

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

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**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 Agreement
with Anthon Holdings Corp., Accu-Form Plastics Inc. and
Duane Fielding and for Limited Notice Under Local Rule 66-5 if Applicable**

Filed January 11, 2016

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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 FEDERAL TRADE COMMISSION,
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18 Plaintiff,

19 v.

20 JEREMY JOHNSON, etc., et al.,
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22 Defendants.
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Case No. 2:10-CV-02203-MMD-GWF

**NOTICE OF FILING OF MOTION FOR
ORDER APPROVING SETTLEMENT
AGREEMENT WITH ANTHON
HOLDINGS CORP., ACCU-FORM
PLASTICS INC. AND DUANE
FIELDING AND FOR LIMITED
NOTICE UNDER LOCAL RULE 66-5 IF
APPLICABLE**

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25 PLEASE TAKE NOTICE that Robb Evans of Robb Evans & Associates LLC
26 (“Receiver”), the Receiver appointed pursuant to the Court’s Preliminary Injunction Order issued
27 February 10, 2011 (“Preliminary Injunction”), has filed his Notice of Motion and Motion for
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1 Order Approving Settlement Agreement with Anthon Holdings Corp., Accu-Form Plastics Inc.
2 and Duane Fielding and for Limited Notice Under Local Rule 66-5 If Applicable ("Motion").
3 Pursuant to the Motion, the Receiver moves the Court for an order approving the Receiver's
4 proposed Settlement Agreement and Release ("Anthon Lots Settlement") with defendant Anthon
5 Holdings Corp. ("Anthon"), Accu-Form Plastics Inc. ("Accu-Form"), and defendant Duane
6 Fielding ("Fielding").¹ A true and correct copy of the proposed Anthon Lots Settlement is
7 attached as Exhibit 1 to the Declaration of Gary Owen Caris in support of the Motion filed
8 concurrently herewith.

9 The Anthon Lots Settlement resolves the Receiver's claims and interests in that certain
10 real property legally described as "All of Lots 18 and 22, Hurricane Industrial Park, according to
11 the official plat thereof, on file in the office of the recorder of Washington County, State of Utah"
12 and commonly known as 460 North 2460 West, Hurricane, Utah (the "Anthon Property"), title to
13 which is held by Anthon and which the Receiver asserts is a receivership asset in exchange for a
14 cash payment to the estate of \$70,000 ("Settlement Amount") by Fielding and/or Accu-Form.
15 The Receiver contends that the Anthon Lots Settlement should be approved as it is fair and
16 equitable and in the best interests of the receivership estate in that: (a) provides for a recovery of a
17 \$70,000 cash payment to the receivership estate in resolution of such claims; (b) the Settlement
18 Amount represents a fair recovery in light of the disputes over the extent of Anthon's equitable
19 and beneficial interest in the Anthon Property and avoids the costs, litigation risks and delays
20 inherent in pursuing the Receiver's claims to the Anthon Property through litigation; (c) the
21 Settlement Amount represents a fair recovery in light of the value of and equity in the Anthon
22 Property; and (d) the Receiver is unaware of any party to this action or any interested third party
23 who would be adversely affected by the proposed Anthon Lots Settlement under the
24 circumstances. In connection with the approval of the Anthon Lots Settlement, the Receiver
25 seeks Court approval for the Receiver to take all steps necessary or convenient to implement and
26 perform under the Anthon Lots Settlement.

27 _____
28 ¹ Fielding is the nominal principal of Anthon, and is one of the principals of Accu-Form. Those
entities and Fielding are referred to collectively herein for convenience as the Settling Parties.

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

7 The Motion is made under Local Civil Rules 7-2, 66-5 and 66-10 and other applicable law
8 and is based on the Motion, the Memorandum of Points and Authorities attached thereto and the
9 Declaration of Gary Owen Caris filed concurrently herewith in support of the Motion, the
10 proposed order lodged concurrently herewith, on this separate notice of filing of the Motion, and
11 on the pleadings, records and files of the Court in this receivership proceeding of which the
12 Receiver requests the Court take judicial notice, including without limitation the Preliminary
13 Injunction (Doc. No. 130) and on such further oral and documentary evidence and arguments of
14 counsel as may be presented at any hearing on the Motion.

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17 Dated: January 11, 2016

BART K. LARSEN
SHLOMO S. SHERMAN
KOLESAR & LEATHAM, CHTD.

DENTONS US LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

21
22 By: /s/ Gary Owen Caris

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