up
22 Motion seeks such determinations in order to allow for the pre-bankruptcy aspect of
23 the receivership to be wound up and the case to be transitioned to bankruptcy with
24 all administrative expenses resolved and pre-bankruptcy activities of the Receiver
25 addressed and confirmed.

26 Pursuant to the Receiver's plan filed June 26, 2006, the Receiver will file the
27 Receiver's Wind Up Motion on June 30, 2006. To enable the bankruptcy case to be
28 filed as expeditiously as possible, the Receiver is seeking an order shortening time

1 for the hearing on such Motion consistent with the goal of advancing the conclusion
2 of the receivership phase of the case and paving the way for its future course in
3 bankruptcy.

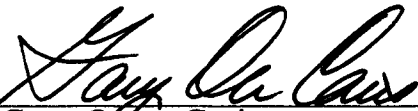
4 Counsel for the Receiver has caused copies of the Receiver's Wind Up
5 Motion to be served concurrently with a copy of this ex parte application on all
6 attorneys who have appeared in the case. In addition, the Receiver has served a
7 Notice on all creditors and investors of the submission of the Receiver's Wind Up
8 Motion and the request that a hearing be set on such Motion on or before July 17,
9 2006 to provide advance notice to the interested parties of the possible hearing on
10 such Motion. The Receiver believes these steps provide additional cause for
11 granting the application for order shortening time as creditors and investors will
12 have reasonable notice and an opportunity to be heard regarding the substantive
13 Motion if the hearing is set on or before July 17, 2006 under these circumstances.

14 **IV. CONCLUSION**

15 Based upon the foregoing, the Receiver respectfully requests that the Court
16 grant relief as sought herein. Alternatively, and only if the Court does not grant the
17 order shortening time and set the hearing on the Receiver's Wind Up Motion on or
18 before July 17, 2006, then the Receiver respectfully requests that the Court
19 schedule the hearing on the Receiver's Wind Up Motion on or after August 1, 2006
20 for the reasons set forth in the Caris declaration in support hereof.

21 Dated: June 30, 2006

McKenna Long & Aldridge LLP
Gary Owen Caris
Lesley Anne Hawes

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25 By: 
26 Gary Owen Caris
27 Attorneys for Permanent Receiver,
28 ROBB EVANS & ASSOCIATES
LLC

1 provide advance notice to the interested parties of the possible hearing on such
2 Motion.

3 4. I have a pre-scheduled vacation with my family out of state from July
4 21, 2006 through and including July 31, 2006. I therefore request that to the extent
5 the Court does not grant this ex parte application and schedule the hearing on the
6 Receiver's Wind Up Motion on or before July 17, 2006, that the hearing on the
7 Motion be scheduled on or after August 1, 2006 in light of my vacation schedule.

8 5. On June 29, 2006, I contacted counsel for plaintiff Securities and
9 Exchange Commission ("SEC"), William Berry, to advise him of the relief sought
10 by this ex parte application, and the SEC does not oppose the requested order
11 shortening time. On June 29, 2006, I also contacted counsel for defendant Edward
12 Showalter ("Showalter") and left a detailed voicemail message for Showalter's
13 counsel, Jonathan Boynton, who did not return the call prior to the time this ex
14 parte application was executed and prepared for filing. The other parties with a
15 potential interest in this relief are the investors and creditors of the estate, consisting
16 of over 250 persons, who are too numerous to attempt to contact to advise of this ex
17 parte application.

18 I declare under penalty of perjury that the foregoing is true and correct and
19 that this declaration was executed this 30 day of June 2006 at Los Angeles,
20 California.

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24 GARY OWEN CARIS
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PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is **444 South Flower Street, Los Angeles, California 90071.**

On June 30, 2006, I served the **EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR FILING AND HEARING ON MOTION FOR ORDER FOR: (A) APPROVAL AND PAYMENT OF PRE-BANKRUPTCY RECEIVER'S AND ATTORNEYS' FEES AND EXPENSES; AND (B) FOR APPROVAL OF TEMPORARY RECEIVER'S REPORT AND PRE-BANKRUPTCY FINAL REPORT AND ACCOUNTING; DECLARATION OF GARY OWEN CARIS IN SUPPORT THEREOF** on the interested parties in this action by placing the **true copy/original** thereof, enclosed in a sealed envelope, postage prepaid, addressed as follows:

SEE ATTACHED MAILING LIST.

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service.

The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of such business.

- (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 30, 2006 at Los Angeles, California.



Signature

Pamela A. Coates
Print Name

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