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Attorneys for Jeffrey E. Brandlin,
Receiver

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN 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 OF JEFFREY
E. BRANDLIN, PERMANENT
RECEIVER, FOR AUTHORITY TO
COMMENCE LITIGATION TO
RECOVER FRAUDULENT
TRANSFERS AND EMPLOY
ERVIN COHEN & JESSUP LLP AS
SPECIAL COUNSEL ON A
CONTINGENCY BASIS**

[Motion with Memorandum of Points
and Authorities and Declarations of
Jeffrey E. Brandlin and Byron Z.
Moldo submitted concurrently
herewith]

DATE: June 8, 2020

TIME: 1:30 p.m.

CTRM: 10A

350 W. 1st Street

Los Angeles, CA 90012

JUDGE: Hon. Stephen V. Wilson

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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 June 8, 2020 at 1:30 p.m., or as soon
 5 thereafter as counsel can be heard, in Courtroom 10A of the United States
 6 District Court, Central District of California, located at 350 W. 1st Street, Los
 7 Angeles, California 90012, Jeffrey E. Brandlin, Permanent Receiver
 8 ("Receiver") for NTV Financial Group, Inc. ("NTV"), will and hereby does
 9 move the Court for an Order authorizing the Receiver to commence litigation
 10 to recover fraudulent transfers made by NTV, and employ Ervin Cohen &
 11 Jessup LLP as special counsel on a contingency basis (the "Motion"). The
 12 Receiver's Motion also requests authority to make a settlement offer to
 13 proposed defendants, and for authority to settle proposed litigation.

14 The Receiver's Motion will be based on this Notice of Motion, the
 15 Motion, the accompanying Memorandum of Points and Authorities, the
 16 Declarations of Jeffrey E. Brandlin and Byron Z. Moldo, and upon such other
 17 evidence and argument as may be presented at the time of the hearing.

18 The Motion is made following conference of counsel pursuant to Local
 19 Rule 7-3 which took place on April 3, 2020. Pursuant to Local Rule 7-9,
 20 each opposing party shall, not later than twenty-one (21) days before the
 21 date scheduled for the hearing, serve upon all other parties and file with the
 22 Clerk either (a) the evidence upon which the opposing party will rely in
 23 opposition to the Motion and a brief but complete memorandum which
 24 contains a statement of all the reasons in opposition thereto and the points
 25 and authorities upon which the opposing party will rely, or (b) a written
 26 statement that the party will not oppose the Motion. Evidence presented in
 27
 28

1 all opposing papers shall comply with the requirements of Local Rules 7-6,
2 7-7 and 7-8.

3 **It is not necessary that investors attend this hearing unless they**
4 **oppose the relief sought. If an investor has a question about the**
5 **status of the receivership, they should contact the undersigned**
6 **counsel by phone or e-mail. In addition, there is information available**
7 **on the Receiver's website, which is located at**
8 **www.donlinrecano.com/NTVFinancial.**

9
10 DATED: May 5, 2020

SMILEY WANG-EKVALL, LLP

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13 By: /s/ Michael L. Simon
14 Kyra E. Andrassy
15 Michael L. Simon
16 Counsel for Jeffrey E. Brandlin,
17 Receiver
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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 **05/05/20**, I served true copies of the following document(s) described as **NOTICE OF MOTION OF JEFFREY E. BRANDLIN, PERMANENT RECEIVER, FOR AUTHORITY TO COMMENCE LITIGATION TO RECOVER FRAUDULENT TRANSFERS AND EMPLOY ERVIN COHEN & JESSUP LLP AS SPECIAL COUNSEL ON A CONTINGENCY BASIS** 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 **05/05/20**, 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 May 5, 2020, at Costa Mesa, California.

/s/ Lynnette Garrett
Lynnette Garrett

SERVICE LIST

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

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BY U.S. MAIL:

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

Richard Nguyen
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Garden Grove, CA 92841

Mai Do
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