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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**

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 FOR ORDER
AUTHORIZING THE RECEIVER
TO:**

(1) **MARKET THE PROPERTIES
LOCATED AT (A) 2101 N.
WESTWOOD AVE., SANTA
ANA, CA 92706, AND (B)
2506 MONTE CARLO DRIVE
#3, SANTA ANA, CA 92706,
FOR SALE;**

(2) **ESTABLISH SALE
PROCEDURES; AND**

(3) **ENGAGE BROKER**

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

DATE: March 16, 2020

TIME: 1:30 p.m.

CTRM: 10A

First Street Courthouse
350 W. 1st 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 March 16, 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 authorizing the Receiver to (1) market for sale the real properties located at 2101 N. Westwood Ave., Santa Ana, CA 92706 (the "North Westwood Ave. Property") and 2506 Monte Carlo Drive #3, Santa Ana, CA 92706 (the "Monte Carlo Drive Property" and collectively with the North Westwood Ave. Property, the "Properties"), (2) establish sale procedures, and (3) engage broker.

As detailed in the memorandum of points authorities, the Receiver believes that the sale of the Properties, the proposed sale procedures and proposed broker engagements are in the best interests of the estate of the Receivership Entity.

This Motion is made pursuant to the general principles of the law governing federal equity receiverships, section XIII of the *Amended Preliminary Injunction and Orders Continuing: (1) Freezing of Assets; (2) Requiring Accountings; (3) Prohibiting the Destruction of Documents; and*

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

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

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

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

20 **Please also note that this case has been reassigned to the Hon.**
21 **Stephen V. Wilson, whose courtroom is located at the First Street**
22 **Courthouse, 350 W. 1st Street, Los Angeles, California 90012, as**
23 **detailed above.**

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Respectfully submitted,

DATED: February 14, 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 **02/14/2020**, I served true copies of the following document(s) described as **NOTICE OF MOTION AND MOTION FOR ORDER AUTHORIZING THE RECEIVER TO: (1) MARKET THE PROPERTIES LOCATED AT (A) 2101 N. WESTWOOD AVE., SANTA ANA, CA 92706, AND (B) 2506 MONTE CARLO DRIVE #3, SANTA ANA, CA 92706, FOR SALE; (2) ESTABLISH SALE PROCEDURES; AND (3) ENGAGE BROKER** 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 **02/14/2020**, 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 February 14, 2020, at Costa Mesa, California.

/s/ Gabriela Gomez-Cruz
Gabriela Gomez-Cruz

SERVICE LIST

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

- Kyra E Andrassy
kandrassy@swelawfirm.com,jchung@swelawfirm.com,lgarrett@swelawfirm.com,gacruz@swelawfirm.com
- Robert A Merring
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- Michael Lewis Simon
msimon@swelawfirm.com,jchung@swelawfirm.com,lgarrett@swelawfirm.com,gacruz@swelawfirm.com

BY U.S. MAIL:

Hon. Stephen V. Wilson
United States District Court
350 W. 1st Street, Courtroom 10A, 10th Floor
Los Angeles, California 90012

All NTV Financial investors per the Receiver's investor list

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kandrassy@swelawfirm.com

Michael L. Simon, State Bar No. 300822

msimon@swelawfirm.com

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Defendants,

and

MAI DO,

Relief Defendant.

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

**[PROPOSED] ORDER GRANTING
MOTION FOR ORDER
AUTHORIZING THE RECEIVER
TO:**

**(1) MARKET THE PROPERTIES
LOCATED AT (A) 2101 N.
WESTWOOD AVE., SANTA ANA,
CA 92706, AND (B) 2506 MONTE
CARLO DRIVE #3, SANTA ANA,
CA 92706, FOR SALE;**

**(2) ESTABLISH SALE
PROCEDURES; AND**

(3) ENGAGE BROKER

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1 The Court, having reviewed the motion (the "Motion") filed on February
2 14, 2020, by Jeffrey E. Brandlin, the Court-appointed receiver (the
3 "Receiver") of NTV Financial Group, Inc. ("NTV Financial") and bank
4 accounts held by or for the benefit of defendant Richard Nguyen and relief
5 defendant Mai Do, and property acquired in whole or in part with investor
6 funds (collectively, the "Receivership Entity"), for an order authorizing the
7 Receiver to (1) market the properties located at (A) 2101 N. Westwood Ave.,
8 Santa Ana, CA 92706, and (B) 2506 Monte Carlo Drive #3, Santa Ana, CA
9 92706, for Sale; (2) establish sale procedures, and (3) engage broker (the
10 "Motion"), all papers and evidence filed in support of and response to the
11 Motion, and the arguments presented at the March 16, 2020 hearing, and
12 having found good cause, orders as follows:

13 **IT IS ORDERED:**

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

15 (2) The Receiver is authorized to market the Properties¹ for sale out
16 of receivership;

17 (3) The Broker engagements are authorized and the listing
18 agreements and Broker's commissions, as set forth in the Motion, are
19 approved;

20 (4) The sale, notice and publication requirements pursuant to 28
21 U.S.C. §§ 2001 and 2002 are satisfied by the proposed sale process set
22 forth in the Motion; and

23 ///

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25 ///

26
27 _____
28 ¹ All capitalized terms not expressly defined herein shall have the meanings ascribed to them in the Motion.

1 (5) The proposed sale and overbid procedures set forth in the
2 Motion are approved.

3 IT IS SO ORDERED.
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