

**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 Regarding
Sunfirst Bank Accounts; and Order Thereon**

Filed December 20, 2013

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11 **ROBB EVANS OF ROBB EVANS & ASSOCIATES
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.
20

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

**STIPULATION AND REQUEST FOR
ENTRY OF ORDER REGARDING
SUNFIRST BANK ACCOUNTS; AND
ORDER THEREON**

21
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 Regarding SunFirst Bank Accounts ("Stipulation") in reference to
26 the following.
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1 A. On January 13, 2011, the Court issued its Temporary Restraining Order in this
2 action which, among other provisions, appointed the Receiver as temporary receiver over I Works,
3 Inc. ("I Works"), over the other named Corporate Defendants and their subsidiaries, affiliates,
4 successors and assigns, and over the assets of Jeremy Johnson (collectively, the "Receivership
5 Defendants").

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

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

13 D. As of the commencement of the receivership, SunFirst Bank ("SunFirst") held
14 various deposit accounts which the Receiver contends contain funds constituting property of the
15 Receivership Defendants under the Temporary Restraining Order, Preliminary Injunction Order,
16 and/or Clarifying Order. The Receiver has entered into four prior stipulations approved by the
17 Court with respect to many of those accounts. The Receiver also asserts claims against other
18 SunFirst accounts, including four of those accounts identified on Exhibit 1 attached hereto and
19 incorporated herein by reference. The accounts listed in Exhibit 1 are referred to in this
20 Stipulation as the "Stipulated Accounts." The Stipulated Accounts were frozen by SunFirst.

21 E. On November 4, 2011, the Utah Department of Financial Institutions closed
22 SunFirst and appointed the FDIC as its receiver. On the same date, the FDIC accepted the
23 appointment as receiver pursuant to 12 U.S.C. § 1821(c)(3)(A). As receiver for SunFirst, and by
24 express operation of law, the FDIC "succeed[ed] to. . . all rights, titles, powers, and privileges. . .
25 and the assets of the institution." 12 U.S.C. § 1821(d)(2)(A)(i). As a result, the FDIC is the
26 holder of and has custody of the Stipulated Accounts.

27 F. The FDIC has reviewed the Receiver's claims to the funds in the Stipulated
28 Accounts in the name of the Dudley Group, LLC and Elite Debit, Inc. and has no legal objection

1 to the turnover of the funds in the Stipulated Accounts listed in Exhibit 1 in those names to the
2 Receiver, subject to entry of an order of the Court approving such turnover.

3 G. The FDIC asserts a claim against the funds in the Stipulated Accounts in the name
4 of Atomic Processing, Inc. While the Receiver has asserted an indirect claim to the funds in those
5 accounts too, the Receiver has agreed to withdraw his claim against those funds as part of this
6 Stipulation and has agreed to the release of those funds to the FDIC.

7 NOW THEREFORE, in reference to and in consideration of the foregoing, the parties
8 hereto do stipulate and agree:

9 1. Upon entry of an order by the Court approving this Stipulation, the FDIC shall turn
10 over to the Receiver all funds in the Stipulated Accounts listed on Exhibit 1 hereto in the name of
11 Dudley Group, LLC and Elite Debit, Inc. in the aggregate sum of \$15,021.93.

12 2. Upon entry of an order by the Court approving this Stipulation, the Receiver shall
13 withdraw his claim to the funds in the Stipulated Accounts in the name of Atomic Processing, Inc.
14 and the funds in those accounts in the aggregate sum of \$5,200 shall be released to the FDIC.

15 3. The FDIC's turnover of the funds in the Stipulated Accounts as provided in this
16 Stipulation to the Receiver shall be made by wire transfer to the Receiver pursuant to wire-transfer
17 instructions previously provided by the Receiver to the FDIC.

18 4. The Receiver continues to reserve all of his rights and claims to funds in any other
19 accounts of SunFirst currently held by the FDIC that are not the subject of this Stipulation.

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

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Dated: December 12, 2013

RANDOLPH L. HOWARD
KOLESAR & LEATHAM, CHTD.

MCKENNA LONG & ALDRIDGE LLP
GARY OWEN CARIS
LESLEY ANNE HAWES


By: 

Gary Owen Caris
Lesley Anne Hawes

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

Dated: December 12, 2013

FEDERAL DEPOSIT INSURANCE
CORPORATION

By: 

Sam E. Taylor, Jr., Counsel

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

IT IS SO ORDERED



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

Dated: December 20, 2013

Partial Account #	Corporation Name	Balance
5416	Dudley Group, LLC	\$14,946.07
7586	Elite Debit, Inc.	\$75.86
7735	Atomic Processing, Inc.	\$5,100.00
7818	Atomic Processing, Inc.	\$100.00

Exhibit 1