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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
MONTE CARLO DRIVE
PROPERTY; 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 Phil
Seymour submitted concurrently
herewith]

DATE: July 6, 2020

TIME: 1:30 p.m.

CTRM: 10A

First Street Courthouse
350 W. 1st Street,
Los Angeles, California

JUDGE: Hon. Stephen V. Wilson

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

PLEASE TAKE NOTICE THAT on July 6, 2020, in Courtroom 10A of the above-captioned Court, located at 350 W. 1st 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 real property located at 2506 Monte Carlo Drive #3, 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 several months of marketing the Property for sale, the Receiver has received an offer from a third party to purchase the Property for \$400,000, 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 June 26, 2020. For information on how to overbid, please see the *Notice of Opportunity to Overbid on Real Property Located at 2506 Monte Carlo Drive #3, Santa Ana, CA* that was filed with the Court on May 29, 2020. (Docket No. 123.)

This Motion is made pursuant to the general principles of the law governing federal equity receiverships, section XIII of the *Amended*

1 *Preliminary Injunction and Orders Continuing: (1) Freezing of Assets; (2)*
2 *Requiring Accountings; (3) Prohibiting the Destruction of Documents; and*
3 *(4) Appointing Receiver* [Docket No. 71], Federal Rule of Civil Procedure 66,
4 and Local Civil Rule 66. This Motion is based on this Notice of Motion and
5 Motion, and the concurrently submitted Memorandum of Points and
6 Authorities and Declarations of Jeffrey E. Brandlin and Phil Seymour, and
7 any argument or evidence presented to the Court at any hearing on the
8 Motion.

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

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

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

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Respectfully submitted,

DATED: June 4, 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 **06/04/20**, 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 MONTE CARLO DRIVE PROPERTY; 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 **06/04/20**, 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 June 4, 2020, at Costa Mesa, California.

/s/ Lynnette Garrett
Lynnette Garrett

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SERVICE LIST

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

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

BY MAIL:

All NTV Financial investors per the Receiver's investor list;

Richard Nguyen
12632 Jerome Lane
Garden Grove, CA 92841

Mai Do
12632 Jerome Lane
Garden Grove, CA 92841

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Kyra E. Andrassy, State Bar No. 207959

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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
MONTE CARLO DRIVE
PROPERTY; AND**
- (2) AUTHORIZING PAYMENT OF
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1 The Court, having reviewed the motion (the "Motion") filed on June 4,
2 2020, by Jeffrey E. Brandlin, the Court-appointed receiver (the "Receiver") of
3 NTV Financial Group, Inc. ("NTV Financial") and bank accounts held by or
4 for the benefit of defendant Richard Nguyen and relief defendant Mai Do,
5 and property acquired in whole or in part with investor funds (collectively, the
6 "Receivership Entity"), for an order: (1) authorizing sale of Monte Carlo Drive
7 Property and (2) authorizing payment of certain liens, claims, broker's
8 commission, and ordinary costs of sale (the "Motion"), all papers and
9 evidence filed in support of and response to the Motion, and the arguments
10 presented at the July 6, 2020 hearing, and having found good cause, orders
11 as follows:

12 **IT IS ORDERED:**

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

14 (2) The Receiver is authorized to sell the real property located at
15 2506 Monte Carlo Drive #3, Santa Ana, CA 92706, Assessor's Parcel
16 Number 935-720-03, to the Buyers¹, the Successful Bidder, or the Back-Up
17 Bidder, free and clear of all liens, claims, and encumbrances on an as-is,
18 where-is basis, without representations or warranties;

19 (3) The terms of the Purchase Agreement or the terms of a
20 substantially similar purchase agreement are approved;

21 (4) The Receiver is authorized to reimburse the Broker for the costs
22 incurred in connection with preparing the Property for sale from the
23 proceeds from the sale of the Property;

24 (5) The Receiver is authorized to pay the valid liens, taxes, and any
25 other claims on the Property, in full from the proceeds of sale without further
26 order of the Court;

27 _____
28 ¹ 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 Broker's commission and
2 ordinary costs of sale of the Property from the proceeds of sale without
3 further order of the Court; and

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

6 IT IS SO ORDERED.

7
8 Dated: _____

STEPHEN V. WILSON

United States District Judge

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