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**SMILEY WANG-EKVALL, LLP**

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Attorneys for Jeffrey E. Brandlin,  
Receiver

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

RICHARD VU NGUYEN, A/K/A  
NGUYEN THANH VU, AND NTV  
FINANCIAL GROUP, INC.,

Defendants,

and

MAI DO,

Relief Defendant.

Case No. 8:19-cv-01174-SVW-KES

**NOTICE OF MOTION AND  
MOTION OF RECEIVER, JEFFREY  
E. BRANDLIN, FOR ORDER:**

- (1) AUTHORIZING SALE OF  
COMMERCIAL REAL  
PROPERTY LOCATED AT  
900 W. 17<sup>TH</sup> St., SUITE B,  
SANTA ANA, CALIFORNIA;  
AND**
- (2) AUTHORIZING PAYMENT  
OF CERTAIN LIENS,  
CLAIMS, BROKER'S  
COMMISSION, AND  
ORDINARY COSTS OF SALE**

[Memorandum of Points and  
Authorities with Declarations of  
Jeffrey E. Brandlin and Brandon  
Rohe submitted concurrently  
herewith]

DATE: October 19, 2020

TIME: 1:30 p.m.

CTRM: 10A

First Street Courthouse  
350 W. 1<sup>st</sup> Street,  
Los Angeles, California

JUDGE: Hon. Stephen V. Wilson

**TO THE HONORABLE STEPHEN V. WILSON, UNITED STATES  
DISTRICT JUDGE, AND ALL PARTIES AND THEIR COUNSEL OF  
RECORD:**

**PLEASE TAKE NOTICE THAT** on October 19, 2020, in Courtroom 10A of the above-captioned Court, located at 350 W. 1<sup>st</sup> Street, Los Angeles, California 90012, Jeffrey E. Brandlin, the Court-appointed receiver (the "Receiver") of NTV Financial Group, Inc. ("NTV Financial"), bank accounts held by or for the benefit of defendant Richard Nguyen and relief defendant Mai Do, and property acquired in whole or in part with investor funds (collectively, the "Receivership Entity"), will and hereby does move this Court for an order: (1) authorizing the sale of the commercial real property located at 900 W. 17<sup>th</sup> St., Suite B., Santa Ana, CA 92706 (the "Property"), and (2) authorizing payment of certain liens, claims, broker's commission, and ordinary costs of sale.

As detailed in the memorandum of points authorities, after almost a year of marketing the Property for sale, the Receiver has received an offer from a third party to purchase the Property for \$181,000, subject to overbids. Because a sale at this price will result in a benefit to the estate and is the best and highest offer received, the Receiver requests that the Court approve the sale to the current buyer or any successful bidder. The deadline for the receipt of overbids is October 9, 2020. For information on how to overbid, please see the *Notice of Opportunity to Overbid on Commercial Real Property Located at 900 W. 17<sup>th</sup> St., Suite B., Santa Ana, CA* that was filed with the Court on September 10, 2020. (Docket No. 145.)

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1 This Motion is made pursuant to the general principles of the law  
2 governing federal equity receiverships, section XIII of the *Amended*  
3 *Preliminary Injunction and Orders Continuing: (1) Freezing of Assets; (2)*  
4 *Requiring Accountings; (3) Prohibiting the Destruction of Documents; and*  
5 *(4) Appointing Receiver* [Docket No. 71], Federal Rule of Civil Procedure 66,  
6 and Local Civil Rule 66. This Motion is based on this Notice of Motion and  
7 Motion, and the concurrently submitted Memorandum of Points and  
8 Authorities and Declarations of Jeffrey E. Brandlin and Brandon Rohe, and  
9 any argument or evidence presented to the Court at any hearing on the  
10 Motion.

11 If you oppose the Motion, pursuant to Local Rule 7-9, you are required  
12 to file your written opposition with the Office of the Clerk, United States  
13 District Court, 350 W. 1<sup>st</sup> Street, Los Angeles, CA 90012, and serve the  
14 same on the undersigned not later than 21 days prior to the hearing.

15 If you fail to file and serve a written opposition by the above date, the  
16 Court may grant the requested relief without further notice.

17 **It is not necessary that investors attend this hearing unless they**  
18 **oppose the relief sought. It is also possible that the hearing may not**  
19 **go forward if there is no opposition and the Court waives appearances**  
20 **at the hearing. If an investor has a question about the status of the**  
21 **receivership, they should contact the undersigned counsel by phone**  
22 **or e-mail. In addition, there is information available on the Receiver's**  
23 **website, which is located at [www.donlinrecano.com/NTVFinancial](http://www.donlinrecano.com/NTVFinancial).**  
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Respectfully submitted,

DATED: September 18, 2020 SMILEY WANG-EKVALL, LLP

By: /s/ Michael L. Simon  
Kyra E. Andrassy  
Michael L. Simon  
Counsel for Jeffrey E. Brandlin,  
Receiver

**PROOF OF SERVICE****STATE OF CALIFORNIA, COUNTY OF ORANGE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

On **09/18/2020**, I served true copies of the following document(s) described as  
**NOTICE OF MOTION AND MOTION OF RECEIVER, JEFFREY E. BRANDLIN, FOR ORDER: (1) AUTHORIZING SALE OF COMMERCIAL REAL PROPERTY LOCATED AT 900 W. 17<sup>TH</sup> ST., SUITE B, SANTA ANA, CALIFORNIA; AND (2) AUTHORIZING PAYMENT OF CERTAIN LIENS, CLAIMS, BROKER'S COMMISSION, AND ORDINARY COSTS OF SALE**  
 on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**(X) (BY COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"))**. Pursuant to United States District Court, Central District of California, Local Civil Rule 5-3, the foregoing document will be served by the court via NEF and hyperlinked to the document. On **09/18/2020**, I checked the CM/ECF docket for this case and determined that the aforementioned person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated.

**(X) (BY MAIL)**. I enclosed the document(s) in a sealed envelope or package and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Smiley Wang-Ekvall, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Costa Mesa, California.

**( ) (BY E-MAIL)**. By scanning the document(s) and then e-mailing the resultant pdf to the e-mail address indicated above per agreement. Attached to this declaration is a copy of the e-mail transmission.

**( ) (BY FACSIMILE)**. I caused the above-referenced documents to be transmitted to the noted addressee(s) at the fax number as stated. Attached to this declaration is a "TX Confirmation Report" confirming the status of transmission.  
 Executed on \_\_\_\_\_, at Costa Mesa, California.

**( ) STATE** I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

**(X) FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 18, 2020, at Costa Mesa, California.

/s/ Lynnette Garrett

Lynnette Garrett

**SERVICE LIST**

**BY COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):**

- Kyra E Andrassy  
kandrassy@swelawfirm.com,jchung@swelawfirm.com,lgarrett@swelawfirm.com,g  
cruz@swelawfirm.com
- Robert A Merring  
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- Michael Lewis Simon  
msimon@swelawfirm.com,jchung@swelawfirm.com,lgarrett@swelawfirm.com,gcr  
uz@swelawfirm.com

**BY US MAIL:**

Craig C. Miller and Kimiko P. Miller  
Trustees of the Miller Family Trust  
2722 Snowfield Street  
Brea, CA 92821

Richard Nguyen and Mai Do  
12632 Jerome Lane  
Garden Grove, CA 92841

All NTV Financial Investors per the Receiver's investor list

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SECURITIES AND EXCHANGE  
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NGUYEN THANH VU, AND NTV  
FINANCIAL GROUP, INC.,

Defendants,

and

MAI DO,

Relief Defendant.

Case No. 8:19-cv-01174-SVW-KES

**[PROPOSED] ORDER GRANTING  
MOTION OF RECEIVER, JEFFREY  
E. BRANDLIN, FOR ORDER:**

- (1) AUTHORIZING SALE OF  
COMMERCIAL REAL  
PROPERTY LOCATED AT  
900 W. 17<sup>TH</sup> ST., SUITE B,  
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AND**
- (2) AUTHORIZING PAYMENT OF  
CERTAIN LIENS, CLAIMS,  
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1 The Court, having reviewed the motion filed on September 18, 2020,  
2 by Jeffrey E. Brandlin, the Court-appointed receiver (the "Receiver") of NTV  
3 Financial Group, Inc. ("NTV Financial") and bank accounts held by or for the  
4 benefit of defendant Richard Nguyen and relief defendant Mai Do, and  
5 property acquired in whole or in part with investor funds (collectively, the  
6 "Receivership Entity"), for an order: (1) authorizing sale of 900 W. 17<sup>th</sup> St.,  
7 Suite B, Santa Ana, California, and (2) authorizing payment of certain liens,  
8 claims, broker's commission, and ordinary costs of sale (the "Motion"), all  
9 papers and evidence filed in support of and response to the Motion, and the  
10 arguments presented at the October 19, 2020 hearing, and having found  
11 good cause, orders as follows:

12 **IT IS ORDERED:**

13 (1) The Motion is granted in its entirety;

14 (2) The Receiver is authorized to sell the commercial real property  
15 located at 900 W. 17<sup>th</sup> St., Suite B, Santa Ana, CA 92706, Assessor's Parcel  
16 Numbers 937-830-02 and 937-830-03, to the Buyers<sup>1</sup> free and clear of all  
17 liens, claims, and encumbrances on an as-is, where-is basis, without  
18 representations or warranties;

19 (3) Any licensed title insurer and the Buyers may rely on this Order  
20 as authorizing the Receiver to transfer legal title to the Property free and  
21 clear of all liens and encumbrances;

22 (4) The terms of the Purchase Agreement or the terms of a  
23 substantially similar purchase agreement are approved;

24 (5) The prepayment penalty in the Note attached as Exhibit "3" to  
25 the Motion is disallowed in its entirety;

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<sup>1</sup> All capitalized terms not expressly defined herein shall have the meanings ascribed to them in the Motion.



1 (6) The Receiver is authorized to pay the valid liens, taxes, and any  
2 other claims on the Property, in full from the proceeds of sale without further  
3 order of the Court;

4 (7) The Receiver is authorized to pay the Broker's commission and  
5 ordinary costs of sale of the Property from the proceeds of sale without  
6 further order of the Court; and

7 (8) The Receiver is authorized to take any and all actions  
8 reasonably necessary to consummate the sale of the Property.

9  
10 IT IS SO ORDERED.

11  
12 Dated: \_\_\_\_\_

\_\_\_\_\_  
STEPHEN V. WILSON  
United States District Judge

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