

**ROBB EVANS OF
ROBB EVANS & ASSOCIATES LLC
Receiver of I Works, Inc., et al. and
the Assets of Jeremy Johnson**

11450 Sheldon Street
Sun Valley, California 91352-1121
Telephone No.: (818) 768-8100
Facsimile No.: (818) 768-8802

**Federal Trade Commission v. Jeremy Johnson, I Works, Inc., et al.
CASE No. 2:10-CV-02203-MMD-GWF**

**Notice of Filing of Motion for Order Approving Settlement
with United States of America Concerning Funds
Subject to Civil Forfeiture Action and for
Limited Notice Under Local Rule 66-5 if Applicable**

Filed July 31, 2013

1 RANDOLPH L. HOWARD (Nev. SBN 006688)
rhoward@klnevada.com
2 KOLESAR & LEATHAM, CHTD.
400 South Rampart Boulevard, Suite 400
3 Las Vegas, NV 89145
Telephone: (702) 362-7800
4 Facsimile: (702) 362-9472

5 GARY OWEN CARIS (Cal. SBN 088918)
gcaris@mckennalong.com
6 LESLEY ANNE HAWES (Cal. SBN 117101)
lhawes@mckennalong.com
7 MCKENNA LONG & ALDRIDGE LLP
300 South Grand Avenue, 14th Floor
8 Los Angeles, CA 90071-3124
Telephone: (213) 688-1000
9 Facsimile: (213) 243-6330

10 Attorneys for Receiver
ROBB EVANS OF ROBB EVANS & ASSOCIATES
11 **LLC**

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

17 JEREMY JOHNSON, etc., et al.,

18 Defendants.

Case No. 2:10-CV-02203-MMD-GWF

**NOTICE OF FILING OF MOTION FOR
ORDER APPROVING SETTLEMENT
WITH UNITED STATES OF AMERICA
CONCERNING FUNDS SUBJECT TO
CIVIL FORFEITURE ACTION AND
FOR LIMITED NOTICE UNDER
LOCAL RULE 66-5 IF APPLICABLE**

19 PLEASE TAKE NOTICE that Robb Evans of Robb Evans & Associates LLC
20 ("Receiver"), the Receiver appointed pursuant to the Court's Preliminary Injunction Order issued
21 February 10, 2011 ("Preliminary Injunction"), has filed a Notice of Motion and Motion for Order
22 Approving Settlement with United States of America Concerning Funds Subject to Civil
23 Forfeiture Action and For Limited Notice Under Local Rule 66-5 If Applicable ("Motion").
24 Pursuant to the Motion, the Receiver moves the Court for an order approving the Receiver's

1 proposed settlement of claims with the United States of America ("United States") in connection
2 with the civil forfeiture action pending in the United States District Court for the Southern
3 District of New York ("Forfeiture Court") in the case of *United States of America v. Pokerstars,*
4 *et al.*, Case No. 11 Civ. 2564 (KMW) ("Forfeiture Action") reflected in the Stipulation and Order
5 of Settlement in Regard to Robb Evans ("Pokerstars Stipulation"), a true and correct copy of
6 which is attached as Exhibit 1 to the Declaration of Gary Owen Caris filed in support of the
7 Motion.

8 The Pokerstars Stipulation provides for the receivership estate to recover 50% of the funds
9 held in frozen accounts in the name of Triple Seven LP, Triple Seven, Inc., Powder Monkeys,
10 LLC, Mastery Merchant, LLC, and Kombi Capital at various financial institutions, including
11 SunFirst Bank as to which funds are now held by the Federal Deposit Insurance Corporation
12 ("FDIC"). Triple Seven LP, Triple Seven, Inc., Powder Monkeys, LLC, Mastery Merchant, LLC,
13 and Kombi Capital are part of the receivership estate pursuant to the Preliminary Injunction and
14 the Order Granting Motion for Order Clarifying Preliminary Injunction Order and for Further
15 Instructions Regarding Scope of Receivership Defendants under Preliminary Injunction Order
16 and Report of Receiver's Financial Reconstruction and Granting Relief from Local Rule 66-5
17 Pertaining to Notice to Creditors After Hearing ("Clarifying Order") entered March 25, 2013.
18 The aggregate amount to be recovered by the receivership estate is believed to be at least
19 \$6,812,227.82. The Pokerstars Stipulation has been submitted to the Forfeiture Court and
20 approved by that Court, and the Receiver seeks authorization from this Court for the Receiver to
21 proceed with the settlement under the terms of the Pokerstars Stipulation.

22 The Receiver contends that the Pokerstars Stipulation should be approved and the
23 Receiver authorized to implement the Pokerstars Stipulation as it is fair and equitable and in the
24 best interests of the receivership estate in that the Pokerstars Stipulation resolves the Receiver's
25 claims in the Forfeiture Action without the estate incurring the risks, delays and expense that
26 would be associated with litigation of the claims to the funds and provides for the receivership
27 estate to recover a significant recovery of funds for the estate that would otherwise have been
28 potentially forfeited to the government in the Forfeiture Action as proceeds of illegal gambling

1 and other criminal activity. The ultimate disposition of the funds turned over to the receivership
2 estate under the Pokerstars Stipulation is dependent upon the plaintiff Federal Trade Commission
3 ("FTC") prevailing on its claims in this action, and the funds must be distributed to injured
4 consumers and other creditors with claims against the receivership estate. In connection with the
5 approval of the Pokerstars Stipulation, the Receiver seeks Court approval for the Receiver to take
6 all steps necessary or convenient to implement and perform under the Pokerstars Stipulation and
7 to execute all documents provided for the Receiver to execute under the Pokerstars Stipulation.

8 The Receiver further seeks an order deeming notice of the Motion to be sufficient under
9 Local Civil Rules 66-5 and 66-10 based on the service of this notice of the filing of the Motion
10 and the Motion on all parties and service of this notice of the filing of the Motion on all known
11 non-consumer creditors of the estate, and on all known taxing authorities with a potential claim in
12 the receivership estate concurrent with the filing of the Motion with the Court, but not on the tens
13 of thousands of potential consumer creditors.

14 The Motion is made under Local Civil Rules 7-2, 66-5 and 66-10 and is based on this
15 notice of filing of the Motion, the Motion, the Memorandum of Points and Authorities and
16 Declaration of Gary Owen Caris filed in support of the Motion, the proposed order lodged
17 concurrently therewith, and on the pleadings, records and files of the Court in this receivership
18 proceeding of which the Receiver requests the Court take judicial notice, including without
19 limitation the Preliminary Injunction (Doc. No. 130), the Clarifying Order entered March 25,
20 2013, the Report of Receiver's Financial Reconstruction filed February 3, 2012 (Doc. No. 464)
21 which is supported by a four-volume Appendix of Exhibits (Doc. Nos. 465-468)

22
23
24
25
26
27
28

1 (collectively "Second Report") and on such further oral and documentary evidence and arguments
2 of counsel as may be presented at any hearing on the Motion.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: July 31, 2013

RANDOLPH L. HOWARD
KOLESAR & LEATHAM, CHTD.

MCKENNA LONG & ALDRIDGE LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

By: /s/ Gary Owen Caris
Gary Owen Caris
Attorneys for Receiver
**ROBB EVANS OF ROBB EVANS &
ASSOCIATES LLC**