

**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:

- (1) Directing Issuance of Pacific Mercantile Bancorp Stock to the Receiver and Authorizing the Receiver to Sell Stock; and**
- (2) Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors**

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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**
16

17 FEDERAL TRADE COMMISSION,
18 Plaintiff,
19 v.
20 JEREMY JOHNSON, individually, as officer
of Defendants I Works, Inc., etc., et al.,
21 Defendants.
22

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

**NOTICE OF FILING OF MOTION FOR
ORDER: (1) DIRECTING ISSUANCE OF
PACIFIC MERCANTILE BANCORP
STOCK TO THE RECEIVER AND
AUTHORIZING RECEIVER TO SELL
STOCK; AND (2) GRANTING RELIEF
FROM LOCAL RULE 66-5 PERTAINING
TO NOTICE TO CREDITORS**

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25 PLEASE TAKE NOTICE that Robb Evans of Robb Evans & Associates LLC
26 (“Receiver”), the Receiver pursuant to the Court’s Preliminary Injunction Order issued February
27 10, 2011, has filed his Motion for Order: (1) Directing Issuance of Pacific Mercantile Bancorp
28 Stock to the Receiver and Authorizing Receiver to Sell Stock; and (2) Granting Relief from Local

1 Rule 66-5 Pertaining to Notice to Creditors ("Motion"). Pursuant to the Motion, the Receiver
2 moves the Court for the following relief:

3 1. An order directing that Pacific Mercantile Bancorp ("PMB") forthwith issue the
4 shares of common stock being held for the benefit of Jeremy Johnson ("Johnson"), based on the
5 5,000 Preferred Class A shares held by Johnson as of the commencement of the receivership that
6 have been converted to common stock (the "PMB Shares"), estimated to be 79,739 shares, with
7 the PMB Shares to be registered on the books of PMB and issued in the name of "Robb Evans of
8 Robb Evans & Associates LLC as Receiver for I Works, Inc., the other Corporate Defendants,
9 their subsidiaries, affiliates, successors and assigns, and over the assets of Jeremy Johnson" and
10 transferred to the Receiver for disposition as set forth herein, and to take the foregoing actions
11 without requirement of a lost certificate bond or other form of security as Johnson has not tendered
12 the Preferred Class A share certificate to the Receiver;

13 2. An order authorizing the Receiver to liquidate the PMB Shares, after they are
14 transferred to the Receiver on behalf of the receivership estate, in a commercially reasonable
15 manner on the NASDAQ stock exchange where such shares are publicly traded at such times, in
16 such amounts and in such manner as the Receiver may deem reasonable and appropriate in its
17 discretion and business judgment;

18 3. An order authorizing the Receiver to execute all documents and instruments
19 necessary or convenient to complete, implement, and effectuate the transfer of the PMB Shares to
20 the Receiver on behalf of the estate and to liquidate the PMB Shares for the benefit of the estate;

21 4. An order authorizing the Receiver to permit and/or cause to be paid in connection
22 with the liquidation of the PMB Shares all reasonable and necessary brokerage fees, brokerage
23 commissions and related sales expenses to effectuate and complete the liquidation of the PMB
24 shares in a commercially reasonable manner, as determined in the discretion and business
25 judgment of the Receiver; and

26 5. An order deeming notice of the Motion to be sufficient under Local Civil Rule 66-5
27 based on the service of this notice of the filing of the Motion and the Motion on all parties and
28 service of this notice of the filing of the Motion on all known non-consumer creditors of the estate

