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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
NORTH WESTWOOD
AVENUE 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: August 17, 2020

TIME: 1:30 p.m.

CTRM: 10A

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

JUDGE: Hon. Stephen V. Wilson

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

4 **PLEASE TAKE NOTICE THAT** on August 17, 2020, in Courtroom 10A
 5 of the above-captioned Court, located at 350 W. 1st Street, Los Angeles,
 6 California 90012, Jeffrey E. Brandlin, the Court-appointed receiver (the
 7 "Receiver") of NTV Financial Group, Inc. ("NTV Financial"), bank accounts
 8 held by or for the benefit of defendant Richard Nguyen and relief defendant
 9 Mai Do, and property acquired in whole or in part with investor funds
 10 (collectively, the "Receivership Entity"), will and hereby does move this
 11 Court for an order: (1) authorizing the sale of the real property located at
 12 2101 North Westwood Ave., Santa Ana, CA 92706 (the "Property"), and (2)
 13 authorizing payment of certain liens, claims, broker's commission, and
 14 ordinary costs of sale.

15 As detailed in the memorandum of points authorities, after several
 16 months of marketing the Property for sale, the Receiver has received an
 17 offer from a third party to purchase the Property for \$1,080,000, subject to
 18 overbids. Because a sale at this price will result in a benefit to the estate
 19 and is the best and highest offer received, the Receiver requests that the
 20 Court approve the sale to the current buyer or any successful bidder. The
 21 deadline for the receipt of overbids is August 7, 2020. For information on
 22 how to overbid, please see the *Notice of Opportunity to Overbid on Real*
 23 *Property Located at 2101 North Westwood Ave., Santa Ana, CA* that was
 24 filed with the Court on July 9, 2020. (Docket No. 136.)

25 This Motion is made pursuant to the general principles of the law
 26 governing federal equity receiverships, section XIII of the *Amended*
 27 *Preliminary Injunction and Orders Continuing: (1) Freezing of Assets; (2)*
 28

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

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

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

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

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Respectfully submitted,

DATED: July 16, 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 **07/16/2020**, 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 NORTH WESTWOOD AVENUE 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 **07/16/2020**, 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 July 16, 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
cruz@swelawfirm.com
- 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:

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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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

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

- (1) AUTHORIZING SALE OF
NORTH WESTWOOD
AVENUE PROPERTY; AND**
- (2) AUTHORIZING PAYMENT OF
CERTAIN LIENS, CLAIMS,
BROKER'S COMMISSION,
AND ORDINARY COSTS OF
SALE**

DATE: August 17, 2020

TIME: 1:30 p.m.

CTRM: 10A

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

JUDGE: Hon. Stephen V. Wilson

The Court, having reviewed the motion filed on July 16, 2020, by Jeffrey E. Brandlin, the Court-appointed receiver (the "Receiver") of NTV Financial Group, Inc. ("NTV Financial") and bank accounts held by or for the

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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"), for an 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 (the "Motion"), all papers and evidence filed in support of and response to the Motion, and the arguments presented at the August 17, 2020 hearing, and having found good cause, orders as follows:

IT IS ORDERED:

(1) The Motion is granted in its entirety;

(2) The Receiver is authorized to sell the real property located at 2101 North Westwood Avenue, Santa Ana, CA 92706, Assessor's Parcel Number 001-165-11, to the Buyers¹ free and clear of all liens, claims, and encumbrances on an as-is, where-is basis, without representations or warranties;

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

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

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

(6) The Receiver is authorized to credit the Buyers \$5,000 towards the purchase price based on the Buyers' alleged damages to the Property;

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

1 (7) 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 (8) 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 (9) The Receiver is authorized to take any and all actions
8 reasonably necessary to consummate the sale of the Property.

9 IT IS SO ORDERED.

10
11 Dated: _____

STEPHEN V. WILSON

United States District Judge

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