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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12 **SECURITIES AND EXCHANGE**  
13 **COMMISSION,**

14 Plaintiff,

15 vs.

16 **RICHARD VU NGUYEN, A/K/A**  
17 **NGUYEN THANH VU, and NTV**  
18 **FINANCIAL GROUP, INC.,**

19 Defendants,

20 and

21 **MAI DO,**

22 Relief Defendant.  
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Case No. 8:19-cv-01174-AG-KES

**STIPULATION OF DEFENDANTS  
AND RELIEF DEFENDANT TO  
ENTRY OF PRELIMINARY  
INJUNCTION AND CONTINUATION  
OF ORDERS: (1) FREEZING  
ASSETS; (2) REQUIRING  
ACCOUNTINGS; (3) PROHIBITING  
THE DESTRUCTION OF  
DOCUMENTS; AND (4)  
APPOINTING A RECEIVER**

1 WHEREAS, on June 13, 2019, Plaintiff Securities and Exchange Commission  
2 (“SEC”) filed this action against Defendants Richard Vu Nguyen, NTV Financial,  
3 Inc., and Relief Defendant Mai Do (collectively “Defendants”) alleging violations of  
4 federal securities laws (Dkt. Nos. 1-7, 11-13.);

5 WHEREAS, on June 14, 2019, with the exception of appointing a receiver, the  
6 Court granted the SEC’s *Ex Parte* Application for a Temporary Restraining Order  
7 (“TRO”), Order to Show Cause Why a Preliminary Injunction Should Not Be  
8 Granted and Orders: (1) Freezing Assets; (2) Requiring Accountings; (3) Prohibiting  
9 the Destruction of Documents; and (4) Granting Expedited Discovery (Dkt. No. 14.);

10 WHEREAS, on June 24, 2019, the Court (1) found, among other things, that  
11 the SEC presented sufficient evidence showing good cause to extend the TRO until  
12 July 10, 2019, (2) found good cause to appoint Jeffrey E. Brandlin as a temporary  
13 receiver over defendant NTV Financial Inc. and its subsidiaries and affiliates, and of  
14 all bank and brokerage accounts through which Defendants Richard Nguyen’s and  
15 NTV Financial’s investors and/or clients’ funds have flowed, including the accounts  
16 identified in the TRO; and (3) set July 1, 2019 as the date by which defendants must  
17 file any opposition to the TRO and the date by which defendants must file the  
18 detailed accounting called for by the TRO; July 3, 2019 as the date by which the SEC  
19 must file any reply; and July 8, 2019 as the date for the preliminary injunction  
20 hearing (Dkt. Nos. 20-21.);

21 WHEREAS, on June 26, 2019, Defendant Richard Vu Nguyen and Relief  
22 Defendant Mai Do were properly served with the summons and complaint, and  
23 provided with copies of the TRO and other related documents, including the minute  
24 orders reflecting the Court’s June 24, 2019 rulings;

25 WHEREAS, Defendant Richard Vu Nguyen and Relief Defendant Mai Do,  
26 having read and understand the documents served on them on June 26, 2019, hereby  
27 stipulate and consent to, by and through their counsel Kien Le, together with the  
28 temporary court-appointed receiver over Defendant NTV Financial, Jeffrey E.

1 Brandlin (“the receiver”), by and through his counsel Kyra Andrassy, the entry of a  
2 preliminary injunction, including a conduct-based injunction prohibiting Defendants  
3 Nguyen and NTV Financial from directly or indirectly accessing any securities  
4 brokerage account of any third-party, and a continuation of the Orders: (1) Freezing  
5 Assets; (2) Requiring Accountings; and (3) Prohibiting the Destruction of  
6 Documents.

7 WHEREAS, Defendant Richard Vu Nguyen and Relief Defendant Mai Do, by  
8 and through their counsel Kien Le, and the receiver by and through counsel Kyra  
9 Andrassy, further stipulate and consent to the permanent appointment of Jeffrey  
10 Brandlin as a receiver of Defendant NTV Financial and its subsidiaries and affiliates,  
11 and of all bank and brokerage accounts through which Defendants’ investors and/or  
12 clients’ funds flowed, including but not limited to the accounts set forth in paragraph  
13 VII of the SEC’s original TRO, with all of the powers, authorizations, rights, and  
14 directives set forth in the TRO (Dkt. Nos. 14, 20-21.)

15 ACCORDINGLY, IT IS HEREBY CONSENTED, STIPULATED AND  
16 AGREED by the SEC, Defendants, and the Relief Defendant:

17 1. Defendants and Relief Defendant admit the Court’s jurisdiction over them  
18 and over the subject matter of this action.

19 2. Defendants and Relief Defendant do not contest the entry of a preliminary  
20 injunction, and stipulate that preliminary hearing scheduled for July 8, 2019, as well  
21 as the briefing schedule, should be vacated.

22 3. Without admitting or denying any allegations of the Complaint (except as to  
23 personal and subject matter jurisdiction under the instant Complaint, which  
24 Defendants admit), Defendants and Relief Defendant consent and stipulate to the  
25 entry of a preliminary injunction in the form attached hereto as Exhibit 1.

26 4. Defendants and Relief Defendant waive the entry of findings of fact and  
27 conclusions of law pursuant to Fed. R. Civ. P. 65.

28 5. Defendants and Relief Defendant enter into this Consent and Stipulation

1 voluntarily and represent that no threats, offers, promises, or inducements of any kind  
2 have been made by the SEC or any member, officer, employee, agent, or  
3 representative of the SEC to induce them to enter into this Consent and Stipulation.

4 6. Defendants and Relief Defendant agree that the Court may enter a  
5 preliminary injunction in a form Attached here to as Exhibit 1 without further notice  
6 or hearing.

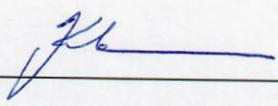
7  
8 Dated: June 28, 2019

Respectfully submitted,

9  
10 */s/ Douglas Miller*

11 \_\_\_\_\_  
12 Douglas S. Miller  
13 Kelly C. Bowers  
14 Attorneys for Plaintiff  
15 Securities and Exchange Commission

16  
17 Dated: June 28, 2019

18   
19 \_\_\_\_\_  
20 Kien Le  
21 Attorney for Defendant Richard Vu and  
22 Relief Defendant Mai Do

23  
24 Dated: June 28, 2019

Respectfully submitted,

25 */s/ Kyra Andrassy*

26 \_\_\_\_\_  
27 Kyra Andrassy  
28 Attorney for Court-Appointed Receiver  
Jeffrey E. Brandlin

# **EXHIBIT 1**

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5 **UNITED STATES DISTRICT COURT**  
6 **CENTRAL DISTRICT OF CALIFORNIA**  
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8  
9 SECURITIES AND EXCHANGE  
10 COMMISSION,

11 Plaintiff,

12 vs.

13 RICHARD VU NGUYEN, A/K/A  
14 NGUYEN THANH VU, and NTV  
FINANCIAL GROUP, INC.,

15 Defendants,

16 and

17 MAI DO,

18 Relief Defendant.  
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Case No. 8:19-cv-01174-AG-KES

**[PROPOSED] PRELIMINARY  
INJUNCTION AND ORDERS (1)  
FREEZING ASSETS; (2) REQUIRING  
ACCOUNTINGS; (3) PROHIBITING  
THE DESTRUCTION OF  
DOCUMENTS; (4) AND  
APPOINTING A PERMANENT  
RECEIVER**

1 This matter comes before the Court upon the Stipulation of Defendants Richard  
2 and Relief Defendant Mai Do, by and through their counsel Kien Le, and the court-  
3 appointed temporary receiver over Defendant NTV Financial Inc., Jeffrey E. Brandlin  
4 (“Receiver”), by and through his counsel, Kyra Andrassy, (collectively,  
5 “Defendants”), and the Stipulation of Plaintiff Securities and Exchange Commission  
6 (“SEC”) and Defendants to Entry of a Preliminary Injunction and a Continuation of  
7 Orders (1) Freezing Assets; (2) Requiring Accountings; (3) Prohibiting the  
8 Destruction of Documents; and (4) Appointing a Receiver.

9 The Court, having previously issued a Temporary Restraining Order and  
10 Orders (1) Freezing Assets, (2) Requiring Accountings, (3) Prohibiting the  
11 Destruction of Documents, and (4) Granting Expedited Discovery; and having  
12 previously appointed Jeffrey E. Brandlin as a temporary receiver over Defendant  
13 NTV Financial Inc., and having considered the SEC’s Complaint, TRO Application,  
14 the supporting Memorandum of Points and Authorities, the supporting declarations  
15 and exhibits, and any the other evidence and arguments presented to the Court, as  
16 well as the Consent and Stipulation filed by the parties, finds:

17 A. This Court has jurisdiction over the parties to, and the subject matter of,  
18 this action.

19 B. Defendants have consented and the Parties have stipulated to the entry of  
20 a preliminary injunction on the terms below.

21 **I.**

22 IT IS HEREBY ORDERED that the Parties’ Stipulation to the Entry of a  
23 Preliminary Injunction and Orders Freezing Assets, Requiring Accountings,  
24 Prohibiting the Destruction of Documents, and Appointing a Permanent Receiver are  
25 GRANTED.

26 **II.**

27 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants  
28 NTV Financial and Nguyen are preliminarily restrained and enjoined from violating,

1 directly or indirectly, Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and  
 2 Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or  
 3 instrumentality of interstate commerce, or of the mails, or of any facility of any  
 4 national securities exchange, in connection with the purchase or sale of any security:

5 (a) to employ any device, scheme, or artifice to defraud;

6 (b) to make any untrue statement of a material fact or to omit to state a  
 7 material fact necessary in order to make the statements made, in the light  
 8 of the circumstances under which they were made, not misleading; or

9 (c) to engage in any act, practice, or course of business which operates or  
 10 would operate as a fraud or deceit upon any person.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
 12 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
 13 binds the following who receive actual notice of this Order by personal service or  
 14 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
 15 employees, and attorneys; and (b) other persons in active concert or participation with  
 16 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

### 17 **III.**

18 IT IS FURTHER ORDERED that Defendants NTV Financial and Nguyen, and  
 19 their officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and  
 20 those persons in active concert or participation with any of them, who receive actual  
 21 notice of this Order, by personal service or otherwise, and each of them, be and hereby  
 22 are preliminarily restrained and enjoined from, directly or indirectly, in the offer or  
 23 sale of any securities, by the use of any means or instruments of transportation or  
 24 communication in interstate commerce or by the use of the mails:

25 A. employing any device, scheme or artifice to defraud;

26 B. obtaining money or property by means of any untrue statement of a  
 27 material fact or any omission to state a material fact necessary in order to  
 28

1 make the statements made, in light of the circumstances under which  
2 they were made, not misleading; or

3 C. engaging in any transaction, practice, or course of business which  
4 operates or would operate as a fraud or deceit upon the purchaser;  
5 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
7 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
8 binds the following who receive actual notice of this Order by personal service or  
9 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
10 employees, and attorneys; and (b) other persons in active concert or participation with  
11 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

12 **IV.**

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants  
14 NTV Financial and Nguyen are preliminarily restrained and enjoined from

15 A. employing any device, scheme or artifice to defraud any client or  
16 prospective client; and

17 B. engaging in any transaction, practice, or course of business which  
18 operates or would operate as a fraud or deceit upon any client or  
19 prospective client;  
20 in violation of Sections 206(1) and (2) of the Advisers Act, 15 U.S.C. §§ 80b-6(1) &  
21 80b-6(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
23 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
24 binds the following who receive actual notice of this Order by personal service or  
25 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
26 employees, and attorneys; and (b) other persons in active concert or participation with  
27 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).  
28

V.

IT IS FURTHER ORDERED that Defendants NTV Financial and Nguyen, and their agents, servants, employees, attorneys, and affiliates, and those persons in active concert or participation with any of them, who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are preliminarily restrained and enjoined from, directly or indirectly, by the use of the mails or any means or instrumentality of interstate commerce, while acting as an investment adviser to a pooled investment vehicle:

A. making any untrue statement of a material fact or omitting to state a material fact necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, to any investor or prospective investor in a pooled investment vehicle;

B. engaging in any act, practice, or course of business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in a pooled investment vehicle;

in violation of Section 206(4) of the Advisers Act, 15 U.S.C. § 80b-6(4), and Rule 206(4)-8 thereunder, 17 C.F.R. § 275.206(4)-8.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Order by personal service or otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

VI.

IT IS HEREBY FURTHER ORDERED that Defendants NTV Financial and Nguyen, and each of their agents, servants, employees and attorneys and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including facsimile transmission, electronic

mail, or overnight delivery service, are hereby prohibited from directly or indirectly, including through any entity they own or control, accessing any securities brokerage account of any third-party, including doing so with the consent of the account holder.

## VII.

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, there shall be a continuation of the freeze placed on all monies and assets (with an allowance for necessary and reasonable living expenses to be granted only upon good cause shown by application to the Court with notice to and an opportunity for the SEC to be heard) in all accounts at any bank, financial institution, brokerage firm, third-payment payment processor, held in the name of, for the benefit of, or over which account authority is held by Defendants NTV Financial and/or Nguyen, and/or by Relief Defendant Do, including but not limited to the accounts listed below:

INSTITUTION	ACCOUNT NAME/OWNER	ACCOUNT NO.
Bank Of America	NTV Financial Group Inc.	██████8771
Bank Of America	NTV Financial Group Inc. DBA NTLF (Nguyen Tran Le Fund)	██████-8768
Bank Of America	Richard Nguyen DBA NTV Service Group	██████-1210
JP Morgan Chase	NTV Financial Group Inc.	██████1135
JP Morgan Chase	Mai Do DBA NTV Business Group	██████3619
Wells Fargo Bank	NTV Financial Group Inc. DBA NTLF (Nguyen Tran Le Fund)	██████4464
Wells Fargo Bank	Richard Nguyen	██████8738
Banc of California	Mai Do	██████-2032
US Bank	Richard Nguyen DBA NTV Service Group	██████5338
Simple	Richard Nguyen	██████1511
Charles Schwab	NTV Financial Group Inc.	██████6464
Charles Schwab	Richard Nguyen	██████8787
E*Trade	Mai Do	██████3288
E*Trade	Mai Do	██████1301
E*Trade	Mai Do	██████2529
E*Trade	NTV Financial Group Inc.	██████1412
E*Trade	Richard Nguyen	██████9407
Interactive Brokers	NTV Financial Group Inc.	██████9327

1	Merrill Lynch	Richard Nguyen	1580
2	Apex		
3	Clearing/Ally	Richard Nguyen	10-11
	Securities		

Any bank, financial institution, brokerage firm, or third-party payment processor shall continue to hold and retain within their control and prohibit the withdrawal, removal, transfer or other disposal of any such funds or other assets except as otherwise ordered by this Court.

### VIII.

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, each of the Defendants Nguyen and NTV Financial and the Relief Defendant Mai Do be and hereby are preliminarily restrained and enjoined from, directly or indirectly: destroying, mutilating, concealing, transferring, altering, or otherwise disposing of, in any manner, any documents, which includes all books, records, computer programs, computer files, data objects existing in any state, computer printouts, contracts, emails, correspondence, memoranda, brochures, or any other documents of any kind in their possession, custody or control, however created, produced, or stored (manually, mechanically, electronically, or otherwise), and any accounts, account passwords, computer passwords, device PINs and passwords, pertaining in any manner to Defendants NTV Financial or Nguyen.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Order by personal service or otherwise: (a) Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with any of the Defendants or with anyone described in (a).

### IX.

IT IS FURTHER ORDERED that Defendants Nguyen and NTV Financial and the Relief Defendant Mai Do remain under a continuing obligation to prepare and

1 deliver to the SEC, by no later than July 8, 2019, a detailed and complete schedule of  
2 all of their assets, including all real and personal property exceeding \$5,000 in value,  
3 and all bank, securities, and other accounts identified by institution, branch address,  
4 and account number. The accounting shall include a description of the sources of all  
5 such assets. Such accounting shall be filed with the Court and a copy shall be  
6 delivered by email to [millerdou@sec.gov](mailto:millerdou@sec.gov) and delivered by hand or overnight courier  
7 to the SEC to the attention of Douglas M. Miller, Trial Counsel, U.S. Securities and  
8 Exchange Commission, Los Angeles Regional Office, 444 South Flower Street, Suite  
9 900, Los Angeles, California, 90071, or such other place and person as counsel for  
10 the SEC may direct in writing. After completion of the accounting, each of the  
11 Defendants shall produce to the SEC at a time agreeable to the SEC, all books,  
12 records and other documents supporting or underlying their accounting.

13 **X.**

14 IT IS FURTHER ORDERED that Jeffrey Brandlin is appointed as permanent  
15 receiver of Defendant NTV Financial and its subsidiaries and affiliates, and of all  
16 bank and brokerage accounts through which Defendants Richard Nguyen's and NTV  
17 Financial's investors and/or clients' funds have flowed, including but not limited to  
18 the accounts set forth in paragraph VII above (the "Subject Accounts") (collectively  
19 with NTV Financial and its subsidiaries and affiliates, the "Receivership Entity"),  
20 with full powers of an equity receiver, including, but not limited to, full power over  
21 all funds, assets, collateral, premises (whether owned, leased, occupied, or otherwise  
22 controlled), choses in action, books, records, papers and other property belonging to,  
23 being managed by or in the possession of or control of Defendant NTV Financial, its  
24 subsidiaries and affiliates, and/or the Subject Accounts, and that such receiver  
25 continue to be authorized, empowered and directed:

- 26 A. to have access to and to collect and take custody, control, possession,  
27 and charge of all funds, assets, collateral, premises (whether owned,  
28 leased, occupied, or otherwise controlled), choses in action, books,

1 records, papers and other real or personal property, wherever located, of  
2 or managed by Defendant NTV Financial, its subsidiaries and affiliates,  
3 and/or the Subject Accounts, with full power to sue, foreclose, marshal,  
4 collect, receive, and take into possession all such property (including  
5 access to and taking custody, control, and possession of all such  
6 Defendant NTV Financial property, and that of its subsidiaries and  
7 affiliates NTV Financial and/or the Subject Accounts);

8 B. to have control of, and to be added as the sole authorized signatory for,  
9 all accounts of the entities in receivership, including all accounts at any  
10 bank, title company, escrow agent, financial institution or brokerage firm  
11 (including any futures commission merchant) which has possession,  
12 custody or control of any assets or funds of Defendant NTV Financial,  
13 and that of its subsidiaries and affiliates and the Subject Accounts, or  
14 which maintains accounts over which Defendant NTV Financial, its  
15 subsidiaries and affiliates, and/or the Subject Accounts have signatory  
16 authority;

17 C. to conduct such investigation and discovery as may be necessary to  
18 locate and account for all of the assets of or managed by Defendant NTV  
19 Financial, its subsidiaries and affiliates and/or the Subject Accounts, and  
20 to engage and employ attorneys, accountants and other persons to assist  
21 in such investigation and discovery;

22 D. to take such action as is necessary and appropriate to preserve and take  
23 control of and to prevent the dissipation, concealment, or disposition of  
24 any assets of or managed by Defendant NTV Financial, its subsidiaries  
25 and affiliates and/or the Subject Accounts;

26 E. to make an accounting, as soon as practicable, to this Court and the SEC  
27 of the assets and financial condition of Defendant NTV Financial, its  
28 subsidiaries and affiliates and/or the Subject Accounts, and to file the

1 accounting with the Court and deliver copies thereof to all parties;

2 F. to make such payments and disbursements from the funds and assets  
3 taken into custody, control, and possession or thereafter received by him  
4 or her, and to incur, or authorize the making of, such agreements as may  
5 be necessary and advisable in discharging his or her duties as permanent  
6 receiver;

7 G. to employ attorneys, accountants, and others to investigate and, where  
8 appropriate, to institute, pursue, and prosecute all claims and causes of  
9 action of whatever kind and nature which may now or hereafter exist as  
10 a result of the activities of present or past employees or agents of  
11 Defendant NTV Financial, its subsidiaries and affiliates and/or the  
12 Subject Accounts; and

13 H. to have access to and monitor all mail, electronic mail, and video phone  
14 of the entities in receivership in order to review such mail, electronic  
15 mail, and video phone which he or she deems relates to their business  
16 and the discharging of his or her duties as permanent receiver.

17 **XI.**

18 IT IS FURTHER ORDERED that Defendant NTV Financial, its subsidiaries  
19 and affiliates and the Subject Accounts, including all of the other entities in  
20 receivership, and their officers, agents, servants, employees and attorneys, and any  
21 other persons who are in custody, possession or control of any assets, collateral,  
22 books, records, papers or other property of or managed by any of the entities in  
23 receivership, shall forthwith give access to and control of such property to the  
24 permanent receiver.

25 **XII.**

26 IT IS FURTHER ORDERED that no officer, agent, servant, employee or  
27 attorney of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject  
28 Accounts shall take any action or purport to take any action, in the name of or on

1 behalf of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject  
 2 Accounts, without the written consent of the permanent receiver or order of this  
 3 Court.

### 4 **XIII.**

5 IT IS FURTHER ORDERED that, except by leave of this Court, during the  
 6 pendency of this receivership, all clients, investors, trust beneficiaries, note holders,  
 7 creditors, claimants, lessors and all other persons or entities seeking relief of any  
 8 kind, in law or in equity, from Defendant NTV Financial, its subsidiaries and  
 9 affiliates and/or the Subject Accounts, and all persons acting on behalf of any such  
 10 investor, trust beneficiary, note holder, creditor, claimant, lessor, consultant group or  
 11 other person, including sheriffs, marshals, servants, agents, employees and attorneys,  
 12 are hereby restrained and enjoined from, directly or indirectly, with respect to these  
 13 persons and entities:

- 14 A. commencing, prosecuting, continuing or enforcing any suit or  
 15 proceeding (other than the present action by the SEC or any other action  
 16 by the government) against any of them;
- 17 B. using self-help or executing or issuing or causing the execution or  
 18 issuance of any court attachment, subpoena, replevin, execution or other  
 19 process for the purpose of impounding or taking possession of or  
 20 interfering with or creating or enforcing a lien upon any property or  
 21 property interests owned by or in the possession of Defendant NTV  
 22 Financial, its subsidiaries and affiliates and/or the Subject Accounts; and
- 23 C. doing any act or thing whatsoever to interfere with taking control,  
 24 possession or management by the permanent receiver appointed  
 25 hereunder of the property and assets owned, controlled or managed by or  
 26 in the possession of Defendant NTV Financial, its subsidiaries and  
 27 affiliates and/or the Subject Accounts, or in any way to interfere with or  
 28 harass the permanent receiver or his or her attorneys, accountants,

1 employees, or agents or to interfere in any manner with the discharge of  
2 the permanent receiver's duties and responsibilities hereunder.

3 **XIV.**

4 IT IS FURTHER ORDERED that Defendant NTV Financial and its  
5 subsidiaries and affiliates, and their officers, agents, servants, employees and  
6 attorneys, and the Subject Accounts, shall cooperate with and assist the permanent  
7 receiver and shall take no action, directly or indirectly, to hinder, obstruct, or  
8 otherwise interfere with the permanent receiver or his or her attorneys, accountants,  
9 employees or agents, in the conduct of the permanent receiver's duties or to interfere  
10 in any manner, directly or indirectly, with the custody, possession, management, or  
11 control by the permanent receiver of the funds, assets, collateral, premises, and  
12 choses in action described above.

13 **XV.**

14 IT IS FURTHER ORDERED that Defendant NTV Financial and its  
15 subsidiaries and affiliates shall pay the costs, fees and expenses of the permanent  
16 receiver incurred in connection with the performance of his or her duties described in  
17 this Order, including the costs and expenses of those persons who may be engaged or  
18 employed by the receiver to assist him or her in carrying out his or her duties and  
19 obligations. All applications for costs, fees, and expenses for services rendered in  
20 connection with the receivership other than routine and necessary business expenses  
21 in conducting the receivership, such as salaries, rent, and any and all other reasonable  
22 operating expenses, shall be made by application setting forth in reasonable detail the  
23 nature of the services and shall be heard by the Court.

24 **XVI.**

25 IT IS FURTHER ORDERED that no bond shall be required in connection with  
26 the appointment of the permanent receiver. Except for an act of gross negligence, the  
27 permanent receiver shall not be liable for any loss or damage incurred by any of the  
28 defendants, their officers, agents, servants, employees and attorneys or any other

1 person, by reason of any act performed or omitted to be performed by the permanent  
2 receiver in connection with the discharge of his or her duties and responsibilities.

3 **XVII.**

4 IT IS FURTHER ORDERED that representatives of the SEC and any other  
5 government agency are authorized to have continuing access to inspect or copy any  
6 or all of the corporate books and records and other documents of Defendant NTV  
7 Financial, its subsidiaries and affiliates and/or the Subject Accounts, and continuing  
8 access to inspect their funds, property, assets and collateral, wherever located.

9 **XVIII.**

10 IT IS FURTHER ORDERED that any person who receives actual notice of this  
11 Order by personal service or otherwise, and who holds, possesses, or controls assets  
12 exceeding \$5,000 for the account or benefit of any of the Defendants, including any  
13 digital assets, digital securities, virtual currencies, digital tokens, cryptocurrencies,  
14 digital wallets, or other tangible, intangible, or digital assets, wherever located,  
15 including any such assets held in any safe deposit box, shall within 5 days of  
16 receiving actual notice of this Order provide counsel for the SEC a written statement  
17 identifying all such assets, the value of such assets, or best approximation thereof,  
18 and any account numbers or account names in which the assets are held.

19 **XIV.**

20 IT IS FURTHER ORDERED that the preliminary hearing scheduled for July 8,  
21 2019, and briefing schedule related to that hearing are vacated.

22 //

23 //

**XV.**

IT IS FURTHER ORDRED that this Court shall retain jurisdiction over this action for the purpose of implementing and carrying out the terms of all orders and decrees which may be entered herein and to entertain any suitable application or motion for additional relief within the jurisdiction of this Court.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Presented by:  
Douglas M. Miller  
Kelly C. Bowers  
Attorneys for Plaintiff  
Securities and Exchange Commission

**PROOF OF SERVICE**

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION,  
444 S. Flower Street, Suite 900, Los Angeles, California 90071  
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On June 28, 2019, I caused to be served the document entitled **STIPULATION OF DEFENDANTS AND RELIEF DEFENDANT TO ENTRY OF PRELIMINARY INJUNCTION AND CONTINUATION OF ORDERS: (1) FREEZING ASSETS; (2) REQUIRING ACCOUNTINGS; (3) PROHIBITING THE DESTRUCTION OF DOCUMENTS; AND (4) APPOINTING A RECEIVER** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

☒ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☒ **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: June 28, 2019

/s/ Douglas Miller

Douglas M. Miller

***SEC v. Miller et al.***  
**United States District Court—Central District of California**  
**Case No. 8:19-cv-01174-AG-KES**

**SERVICE LIST**

*Counsel for Defendant(s) Richard Vu Nguyen and Relief Defendant  
Mai Do:*

Kien Trung Le, Esq.  
Law Offices of Kien Le  
127555 Brookhurst Street, Suite 115  
Garden Grove, CA 92840-4855  
[Kienle.law@gmail.com](mailto:Kienle.law@gmail.com)

*Counsel for NTV Financial, Inc.:*

Kyra Andrassy for Court Appointed Receiver  
[kandrassy@swelawfirm.com](mailto:kandrassy@swelawfirm.com)

Court-Appointed Receiver:

Jeffrey E. Brandlin, CPA  
Brandlin & Associates  
[jeff@brandlin.com](mailto:jeff@brandlin.com)

1  
2  
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4  
5 **UNITED STATES DISTRICT COURT**  
6 **CENTRAL DISTRICT OF CALIFORNIA**  
7

8  
9 SECURITIES AND EXCHANGE  
10 COMMISSION,

11 Plaintiff,

12 vs.

13 RICHARD VU NGUYEN, A/K/A  
14 NGUYEN THANH VU, and NTV  
FINANCIAL GROUP, INC.,

15 Defendants,

16 and

17 MAI DO,

18 Relief Defendant.  
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Case No. 8:19-cv-01174-AG-KES

**[PROPOSED] PRELIMINARY  
INJUNCTION AND ORDERS (1)  
FREEZING ASSETS; (2) REQUIRING  
ACCOUNTINGS; (3) PROHIBITING  
THE DESTRUCTION OF  
DOCUMENTS; (4) AND  
APPOINTING A PERMANENT  
RECEIVER**

1 This matter comes before the Court upon the Stipulation of Defendants Richard  
2 and Relief Defendant Mai Do, by and through their counsel Kien Le, and the court-  
3 appointed temporary receiver over Defendant NTV Financial Inc., Jeffrey E. Brandlin  
4 (“Receiver”), by and through his counsel, Kyra Andrassy, (collectively,  
5 “Defendants”), and the Stipulation of Plaintiff Securities and Exchange Commission  
6 (“SEC”) and Defendants to Entry of a Preliminary Injunction and a Continuation of  
7 Orders (1) Freezing Assets; (2) Requiring Accountings; (3) Prohibiting the  
8 Destruction of Documents; and (4) Appointing a Receiver.

9 The Court, having previously issued a Temporary Restraining Order and  
10 Orders (1) Freezing Assets, (2) Requiring Accountings, (3) Prohibiting the  
11 Destruction of Documents, and (4) Granting Expedited Discovery; and having  
12 previously appointed Jeffrey E. Brandlin as a temporary receiver over Defendant  
13 NTV Financial Inc., and having considered the SEC’s Complaint, TRO Application,  
14 the supporting Memorandum of Points and Authorities, the supporting declarations  
15 and exhibits, and any the other evidence and arguments presented to the Court, as  
16 well as the Consent and Stipulation filed by the parties, finds:

17 A. This Court has jurisdiction over the parties to, and the subject matter of,  
18 this action.

19 B. Defendants have consented and the Parties have stipulated to the entry of  
20 a preliminary injunction on the terms below.

21 **I.**

22 IT IS HEREBY ORDERED that the Parties’ Stipulation to the Entry of a  
23 Preliminary Injunction and Orders Freezing Assets, Requiring Accountings,  
24 Prohibiting the Destruction of Documents, and Appointing a Permanent Receiver are  
25 GRANTED.

26 **II.**

27 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants  
28 NTV Financial and Nguyen are preliminarily restrained and enjoined from violating,

1 directly or indirectly, Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and  
2 Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or  
3 instrumentality of interstate commerce, or of the mails, or of any facility of any  
4 national securities exchange, in connection with the purchase or sale of any security:

5 (a) to employ any device, scheme, or artifice to defraud;

6 (b) to make any untrue statement of a material fact or to omit to state a  
7 material fact necessary in order to make the statements made, in the light  
8 of the circumstances under which they were made, not misleading; or

9 (c) to engage in any act, practice, or course of business which operates or  
10 would operate as a fraud or deceit upon any person.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
12 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
13 binds the following who receive actual notice of this Order by personal service or  
14 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
15 employees, and attorneys; and (b) other persons in active concert or participation with  
16 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

17 **III.**

18 IT IS FURTHER ORDERED that Defendants NTV Financial and Nguyen, and  
19 their officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and  
20 those persons in active concert or participation with any of them, who receive actual  
21 notice of this Order, by personal service or otherwise, and each of them, be and hereby  
22 are preliminarily restrained and enjoined from, directly or indirectly, in the offer or  
23 sale of any securities, by the use of any means or instruments of transportation or  
24 communication in interstate commerce or by the use of the mails:

25 A. employing any device, scheme or artifice to defraud;

26 B. obtaining money or property by means of any untrue statement of a  
27 material fact or any omission to state a material fact necessary in order to  
28

1 make the statements made, in light of the circumstances under which  
2 they were made, not misleading; or

3 C. engaging in any transaction, practice, or course of business which  
4 operates or would operate as a fraud or deceit upon the purchaser;  
5 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
7 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
8 binds the following who receive actual notice of this Order by personal service or  
9 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
10 employees, and attorneys; and (b) other persons in active concert or participation with  
11 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

12 **IV.**

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants  
14 NTV Financial and Nguyen are preliminarily restrained and enjoined from

15 A. employing any device, scheme or artifice to defraud any client or  
16 prospective client; and

17 B. engaging in any transaction, practice, or course of business which  
18 operates or would operate as a fraud or deceit upon any client or  
19 prospective client;  
20 in violation of Sections 206(1) and (2) of the Advisers Act, 15 U.S.C. §§ 80b-6(1) &  
21 80b-6(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
23 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
24 binds the following who receive actual notice of this Order by personal service or  
25 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
26 employees, and attorneys; and (b) other persons in active concert or participation with  
27 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).  
28

V.

IT IS FURTHER ORDERED that Defendants NTV Financial and Nguyen, and their agents, servants, employees, attorneys, and affiliates, and those persons in active concert or participation with any of them, who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are preliminarily restrained and enjoined from, directly or indirectly, by the use of the mails or any means or instrumentality of interstate commerce, while acting as an investment adviser to a pooled investment vehicle:

A. making any untrue statement of a material fact or omitting to state a material fact necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, to any investor or prospective investor in a pooled investment vehicle;

B. engaging in any act, practice, or course of business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in a pooled investment vehicle;

in violation of Section 206(4) of the Advisers Act, 15 U.S.C. § 80b-6(4), and Rule 206(4)-8 thereunder, 17 C.F.R. § 275.206(4)-8.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Order by personal service or otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

VI.

IT IS HEREBY FURTHER ORDERED that Defendants NTV Financial and Nguyen, and each of their agents, servants, employees and attorneys and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including facsimile transmission, electronic

mail, or overnight delivery service, are hereby prohibited from directly or indirectly, including through any entity they own or control, accessing any securities brokerage account of any third-party, including doing so with the consent of the account holder.

## VII.

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, there shall be a continuation of the freeze placed on all monies and assets (with an allowance for necessary and reasonable living expenses to be granted only upon good cause shown by application to the Court with notice to and an opportunity for the SEC to be heard) in all accounts at any bank, financial institution, brokerage firm, third-payment payment processor, held in the name of, for the benefit of, or over which account authority is held by Defendants NTV Financial and/or Nguyen, and/or by Relief Defendant Do, including but not limited to the accounts listed below:

INSTITUTION	ACCOUNT NAME/OWNER	ACCOUNT NO.
Bank Of America	NTV Financial Group Inc.	██████8771
Bank Of America	NTV Financial Group Inc. DBA NTLF (Nguyen Tran Le Fund)	██████-8768
Bank Of America	Richard Nguyen DBA NTV Service Group	██████-1210
JP Morgan Chase	NTV Financial Group Inc.	██████1135
JP Morgan Chase	Mai Do DBA NTV Business Group	██████3619
Wells Fargo Bank	NTV Financial Group Inc. DBA NTLF (Nguyen Tran Le Fund)	██████4464
Wells Fargo Bank	Richard Nguyen	██████8738
Banc of California	Mai Do	██████-2032
US Bank	Richard Nguyen DBA NTV Service Group	██████5338
Simple	Richard Nguyen	██████1511
Charles Schwab	NTV Financial Group Inc.	██████6464
Charles Schwab	Richard Nguyen	██████8787
E*Trade	Mai Do	██████3288
E*Trade	Mai Do	██████1301
E*Trade	Mai Do	██████2529
E*Trade	NTV Financial Group Inc.	██████1412
E*Trade	Richard Nguyen	██████9407
Interactive Brokers	NTV Financial Group Inc.	██████9327

1	Merrill Lynch	Richard Nguyen	1580
2	Apex		
3	Clearing/Ally	Richard Nguyen	10-11
	Securities		

4 Any bank, financial institution, brokerage firm, or third-party payment  
5 processor shall continue to hold and retain within their control and prohibit the  
6 withdrawal, removal, transfer or other disposal of any such funds or other assets  
7 except as otherwise ordered by this Court.

### 8 **VIII.**

9 IT IS FURTHER ORDERED that, except as otherwise ordered by this Court,  
10 each of the Defendants Nguyen and NTV Financial and the Relief Defendant Mai Do  
11 be and hereby are preliminarily restrained and enjoined from, directly or indirectly:  
12 destroying, mutilating, concealing, transferring, altering, or otherwise disposing of, in  
13 any manner, any documents, which includes all books, records, computer programs,  
14 computer files, data objects existing in any state, computer printouts, contracts,  
15 emails, correspondence, memoranda, brochures, or any other documents of any kind  
16 in their possession, custody or control, however created, produced, or stored  
17 (manually, mechanically, electronically, or otherwise), and any accounts, account  
18 passwords, computer passwords, device PINs and passwords, pertaining in any  
19 manner to Defendants NTV Financial or Nguyen.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided  
21 in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the  
22 following who receive actual notice of this Order by personal service or otherwise: (a)  
23 Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons  
24 in active concert or participation with any of the Defendants or with anyone described  
25 in (a).

### 26 **IX.**

27 IT IS FURTHER ORDERED that Defendants Nguyen and NTV Financial and  
28 the Relief Defendant Mai Do remain under a continuing obligation to prepare and

1 deliver to the SEC, by no later than July 8, 2019, a detailed and complete schedule of  
2 all of their assets, including all real and personal property exceeding \$5,000 in value,  
3 and all bank, securities, and other accounts identified by institution, branch address,  
4 and account number. The accounting shall include a description of the sources of all  
5 such assets. Such accounting shall be filed with the Court and a copy shall be  
6 delivered by email to [millerdou@sec.gov](mailto:millerdou@sec.gov) and delivered by hand or overnight courier  
7 to the SEC to the attention of Douglas M. Miller, Trial Counsel, U.S. Securities and  
8 Exchange Commission, Los Angeles Regional Office, 444 South Flower Street, Suite  
9 900, Los Angeles, California, 90071, or such other place and person as counsel for  
10 the SEC may direct in writing. After completion of the accounting, each of the  
11 Defendants shall produce to the SEC at a time agreeable to the SEC, all books,  
12 records and other documents supporting or underlying their accounting.

13 **X.**

14 IT IS FURTHER ORDERED that Jeffrey Brandlin is appointed as permanent  
15 receiver of Defendant NTV Financial and its subsidiaries and affiliates, and of all  
16 bank and brokerage accounts through which Defendants Richard Nguyen's and NTV  
17 Financial's investors and/or clients' funds have flowed, including but not limited to  
18 the accounts set forth in paragraph VII above (the "Subject Accounts") (collectively  
19 with NTV Financial and its subsidiaries and affiliates, the "Receivership Entity"),  
20 with full powers of an equity receiver, including, but not limited to, full power over  
21 all funds, assets, collateral, premises (whether owned, leased, occupied, or otherwise  
22 controlled), choses in action, books, records, papers and other property belonging to,  
23 being managed by or in the possession of or control of Defendant NTV Financial, its  
24 subsidiaries and affiliates, and/or the Subject Accounts, and that such receiver  
25 continue to be authorized, empowered and directed:

- 26 A. to have access to and to collect and take custody, control, possession,  
27 and charge of all funds, assets, collateral, premises (whether owned,  
28 leased, occupied, or otherwise controlled), choses in action, books,

1 records, papers and other real or personal property, wherever located, of  
2 or managed by Defendant NTV Financial, its subsidiaries and affiliates,  
3 and/or the Subject Accounts, with full power to sue, foreclose, marshal,  
4 collect, receive, and take into possession all such property (including  
5 access to and taking custody, control, and possession of all such  
6 Defendant NTV Financial property, and that of its subsidiaries and  
7 affiliates NTV Financial and/or the Subject Accounts);

8 B. to have control of, and to be added as the sole authorized signatory for,  
9 all accounts of the entities in receivership, including all accounts at any  
10 bank, title company, escrow agent, financial institution or brokerage firm  
11 (including any futures commission merchant) which has possession,  
12 custody or control of any assets or funds of Defendant NTV Financial,  
13 and that of its subsidiaries and affiliates and the Subject Accounts, or  
14 which maintains accounts over which Defendant NTV Financial, its  
15 subsidiaries and affiliates, and/or the Subject Accounts have signatory  
16 authority;

17 C. to conduct such investigation and discovery as may be necessary to  
18 locate and account for all of the assets of or managed by Defendant NTV  
19 Financial, its subsidiaries and affiliates and/or the Subject Accounts, and  
20 to engage and employ attorneys, accountants and other persons to assist  
21 in such investigation and discovery;

22 D. to take such action as is necessary and appropriate to preserve and take  
23 control of and to prevent the dissipation, concealment, or disposition of  
24 any assets of or managed by Defendant NTV Financial, its subsidiaries  
25 and affiliates and/or the Subject Accounts;

26 E. to make an accounting, as soon as practicable, to this Court and the SEC  
27 of the assets and financial condition of Defendant NTV Financial, its  
28 subsidiaries and affiliates and/or the Subject Accounts, and to file the

accounting with the Court and deliver copies thereof to all parties;

F. to make such payments and disbursements from the funds and assets taken into custody, control, and possession or thereafter received by him or her, and to incur, or authorize the making of, such agreements as may be necessary and advisable in discharging his or her duties as permanent receiver;

G. to employ attorneys, accountants, and others to investigate and, where appropriate, to institute, pursue, and prosecute all claims and causes of action of whatever kind and nature which may now or hereafter exist as a result of the activities of present or past employees or agents of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject Accounts; and

H. to have access to and monitor all mail, electronic mail, and video phone of the entities in receivership in order to review such mail, electronic mail, and video phone which he or she deems relates to their business and the discharging of his or her duties as permanent receiver.

## **XI.**

IT IS FURTHER ORDERED that Defendant NTV Financial, its subsidiaries and affiliates and the Subject Accounts, including all of the other entities in receivership, and their officers, agents, servants, employees and attorneys, and any other persons who are in custody, possession or control of any assets, collateral, books, records, papers or other property of or managed by any of the entities in receivership, shall forthwith give access to and control of such property to the permanent receiver.

## **XII.**

IT IS FURTHER ORDERED that no officer, agent, servant, employee or attorney of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject Accounts shall take any action or purport to take any action, in the name of or on

1 behalf of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject  
 2 Accounts, without the written consent of the permanent receiver or order of this  
 3 Court.

### 4 **XIII.**

5 IT IS FURTHER ORDERED that, except by leave of this Court, during the  
 6 pendency of this receivership, all clients, investors, trust beneficiaries, note holders,  
 7 creditors, claimants, lessors and all other persons or entities seeking relief of any  
 8 kind, in law or in equity, from Defendant NTV Financial, its subsidiaries and  
 9 affiliates and/or the Subject Accounts, and all persons acting on behalf of any such  
 10 investor, trust beneficiary, note holder, creditor, claimant, lessor, consultant group or  
 11 other person, including sheriffs, marshals, servants, agents, employees and attorneys,  
 12 are hereby restrained and enjoined from, directly or indirectly, with respect to these  
 13 persons and entities:

- 14 A. commencing, prosecuting, continuing or enforcing any suit or  
 15 proceeding (other than the present action by the SEC or any other action  
 16 by the government) against any of them;
- 17 B. using self-help or executing or issuing or causing the execution or  
 18 issuance of any court attachment, subpoena, replevin, execution or other  
 19 process for the purpose of impounding or taking possession of or  
 20 interfering with or creating or enforcing a lien upon any property or  
 21 property interests owned by or in the possession of Defendant NTV  
 22 Financial, its subsidiaries and affiliates and/or the Subject Accounts; and
- 23 C. doing any act or thing whatsoever to interfere with taking control,  
 24 possession or management by the permanent receiver appointed  
 25 hereunder of the property and assets owned, controlled or managed by or  
 26 in the possession of Defendant NTV Financial, its subsidiaries and  
 27 affiliates and/or the Subject Accounts, or in any way to interfere with or  
 28 harass the permanent receiver or his or her attorneys, accountants,

1 employees, or agents or to interfere in any manner with the discharge of  
2 the permanent receiver's duties and responsibilities hereunder.

3 **XIV.**

4 IT IS FURTHER ORDERED that Defendant NTV Financial and its  
5 subsidiaries and affiliates, and their officers, agents, servants, employees and  
6 attorneys, and the Subject Accounts, shall cooperate with and assist the permanent  
7 receiver and shall take no action, directly or indirectly, to hinder, obstruct, or  
8 otherwise interfere with the permanent receiver or his or her attorneys, accountants,  
9 employees or agents, in the conduct of the permanent receiver's duties or to interfere  
10 in any manner, directly or indirectly, with the custody, possession, management, or  
11 control by the permanent receiver of the funds, assets, collateral, premises, and  
12 choses in action described above.

13 **XV.**

14 IT IS FURTHER ORDERED that Defendant NTV Financial and its  
15 subsidiaries and affiliates shall pay the costs, fees and expenses of the permanent  
16 receiver incurred in connection with the performance of his or her duties described in  
17 this Order, including the costs and expenses of those persons who may be engaged or  
18 employed by the receiver to assist him or her in carrying out his or her duties and  
19 obligations. All applications for costs, fees, and expenses for services rendered in  
20 connection with the receivership other than routine and necessary business expenses  
21 in conducting the receivership, such as salaries, rent, and any and all other reasonable  
22 operating expenses, shall be made by application setting forth in reasonable detail the  
23 nature of the services and shall be heard by the Court.

24 **XVI.**

25 IT IS FURTHER ORDERED that no bond shall be required in connection with  
26 the appointment of the permanent receiver. Except for an act of gross negligence, the  
27 permanent receiver shall not be liable for any loss or damage incurred by any of the  
28 defendants, their officers, agents, servants, employees and attorneys or any other

1 person, by reason of any act performed or omitted to be performed by the permanent  
2 receiver in connection with the discharge of his or her duties and responsibilities.

3 **XVII.**

4 IT IS FURTHER ORDERED that representatives of the SEC and any other  
5 government agency are authorized to have continuing access to inspect or copy any  
6 or all of the corporate books and records and other documents of Defendant NTV  
7 Financial, its subsidiaries and affiliates and/or the Subject Accounts, and continuing  
8 access to inspect their funds, property, assets and collateral, wherever located.

9 **XVIII.**

10 IT IS FURTHER ORDERED that any person who receives actual notice of this  
11 Order by personal service or otherwise, and who holds, possesses, or controls assets  
12 exceeding \$5,000 for the account or benefit of any of the Defendants, including any  
13 digital assets, digital securities, virtual currencies, digital tokens, cryptocurrencies,  
14 digital wallets, or other tangible, intangible, or digital assets, wherever located,  
15 including any such assets held in any safe deposit box, shall within 5 days of  
16 receiving actual notice of this Order provide counsel for the SEC a written statement  
17 identifying all such assets, the value of such assets, or best approximation thereof,  
18 and any account numbers or account names in which the assets are held.

19 **XIV.**

20 IT IS FURTHER ORDERED that the preliminary hearing scheduled for July 8,  
21 2019, and briefing schedule related to that hearing are vacated.

22 //

23 //

**XV.**

IT IS FURTHER ORDRED that this Court shall retain jurisdiction over this action for the purpose of implementing and carrying out the terms of all orders and decrees which may be entered herein and to entertain any suitable application or motion for additional relief within the jurisdiction of this Court.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Presented by:  
Douglas M. Miller  
Kelly C. Bowers  
Attorneys for Plaintiff  
Securities and Exchange Commission