

**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**

**Stipulation and Request for Entry of Order for Turnover to  
Receiver of Funds from Sunfirst Bank Account; and  
Order Thereon**

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**ROBB EVANS OF ROBB EVANS & ASSOCIATES**  
11 **LLC**

12 **UNITED STATES DISTRICT COURT**

13  
14 **DISTRICT OF NEVADA**

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

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

**STIPULATION AND REQUEST FOR  
ENTRY OF ORDER FOR TURNOVER  
TO RECEIVER OF FUNDS FROM  
SUNFIRST BANK ACCOUNT; AND  
ORDER THEREON**

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22 Robb Evans of Robb Evans & Associates LLC ("Receiver"), the Receiver pursuant to the  
23 Preliminary Injunction Order issued February 10, 2011, and the Federal Deposit Insurance  
24 Corporation, in its capacity as Receiver for SunFirst Bank ("FDIC"), hereby make this Stipulation  
25 and Request for Entry of Order for Turnover to Receiver of Funds from SunFirst Bank Account  
26 ("Stipulation") in reference to the following.

27 A. On January 13, 2011, the Court issued its Temporary Restraining Order in this  
28 action which, among other provisions, appointed the Receiver as temporary receiver over I Works,

1 Inc. ("I Works"), over the other named Corporate Defendants and their subsidiaries, affiliates,  
2 successors and assigns, and over the assets of Jeremy Johnson (collectively, the "Receivership  
3 Defendants").

4 B. On February 10, 2011, the Court issued its Preliminary Injunction Order pursuant  
5 to which the Receiver was appointed permanent receiver over the Receivership Defendants.

6 C. On March 25, 2013, the Court entered its Order Granting Motion for Order  
7 Clarifying Preliminary Injunction Order and for Further Instructions Regarding Scope of  
8 Receivership Defendants under Preliminary Injunction Order and Report of Receiver's Financial  
9 Reconstruction and Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors After  
10 Hearing ("Clarifying Order").

11 D. On November 4, 2011, the Utah Department of Financial Institutions closed  
12 SunFirst Bank ("SunFirst") and appointed the FDIC as its receiver. On the same date, the FDIC  
13 accepted the appointment as receiver pursuant to 12 U.S.C. § 1821(c)(3)(A). As receiver for  
14 SunFirst, and by express operation of law, the FDIC "succeed[ed] to . . . all rights, titles, powers,  
15 and privileges. . . and the assets of the institution." 12 U.S.C. § 1821(d)(2)(A)(i). As a result, the  
16 FDIC is the holder of and has custody of the account which is the subject of this Stipulation  
17 described in Recital G, below.

18 E. As of the commencement of the FTC receivership, SunFirst held various bank  
19 accounts which the Receiver contends contain funds constituting property of the Receivership  
20 Defendants under the Temporary Restraining Order, Preliminary Injunction Order, and/or  
21 Clarifying Order. Funds from many of those accounts (referred to as the "Stipulated Accounts")  
22 were turned over to the Receiver pursuant to the Stipulation and Request for Entry of Order for  
23 Turnover to Receiver of Funds From SunFirst Bank Accounts; and Order Thereon (Doc. 1109)  
24 ("Order Regarding Stipulated Accounts").

25 F. In addition to the Stipulated Accounts, there were additional accounts previously  
26 held at SunFirst in the custody of the FDIC to which the Receiver asserted an interest, and which  
27 were the subject of a restraining order in connection with a forfeiture action pending in the United  
28 States District Court for the Southern District of New York. Funds in those accounts subject to a

1 restraining order (the “Restrained Accounts”) were disbursed by the FDIC by paying one-half of  
2 the funds in the Restrained Accounts to the Receiver, and one-half of the funds in the Restrained  
3 Accounts to a seized account operated by the United States Marshal Service pursuant to the Order  
4 Granting Motion for Order Approving Settlement With United States of America Concerning  
5 Funds Subject to Civil Forfeiture Action and for Limited Notice Under Local Rule 66-5 if  
6 Applicable (Doc. 1158) (“Order Regarding Restrained Accounts”).

7 G. SunFirst held another account in the name of Triple Seven, L.P. (account ending in  
8 no. 5333) which the Receiver contends contain funds constituting property of the Receivership  
9 Defendants under the Temporary Restraining Order, Preliminary Injunction Order, and/or  
10 Clarifying Order (“Triple Seven, L.P. Account”). The balance in the Triple Seven L.P. Account is  
11 \$35,347.18.

12 H. The Receiver represents that the United States of America, through the United  
13 States Attorney for the Southern District of New York, has advised the Receiver that it does not  
14 assert an interest in the Triple Seven, L.P. Account. The FDIC has reviewed the Receiver's claim  
15 to the funds in the Triple Seven, L.P. Account and in light of the Receiver's representation that the  
16 United States of America asserts no interest in the Triple Seven, L.P. Account, the FDIC has no  
17 legal objection to the turnover of the funds in said account, subject to entry of an order of the  
18 Court approving such turnover.

19 NOW THEREFORE, in reference to and in consideration of the foregoing, the parties  
20 hereto stipulate and agree:

21 1. Not later than ten business days following entry of an Order by the Court approving  
22 this Stipulation, the FDIC shall turn over to the Receiver all funds in the Triple Seven, L.P.  
23 Account in the sum of \$35,347.18.

24 2. The FDIC's turnover of the funds in the Triple Seven, L.P. Account as provided in  
25 this Stipulation shall be made by wire transfer to the Receiver pursuant to wire-transfer  
26 instructions previously provided by the Receiver to the FDIC.

27 3. The Receiver continues to reserve all of his rights and claims to funds in any other  
28 accounts of SunFirst currently held by the FDIC that have not been resolved by the Order

1 Regarding Stipulated Accounts, Order Regarding Restrained Accounts, and this Stipulation.

2 WHEREFORE, the Receiver and the FDIC pray this Honorable Court endorse this  
3 Stipulation and enter the Order thereon set forth below.

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Dated: September 25, 2013

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RANDOLPH L. HOWARD  
KOLESAR & LEATHAM, CHTD.

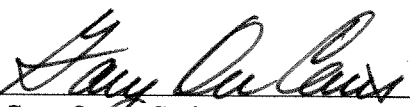
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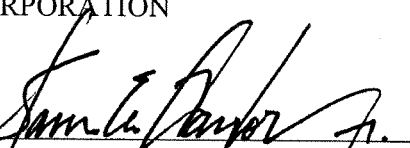
Dated: September 25, 2013

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FEDERAL DEPOSIT INSURANCE  
CORPORATION

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By:   
Sam E. Taylor, Jr., Counsel  
Rodrigo Rodriguez, Senior Attorney

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Attorneys for **FEDERAL DEPOSIT  
INSURANCE CORPORATION AS  
RECEIVER FOR SUNFIRST BANK**

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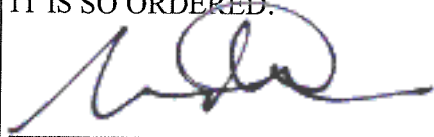
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IT IS SO ORDERED.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

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Dated: September 30, 2013

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