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Closed

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

FEDERAL TRADE COMMISSION,  
Plaintiff,  
v.  
J.K. PUBLICATIONS, INC., et al.,  
Defendants.

Case No. 2:99-CV-00044-JFW-AJWx

**ORDER: APPROVING FINAL REPORT OF RECEIVER'S ACTIVITIES FOR THE PERIOD ENDING AUGUST 31, 2020; (2) GRANTING FINAL REQUEST FOR APPROVAL AND PAYMENT OF FEES AND COSTS OF THE RECEIVER AND RECEIVER'S COUNSEL FOR THE PERIOD FROM NOVEMBER 1, 2019 THROUGH CLOSING; (3) DISTRIBUTING NET ASSETS OF THE RECEIVERSHIP ESTATE TO THE FTC; AND (4) DISCHARGING AND EXONERATING BOND AND GRANTING RELATED RELIEF**

The Receiver, Robb Evans and Robb Evans & Associates LLC ("Receiver") brought the Motion for Order: (1) Approving Final Report of Receiver's Activities for the Period Ending August 31, 2020; (2) Granting Final Request for Approval and Payment of Fees and Costs of the Receiver and Receiver's Counsel for the

1 Period From November 1, 2019 Through Closing; (3) Distributing Net Assets of  
2 the Receivership Estate to the FTC; and (4) Discharging and Exonerating Bond and  
3 Granting Related Relief (the “Motion”) by serving and filing it pursuant to this  
4 Court’s prior Order Amending Preliminary Injunction as to Defendants J.K.  
5 Publications, Inc., MJD Service Corp., Herbal Care, Inc., Kenneth H. Taves, and  
6 Teresa Callei Taves entered August 19, 1999. The Court, having read and  
7 considered the Motion, the Final Report of Receiver’s Activities for the Period  
8 Ending August 31, 2020, filed concurrently therewith, having read and considered  
9 all other papers filed in support thereof, no opposition to the Motion having been  
10 timely served and filed, and good cause being shown therefor, it is

11 ORDERED that:

12 1. The Motion is granted and all relief sought therein is granted in its  
13 entirety.

14 2. Without limiting the generality of the foregoing:

15 A. The Receiver’s Final Report of Receiver’s Activities for the  
16 Period Ending August 31, 2020 (“Final Report”), which was served and filed  
17 concurrently with the Motion, and the Receiver’s final accounting, which was  
18 attached as Exhibit 1 to the Declaration of Brick Kane filed in support of the  
19 Motion, are hereby approved in their entirety;

20 B. The Receiver is authorized to wind up the receivership estate  
21 pursuant to Section XVII of the Final Order and Permanent Injunction as to  
22 Defendants J.K. Publications, Inc., MJD Service Corp., Herbal Care, Inc., Kenneth  
23 H. Taves and Teresa Callei Taves entered August 30, 2000 (“Final Order”);  
24

25 C. All actions and activities taken by or on behalf of the Receiver  
26 and all proposed actions to be taken, and all payments made by the Receiver and all  
27 proposed payments to be made in connection with the administration of the  
28 receivership estate are hereby approved and confirmed;

1 D. The Court hereby approves and authorizes payment of the  
2 receivership fees and costs incurred for the period from November 1, 2019 through  
3 the closing of the receivership estate (“Final Expense Period”), comprised of (a)  
4 Receiver’s fees, including the Receiver’s staff, of \$1,950.00 for the period from  
5 November 1, 2019 through June 30, 2020, plus actual and estimated fees of the  
6 Receiver and its staff of \$5,060.00, for the period from July 1, 2020 through closing  
7 of the estate, **for a total of \$7,010.00**; and (b) Receiver’s counsel Barnes &  
8 Thornburg LLP’s (“Barnes & Thornburg”) fees and costs of \$5,195.35 for the  
9 period from November 1, 2019 through June 30, 2020, plus actual and estimated  
10 legal fees and costs of \$7,693.00, for the period from July 1, 2020 through closing  
11 of the estate, **for a total of \$12,888.35**, as set forth in the final accounting, Exhibit  
12 1 to the Declaration of Brick Kane, provided that only fees and costs actually  
13 incurred shall be paid to the Receiver and its counsel and provided further that  
14 *de minimis* amounts incurred above the estimated amounts shall be paid only with  
15 the approval of the plaintiff Federal Trade Commission (“FTC”) and without  
16 further Court order;

17 E. The Receiver is authorized to distribute the remaining assets of  
18 the receivership estate held by the Receiver after the payment of administrative  
19 expenses to the FTC, in accordance with Section VIII of the Final Order, for  
20 potential consumer redress;

21 F. The Receiver is authorized to destroy all records of the  
22 receivership estate, including all records of the Taves Defendants and Corporate  
23 Defendants, as those terms are defined in the Final Order, in the Receiver’s  
24 possession, custody or control;

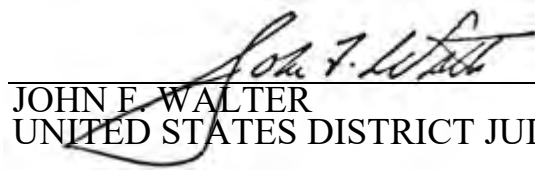
25 G. Effective upon the completion of the administration of the  
26 receivership estate and the distribution of the remaining funds in the Receiver’s  
27 possession and custody to the FTC, (a) neither the Receiver nor any agent,  
28 employee, member, officer, independent contractor, attorney, accountant or

1 representative of the Receiver shall have any liability to any person or entity for any  
2 action taken or not taken in connection with carrying out the Receiver's  
3 administration of the receivership estate, and the exercise of any powers, duties and  
4 responsibilities in connection therewith; and (b) the Receiver, its agents, employees,  
5 members, officers, independent contractors, attorneys, accountants and  
6 representatives are discharged, released from all claims and liabilities arising out of  
7 and/or pertaining to the receivership, and relieved of all duties and responsibilities  
8 pertaining to the receivership; and

9 H. Effective upon completion of the administration of the  
10 receivership estate and distribution of the remaining funds in the Receiver's  
11 possession and custody to the FTC, the bond posted by the Receiver in this case  
12 shall be exonerated.

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Dated: September 28, 2020

  
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JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE

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