

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	SACV 19-01174 AG (KESx)	Date	August 9, 2019
Title	SECURITIES AND EXCHANGE COMMISSION v. RICHARD VU NGUYEN, A/K/A NGUYEN THANH VU, ET AL.		

Present: The Honorable	ANDREW J. GUILFORD		
Melissa Kunig	Not Present		
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	

Proceedings: **[IN CHAMBERS] ORDER REGARDING PLAINTIFF’S *EX PARTE* APPLICATION TO AMEND PRELIMINARY INJUNCTION AND CONTINUATION OF ORDERS: (1) FREEZING ASSETS; (2) REQUIRING ACCOUNTINGS; (3) PROHIBITING THE DESTRUCTION OF DOCUMENTS; AND (4) APPOINTING RECEIVER**

The Court GRANTS IN PART Plaintiff’s *ex parte* application. (Dkt. 46.) A hearing will take place on **August 15, 2019 at 10:00 a.m.**

The Court issued a temporary restraining order in this matter on June 14, 2019, and the parties later stipulated to a preliminary injunction. On July 3, 2019, the Court issued an order consistent with the stipulation that, among other things, continued a freeze over Defendants’ assets, required Defendants to file accountings, and appointed a permanent receiver (Jeffrey Brandlin). (Dkt. 25.) Defendant Richard Nguyen and relief defendant Mai Do filed an accounting of their assets on July 15, 2019. (Dkt. 38.) The list included real property located at 2506 Monte Carlo Dr., Santa Ana, CA 92706 (the “Monte Carlo property”), which Nguyen claims was purchased with income from sources outside of Defendant NTV Financial Group. (*Id.*)

The receiver in this case disputes Nguyen’s characterization of the assets and has presented evidence showing the Monte Carlo property and certain other assets (including several real properties and vehicles) were purchased at least in part with investor funds. *See* Declaration of

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Jeffrey Brandlin (Dkt. 48) at ¶¶ 4-8.) The SEC has since learned that the Monte Carlo property has been listed for sale, a fact Nguyen doesn't deny. *See* Opp'n (Dkt. 49) at 4. The SEC thus seeks to amend the preliminary injunction and specifically include the real and personal property assets listed in the Proposed Amended Preliminary Injunction, Section IX.

Nguyen asserts a hearing is necessary due to the parties' unequal access to information. *See* Opp'n at 2. Thus, the Court will have a hearing on **August 15 at 10:00 a.m.** to resolve the issues presented in the SEC's *ex parte* application and amended injunction they seek. But to prevent damage in the interim, while Defendants prepare a full opposition, the Court **ORDERS** that the asset freeze ordered in Section VII of the Preliminary Injunction is temporarily extended to cover the assets listed in Section IX of the Proposed Amended Preliminary Injunction.

Before the hearing, the SEC must submit a redline showing changes between the existing and proposed injunctions.

If the parties are encouraged to attempt to resolve this issue bilaterally and to notify the Court if they are successful in this pursuit.

Initials of Preparer _____ : _____
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