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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.

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

**ORDER GRANTING MOTION OF
RECEIVER, ROBERT P. MOSIER,
FOR ORDER: (1) APPROVING
CLAIM FORM FOR INVESTORS
OF iCARE FINANCIAL SOLUTION,
INC., THE CHURCH FOR THE
HEALTHY SELF, AND CHS
ASSET MANAGEMENT, INC.; (2)
SETTING CLAIMS BAR DATE; (3)
IMPOSING A CONSTRUCTIVE
TRUST OVER THE
RECEIVERSHIP ASSETS AND
SUBORDINATING CLAIMS OF
UNSECURED NON-TAX
CREDITORS TO CLAIMS OF
INVESTORS; AND (4)
ESTABLISHING SUMMARY
CLAIMS PROCEDURES;
DECLARATION OF ROBERT P.
MOSIER IN SUPPORT THEREOF**

[Notice of Motion and Motion
Submitted Concurrently Herewith]

DATE: March 23, 2020

TIME: 1:30 p.m.

CTRM: 10C

JUDGE: Hon. James V. Selna

The Court having reviewed the *Motion of Receiver, Robert P. Mosier, for Order: (1) Approving Claim Form for Investors of iCare Financial Solution, Inc., The Church for the Healthy Self, and CHS Asset Management, Inc.; (2) Setting Claims Bar Date; (3) Imposing a Constructive Trust Over the Receivership Assets and Subordinating Claims of Unsecured Non-Tax Creditors to Claims of Investors; and (4) Establishing Summary Claims Procedures* (the "Motion"), having found that notice of the Motion was proper and cause appearing,

IT IS ORDERED AS FOLLOWS:

(1) The Motion is granted;

(2) The form of the Claim Form,¹ including its notice and instructions, that was attached to the Motion as Exhibit "C" and the draft letter to accompany the Claim Form that was attached to the Motion as Exhibit "D" are approved;

(3) The Receiver's proposed means of noticing investors, including via the website, mail, and by publication of notice of the claims process in English and Vietnamese papers with local circulation in San Jose, California, and Orange County, California, is approved;

(4) The use of summary proceedings for the determination of claims against the Receivership Entities, as detailed in the Motion, is approved;


(5) The deadline for the submission of the Claim Form is ninety (90) days from service of the Claim Form on investors, and the Receiver shall file a notice of that bar date with the Court once it is set; and

(6) A constructive trust is imposed over the assets of the Receivership Defendants for the benefit of the investors in the Receivership Entities, and non-tax unsecured claims against the Receivership Defendants

¹ All capitalized terms not defined in this Order shall have the meaning ascribed to them in the Motion.

1 are subordinated to the claims of the investors against the Receivership
2 Entities.

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4 DATED: March 31, 2020

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7 JAMES V. SELNA, United States District
8 Judge
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