

**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 Emergency Motion for Order
Approving Settlement with Destiny Davis
and for Limited Notice Under Local Rule 66-5 if Applicable**

Filed May 6, 2014

1 RANDOLPH L. HOWARD (Nev. SBN 006688)
rhoward@knevada.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
11 **ROBB EVANS OF ROBB EVANS &
ASSOCIATES LLC**

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

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15 FEDERAL TRADE COMMISSION,
16 Plaintiff,
17 v.
18 JEREMY JOHNSON, etc., et al.,
19 Defendants.

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

**NOTICE OF FILING OF EMERGENCY
MOTION FOR ORDER APPROVING
SETTLEMENT AGREEMENT WITH
DESTINY DAVIS AND FOR LIMITED
NOTICE UNDER LOCAL RULE 66-5 IF
APPLICABLE**

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22 PLEASE TAKE NOTICE that Robb Evans of Robb Evans & Associates LLC
23 (“Receiver”), the Receiver appointed pursuant to the Court’s Preliminary Injunction Order issued
24 February 10, 2011 (“Preliminary Injunction”), has filed concurrently herewith his Emergency
25 Motion for Order Approving Settlement Agreement with Destiny Davis and for Limited Notice
26 Under Local Rule 66-5 If Applicable (“Emergency Motion”). Pursuant to the Emergency Motion,
27 the Receiver moves the Court for an order approving the Receiver’s proposed Settlement
28 Agreement and Release (“Davis Settlement”) with Destiny Davis (“Davis”), a true and correct

1 copy of which is attached as Exhibit 1 to the supporting Declaration of Gary Owen Caris filed
2 concurrently herewith.

3 As set forth in the Emergency Motion, the Receiver contends that the Davis Settlement
4 should be approved as it is fair and equitable and in the best interests of the receivership estate in
5 that (a) the Davis Settlement resolves the Receiver's claims and demands against Davis, including
6 but not limited to the estate's claim to the residential real property located at 5079 Mountain Top
7 Circle, Las Vegas, Nevada ("Mountain Top Property"); (b) provides for a substantial \$625,000
8 cash payment to the receivership estate in resolution of such claims by July 15, 2014; (c) fully and
9 finally resolves all other disputes and claims regarding the receivership and receivership assets
10 between the Receiver and Davis, avoiding litigation risks, delays and expense over the estate's
11 rights and claims to the Mountain Top Property; and (d) the Receiver is unaware of any party to
12 this action or any interested third party who would be adversely affected by the proposed Davis
13 Settlement under the circumstances. In connection with the approval of the Davis Settlement, the
14 Receiver seeks Court approval for the Receiver to take all steps necessary or convenient to
15 implement and perform under the Davis Settlement and to execute all documents provided for the
16 Receiver to execute under the Davis Settlement.

17 The Receiver further seeks an order deeming notice of the Emergency Motion to be
18 sufficient under Local Civil Rules 66-5 and 66-10 based on the service of this notice of the filing
19 of the Emergency Motion and the Emergency Motion on all parties and service of this notice of
20 the filing of the Emergency Motion on all known non-consumer creditors of the estate, and on all
21 known taxing authorities with a potential claim in the receivership estate concurrent with the filing
22 of this Emergency Motion with the Court, but not on the tens of thousands of potential consumer
23 creditors.

24 EMERGENCY RELIEF

25 As set forth in the Emergency Motion, the Receiver seeks emergency relief in that the
26 Mountain Top Property, title to which is held by Davis, is presently in escrow for a sale of the
27 property that has been pending for several months. **The escrow is now scheduled to close on**
28 **May 28, 2014**, and under the Davis Settlement, Davis contemplates satisfying the \$625,000

1 settlement payment to the Receiver from the proceeds of sale of the Mountain Top Property.
2 Numerous delays in resolving the Mountain Top Property claims and the estate's interest in the
3 property have arisen because of a significant tax lien placed on the property which has now been
4 removed, a divorce settlement between Davis and her former spouse Chad Elie ("Elie"), and
5 negotiations regarding the basis of the Receiver's claims. The Receiver believes the best
6 opportunity for the estate to receive the settlement payment contemplated under the Davis
7 Settlement is through the pending sale and therefore, it is essential that the Davis Settlement be
8 approved as promptly as possible to ensure that the order is entered and the funds can be paid from
9 escrow to the Receiver to satisfy the settlement payment. If the motion were filed and served on
10 regular notice and objections were filed to the motion, there would be insufficient time for the
11 motion to be fully briefed and determined in order to have the motion resolved in time for the May
12 28, 2014 closing. The Receiver has proceeded diligently in finalizing the settlement
13 documentation and preparing and filing the Emergency Motion, as the settlement negotiations
14 were not concluded with Davis until April 29, 2014, drafts of and comments on the Davis
15 Settlement were thereafter exchanged, and the Receiver did not receive the signed agreement from
16 Davis's counsel until May 5, 2014.

17 The Emergency Motion is made under Local Civil Rules 7-2, 7-5, 66-5 and 66-10 and is
18 based on this notice of filing of the Emergency Motion, the Emergency Motion and Memorandum
19 of Points and Authorities and Declaration of Gary Owen Caris filed in support of the Emergency
20 Motion, the proposed order lodged concurrently herewith, and on the pleadings, records and files
21 of the Court in this receivership proceeding of which the Receiver requests the Court take judicial
22 notice, including without limitation the Preliminary Injunction (Doc. No. 130), the Order Granting
23 Motion for Order Clarifying Preliminary Injunction Order and for Further Instructions Regarding
24 Scope of Receivership Defendants under Preliminary Injunction Order and Report of Receiver's
25 Financial Reconstruction and Granting Relief from Local Rule 66-5 Pertaining to Notice to
26 Creditors After Hearing ("Clarifying Order") entered March 25, 2013, the Report of Receiver's
27 Financial Reconstruction filed February 3, 2012 (Doc. No. 464) which is supported by a four-
28 volume Appendix of Exhibits (Doc. Nos. 465-468) (collectively "Second Report") and on such

1 further oral and documentary evidence and arguments of counsel as may be presented at any
2 hearing on the Emergency Motion.

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4 Dated: May 6, 2014

RANDOLPH L. HOWARD
KOLESAR & LEATHAM, CHTD.

MCKENNA LONG & ALDRIDGE LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

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9 By: /s/ Gary Owen Caris

Gary Owen Caris
Attorneys for Receiver
**ROBB EVANS OF ROBB EVANS &
ASSOCIATES LLC**