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Counsel for Robert P. Mosier, Receiver

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

KENT R.E. WHITNEY, *et al.*,

Defendants.

and

HA T. "KELLY" HOANG, *et al.*,

Relief Defendants.

Case No. 8:19-CV-499-JVS-KES

**NOTICE OF MOTION AND  
MOTION FOR APPROVAL OF  
SETTLEMENT AGREEMENT AND  
RETENTION AND PAYMENT OF  
COUNSEL**

[Memorandum of Points and  
Authorities submitted concurrently  
herewith]

DATE: January 13, 2020  
TIME: 1:30 p.m.  
CTRM: 10C  
JUDGE: Hon. James Selna

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1 **TO THE HONORABLE JAMES SELNA, UNITED STATES DISTRICT**  
 2 **JUDGE, AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that unless appearances are excused prior to  
 4 the hearing, on January 13, 2020 at 1:30 p.m., in Courtroom 10C of the  
 5 Ronald Reagan Federal Building and United States Courthouse located at  
 6 411 West Fourth St., Santa Ana, California 92701, Robert P. Mosier, the  
 7 Receiver (the "Receiver") for defendants The Church for the Healthy Self  
 8 aka CHS Trust, CHS Asset Management, Inc., iCare Financial Solution, Inc.,  
 9 Kent R.E. Whitney, David Lee Parrish, and Ngoc Ha T. Nguyen, and iCare  
 10 Financial Solution, Inc., will and hereby does move this Court for an order  
 11 approving a settlement agreement that resolves certain litigation initiated by  
 12 Mr. Parrish against Mr. Parrish's former employer (the "Settlement  
 13 Agreement"), and authorizing the retention of the Walsh Law Group, P.C. by  
 14 the David Parrish receivership estate.

15 As detailed in the concurrently filed memorandum of points and  
 16 authorities, the Settlement Agreement only tangentially relates to the merits  
 17 of this case in that it provides for a payment to the receivership estate of Mr.  
 18 Parrish. None of the claims being settled through the Settlement Agreement  
 19 relate to the causes of action in the instant case. The Settlement Agreement  
 20 is the product of extensive good faith, arm's length negotiations between the  
 21 parties, and the Receiver believes that the settlement is fair and equitable  
 22 and in the best interests of the Estate. Moreover, the retention of Walsh  
 23 Law Group, P.C is also in the best interest of the estate. The Walsh Law  
 24 Group's services in the litigation initiated by Mr. Parrish against Mr. Parrish's  
 25 former employer, including preparing and negotiating the Settlement  
 26 Agreement, assisted the Receiver with his duty to maximize the estate for  
 27 the benefit of the defrauded investors.

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1 This Motion is made pursuant to the Amended Order Appointing  
 2 Receiver and general principles of the law governing federal equity  
 3 receiverships. This Motion is based on this Notice of Motion and Motion, the  
 4 concurrently submitted Memorandum of Points and Authorities and  
 5 Declaration of Robert P. Mosier, and any argument or evidence presented to  
 6 the Court at any hearing on the 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, 411 West 4<sup>th</sup> Street, Santa Ana, CA 92701-4516, and serve  
 10 the 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.donlinerecano.com/Clients/mosier/Index](http://www.donlinerecano.com/Clients/mosier/Index).**

20  
 21 Respectfully submitted,

22 DATED: December 13, 2019 SMILEY WANG-EKVALL, LLP  
 23  
 24

25 By: /s/ Michael L. Simon

26 Kyra E. Andrassy

27 Michael L. Simon

28 Counsel for Robert P. Mosier, Receiver

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**[PROPOSED] ORDER GRANTING  
MOTION OF RECEIVER FOR  
APPROVAL OF SETTLEMENT  
AGREEMENT AND RETENTION  
AND PAYMENT OF COUNSEL**

DATE: January 13, 2020

TIME: 1:30 p.m.

CTRM: 10C

JUDGE: Hon. James Selna

The Court having reviewed the motion (the "Motion") filed on December 13, 2019, by Robert P. Mosier, the Court-appointed receiver (the "Receiver") for defendants The Church for the Healthy Self aka CHS Trust, CHS Asset Management, Inc., iCare Financial Solution, Inc., Kent R.E. Whitney, David Lee Parrish, and Ngoc Ha T. Nguyen, and iCare Financial Solution, Inc., for an order approving a settlement agreement that resolves certain litigation initiated by Mr. Parrish against Mr. Parrish's former employer (the "Settlement Agreement") and authorizing the retention of

Walsh Law Group, P.C. by the David Parrish receivership estate, and the evidence submitted in support of the Motion 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 enter into the Settlement Agreement attached to the Motion as Exhibit "1";
- (3) The terms of the Settlement Agreement are approved;
- (4) The Receiver is authorized to execute any documents and take any actions reasonably necessary to effectuate the terms of the Settlement Agreement; and
- (5) The retention of and payment to the Walsh Law Group as requested in the Motion are approved.

DATED: \_\_\_\_\_, 2020

\_\_\_\_\_  
JAMES V. SELNA, United States District  
Judge

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