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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**Southern Division**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

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-AG-KES

***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***

1 Pursuant to Local Rule 7-19, Plaintiff Securities and Exchange Commission  
2 (“SEC”) respectfully requests, *ex parte*, that the Court amend the asset freeze  
3 provisions of the preliminary injunction it previously issued so that it specifically  
4 includes assets recently disclosed by defendant Richard Nguyen and relief defendant  
5 Mai Do in their accounting of assets filed with the Court. In accordance with Local  
6 Rule 7-19.1, the SEC has notified defense counsel in this matter of its *ex parte*  
7 application. (Declaration of Douglas M. Miller (“Miller Dec.”), ¶¶ 3-4.) Kyra  
8 Andrassy, counsel for the court-appointed receiver over defendant NTV Financial  
9 stated that she supports and does not oppose the SEC’s application. (Miller Dec., ¶  
10 3.) Mike N. Vo, counsel for the defendant Richard Nguyen and relief defendant Mai  
11 Do, stated that he opposes the SEC’s application and intends to file an opposition.  
12 (Miller Dec., ¶ 4.)

13 The SEC is filing this application on an *ex parte* basis because it has been  
14 notified that one of the assets listed in the accounting of assets – real property located  
15 at 2506 Monte Carlo Dr. #3, Santa Ana, California – was recently listed for sale on or  
16 about July 29, 2019. (Miller Dec., ¶ 5.)

## 17 **I. PROCEDURAL HISTORY**

18 On June 13, 2019, the SEC filed an under seal *ex parte* application seeking a  
19 temporary restraining order (“TRO”) and other relief against defendants Richard Vu  
20 Nguyen and NTV Financial (collectively “defendants”), including prohibiting them  
21 from violating certain federal securities laws and an order to show cause why a  
22 preliminary injunction should not be granted against them and why a permanent  
23 receiver should not be appointed over NTV Financial. (Dkt. Nos. 1-7.) The SEC  
24 also sought, among other things, an asset freeze over the assets belonging to  
25 defendants and relief defendant Mai Do, and an order requiring defendants and relief  
26 defendant Mai Do to provide the SEC with an accounting of their assets. (Dkt. Nos.  
27 2-5.) To support its request for the asset freeze, the SEC pointed out in the TRO that  
28 more than \$600,000 of investors’ funds were misappropriated and used for the benefit

1 of NTV Financial, defendant Nguyen, and his fiancé, relief defendant Mai Do. (Dkt.  
2 No. 5.) The TRO application was filed along with the SEC's civil complaint alleging  
3 that defendants were participating in ongoing securities fraud that had raised more  
4 than \$2.4 million from at least 80 investors and dozens advisory clients. (Dkt. Nos.  
5 1-7.)

6 On June 14, 2019, with the exception of appointing a receiver, the Court  
7 granted the SEC's *Ex Parte* Application for a Temporary Restraining Order ("TRO"),  
8 Order to Show Cause Why a Preliminary Injunction Should Not Be Granted and  
9 Orders: (1) Freezing Assets; (2) Requiring Accountings; (3) Prohibiting the  
10 Destruction of Documents; and (4) Granting Expedited Discovery. (Dkt. Nos. 14-  
11 15.) The Court determined there was good cause to believe that defendants and relief  
12 defendant Mai Do, unless restrained, would dissipate, conceal, or transfer assets  
13 which could be the subject of an order of disgorgement in this action. (Dkt. No. 15.)  
14 Accordingly, the Court ordered that an immediate freeze be placed on all monies and  
15 assets in all accounts at any bank, financial institution, brokerage firm, and third-  
16 payment processor, held in the name of defendants or relief defendant Mai Do. (*Id.*)  
17 The Court further ordered there was good cause to believe that an accounting  
18 defendants' and relief defendant Mai Do's assets was necessary and ordered that they  
19 provide such an accounting within five days of its order. (*Id.*)

20 On June 24, 2019, the Court held a hearing on the SEC's TRO application  
21 which defendants and relief defendant Mai Do failed to attend. (Dkt. No. 21.) The  
22 Court (1) found, among other things, that the SEC presented sufficient evidence  
23 showing good cause to extend the TRO until July 10, 2019, (2) found good cause to  
24 appoint Jeffrey E. Brandlin as a temporary receiver over defendant NTV Financial  
25 Inc. and its subsidiaries and affiliates, and of all bank and brokerage accounts through  
26 which Defendants Richard Nguyen's and NTV Financial's investors and/or clients'  
27 funds have flowed, including the accounts identified in the TRO; and (3) set July 1,  
28 2019 as the date by which defendants must file any opposition to the TRO and the

1 date by which defendants must file the detailed accounting called for by the TRO;  
2 July 3, 2019 as the date by which the SEC must file any reply; and July 8, 2019 as the  
3 date for the preliminary injunction hearing. (Dkt. Nos. 20-21.)

4 On June 26, 2019, the SEC properly served defendants and relief defendant  
5 Mai Do with the summons and complaint, and provided them with copies of the TRO  
6 and other related documents, including the minute orders reflecting the Court's June  
7 24, 2019 rulings. (Dkt. Nos. 32-34.)

8 On June 28, 2019, after having read and understood the documents served on  
9 them, defendants and relief defendant Mai Do stipulated and consented, by and  
10 through their counsel of record at the time Kien Le, together with the court-appointed  
11 receiver over Defendant NTV Financial, Jeffrey E. Brandlin ("the receiver"), to the  
12 entry of a preliminary injunction, ordering, among other things, a conduct-based  
13 injunction prohibiting defendants from directly or indirectly accessing any securities  
14 brokerage account of any third-party, continuing the asset freeze, and requiring  
15 defendants and relief defendant to file an accountings of assets by no later than July  
16 8, 2019. The stipulation also appointed Brandlin as the permanent receiver over NTV  
17 Financial and its subsidiaries and affiliates, and of all bank and brokerage accounts  
18 through which defendants' investors and/or clients' funds flowed. (Dkt. No. 24.)

19 On July 3, 2019, the Court issued an order consistent with the stipulation filed  
20 between the parties, prohibiting Defendants Nguyen and NTV Financial from directly  
21 or indirectly accessing any securities brokerage account of any third-party, continuing  
22 the asset freeze, requiring defendants and relief defendant Mai Do to file accountings,  
23 and appointing Brandlin as permanent receiver over NTV Financial and its  
24 subsidiaries and affiliates, and of all bank and brokerage accounts through which  
25 Defendants' investors and/or clients' funds flowed. (Dkt. No. 25.)

26 On July 8, 2019, Mike N. Vo filed a notice of appearance as counsel for  
27 defendant Richard Nguyen and relief defendant Mai Do. (Dkt. No. 26.) Shortly after  
28 Mr. Vo appeared as counsel, the SEC stipulated that the deadline for defendant

1 Nguyen and relief defendant Mai Do to file an accounting of their assets should be  
2 extended until July 15, 2019. (Dkt. No. 28.) The Court approved the stipulation and  
3 issued an order giving them until July 15, 2019 to file a list of their assets. (Dkt. No.  
4 31.)

5 On July 15, 2019, defendant Nguyen and relief defendant Mai Do filed a list of  
6 real and personal property assets with the Court. (Dkt. No. 38.) Among their list of  
7 assets were several pieces of real property and personal property, including real  
8 property located at 2506 Monte Carlo Dr., Santa Ana, CA 92706 (“the Monte Carlo  
9 property”), which defendant Nguyen and Mai Do claimed was purchased with  
10 income from sources outside of defendant NTV Financial Group. (*Id.*) The list of  
11 assets also included, among other things, several vehicles that defendant Nguyen and  
12 Mai Do claimed were purchased with income from sources outside of defendant NTV  
13 Financial Group (“the cars”). (*Id.*)

## 14 **II. Basis for Ex Parte Application to Amend Preliminary Injunction**

15 On or about August 1, 2019, the SEC learned from counsel for the receiver,  
16 Kyra Andrassy, the Monte Carlo property was now suddenly for sale on a prominent  
17 real estate website. (Miller Dec., ¶ 5, Ex. 1.) The next day, the SEC sent letters to  
18 Mr. Vo and the real estate listing agent, as well as the listing agent’s registered  
19 broker, advising them of the asset freeze and alerting them that we viewed the sale of  
20 the property as a violation of the Court’s order. (Miller Dec., ¶ 6, Exs. 2 and 3.) On  
21 August 7, 2019, Mr. Vo advised the SEC that defendant Nguyen and relief defendant  
22 Mai Do did not agree with the SEC’s interpretation of the asset freeze and said they  
23 would not stipulate to amending the preliminary injunction to specifically include the  
24 assets they recently disclosed in their accounting of assets. (Miller Dec., ¶ 4.)  
25 Meanwhile, the court-appointed receiver confirmed, contrary to the representations  
26 made in the accounting of assets filed with the Court, that the Monte Carlo property  
27 and some of the cars listed in the accounting of assets were, in fact, purchased using  
28 funds defendant NTV Financial received from investors. (Declaration of Jeffrey

1 Brandlin, ¶¶ 6-8, Exs. 9-12.)

2 **III. Relief Requested**

3 In light of the Court's previous orders requiring asset freezes, which were  
4 based on its finding that there was good cause to believe that defendants and relief  
5 defendant Mai Do, unless restrained, would dissipate, conceal, or transfer assets  
6 which could be the subject of an order of disgorgement, the SEC requests that the  
7 Court amend the preliminary injunction and orders that it previously issued to  
8 specifically include the real and personal property assets recently submitted by  
9 defendant Nguyen and relief defendant Mai Do, as reflected in the attached Proposed  
10 Amended Preliminary Injunction. The SEC submits that this relief is appropriate  
11 given there is evidence defendant Nguyen and relief defendant Mai Do are actively  
12 attempting to sell a significant portion of the assets and given that the receiver has  
13 confirmed several of the assets, including the Monte Carlo property, were purchased  
14 using investor funds.

15  
16  
17 Dated: August 8, 2019

Respectfully submitted,

18  
19 /s/ Douglas Miller

20 Douglas S. Miller  
21 Kelly C. Bowers  
22 Attorneys for Plaintiff  
23 Securities and Exchange Commission  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION,  
444 S. Flower Street, Suite 900, Los Angeles, California 90071  
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On August 8, 2019, I caused to be served the document entitled ***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*** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

☐ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☒ **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: August 8, 2019

/s/ Douglas Miller

Douglas M. Miller



*SEC v. Miller et al.*  
**United States District Court—Central District of California**  
**Case No. 8:19-cv-01174-AG-KES**

**SERVICE LIST**

*Counsel for Defendant(s) Richard Vu Nguyen and Relief Defendant  
Mai Do:*

Mike N. Vo  
17910 Skypark Circle, Suite 103  
Irvine, CA 92614

*Counsel for NTV Financial, Inc.:*

Kyra Andrassy for Court Appointed Receiver  
[kandrassy@swelawfirm.com](mailto:kandrassy@swelawfirm.com)

Court-Appointed Receiver:

Jeffrey E. Brandlin, CPA  
Brandlin & Associates  
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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**Southern Division**

SECURITIES AND EXCHANGE  
COMMISSION,

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vs.

RICHARD VU NGUYEN, A/K/A  
NGUYEN THANH VU, and NTV  
FINANCIAL GROUP, INC.,

Defendants,

and

MAI DO,

Relief Defendant.

Case No.

**[PROPOSED] AMENDED  
PRELIMINARY INJUNCTION AND  
ORDERS CONTINUING: (1)  
FREEZING OF ASSETS; (2)  
REQUIRING ACCOUNTINGS; (3)  
PROHIBITING THE DESTRUCTION  
OF DOCUMENTS; AND (4)  
APPOINTING RECEIVER**

1 This matter comes before the Court upon the Stipulation between Defendant  
 2 Richard and Relief Defendant Mai Do, by and through their counsel Mike N. Vo, the  
 3 court-appointed receiver over Defendant NTV Financial Inc., Jeffrey E. Brandlin  
 4 (“Receiver”), by and through his counsel, Kyra Andrassy, and the Plaintiff Securities  
 5 and Exchange Commission (“SEC”), by and through its counsel of record, Douglas  
 6 M. Miller and Kelly Bowers, to the entry of an Amended Preliminary Injunction and  
 7 a Continuation of Orders (1) Freezing Assets; (2) Requiring Accountings; (3)  
 8 Prohibiting the Destruction of Documents; and (4) Appointing a Receiver.

9 The Court, having read and considered the stipulation filed by the parties, finds  
 10 that:

11 A. This Court has jurisdiction over the parties to, and the subject matter of,  
 12 this action.

13 B. Defendants have consented and the Parties have stipulated to the entry  
 14 of an amended preliminary injunction on the terms below.

### 15 I.

16 IT IS HEREBY ORDERED that the Parties’ Stipulation to the Entry of an  
 17 Amended Preliminary Injunction and Orders Freezing Assets, Requiring  
 18 Accountings, Prohibiting the Destruction of Documents, and Appointing a Permanent  
 19 Receiver are GRANTED.

### 20 II.

21 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants  
 22 NTV Financial and Nguyen are preliminarily restrained and enjoined from violating,  
 23 directly or indirectly, Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and  
 24 Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or  
 25 instrumentality of interstate commerce, or of the mails, or of any facility of any  
 26 national securities exchange, in connection with the purchase or sale of any security:

27 (a) to employ any device, scheme, or artifice to defraud;

28 (b) to make any untrue statement of a material fact or to omit to state a

- 1 material fact necessary in order to make the statements made, in the light  
 2 of the circumstances under which they were made, not misleading; or  
 3 (c) to engage in any act, practice, or course of business which operates or  
 4 would operate as a fraud or deceit upon any person.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
 6 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
 7 binds the following who receive actual notice of this Order by personal service or  
 8 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
 9 employees, and attorneys; and (b) other persons in active concert or participation with  
 10 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

### 11 III.

12 IT IS FURTHER ORDERED that Defendants NTV Financial and Nguyen, and  
 13 their officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and  
 14 those persons in active concert or participation with any of them, who receive actual  
 15 notice of this Order, by personal service or otherwise, and each of them, be and hereby  
 16 are preliminarily restrained and enjoined from, directly or indirectly, in the offer or  
 17 sale of any securities, by the use of any means or instruments of transportation or  
 18 communication in interstate commerce or by the use of the mails:

- 19 A. employing any device, scheme or artifice to defraud;  
 20 B. obtaining money or property by means of any untrue statement of a  
 21 material fact or any omission to state a material fact necessary in order to  
 22 make the statements made, in light of the circumstances under which  
 23 they were made, not misleading; or  
 24 C. engaging in any transaction, practice, or course of business which  
 25 operates or would operate as a fraud or deceit upon the purchaser;  
 26 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
 28 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also

1 binds the following who receive actual notice of this Order by personal service or  
2 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
3 employees, and attorneys; and (b) other persons in active concert or participation with  
4 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

5 **IV.**

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants  
7 NTV Financial and Nguyen are preliminarily restrained and enjoined from

8 A. employing any device, scheme or artifice to defraud any client or  
9 prospective client; and

10 B. engaging in any transaction, practice, or course of business which  
11 operates or would operate as a fraud or deceit upon any client or  
12 prospective client;

13 in violation of Sections 206(1) and (2) of the Advisers Act, 15 U.S.C. §§ 80b-6(1) &  
14 80b-6(2).

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
16 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
17 binds the following who receive actual notice of this Order by personal service or  
18 otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants,  
19 employees, and attorneys; and (b) other persons in active concert or participation with  
20 any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

21 **V.**

22 IT IS FURTHER ORDERED that Defendants NTV Financial and Nguyen, and  
23 their agents, servants, employees, attorneys, and affiliates, and those persons in active  
24 concert or participation with any of them, who receive actual notice of this Order, by  
25 personal service or otherwise, and each of them, be and hereby are preliminarily  
26 restrained and enjoined from, directly or indirectly, by the use of the mails or any  
27 means or instrumentality of interstate commerce, while acting as an investment  
28 adviser to a pooled investment vehicle:

A. making any untrue statement of a material fact or omitting to state a material fact necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, to any investor or prospective investor in a pooled investment vehicle;

B. engaging in any act, practice, or course of business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in a pooled investment vehicle;

in violation of Section 206(4) of the Advisers Act, 15 U.S.C. § 80b-6(4), and Rule 206(4)-8 thereunder, 17 C.F.R. § 275.206(4)-8.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Order by personal service or otherwise: (a) Defendants NTV Financial's and Nguyen's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with any of the Defendants NTV Financial and Nguyen or with anyone described in (a).

## VI.

IT IS HEREBY FURTHER ORDERED that Defendants NTV Financial and Nguyen, and each of their agents, servants, employees and attorneys and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including facsimile transmission, electronic mail, or overnight delivery service, are hereby prohibited from directly or indirectly, including through any entity they own or control, accessing any securities brokerage account of any third-party, including doing so with the consent of the account holder.

## VII.

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, Defendants NTV Financial and Nguyen, and Relief Defendant Mai Do, and their officers, agents, servants, employees, attorneys, subsidiaries and affiliate, and those persons in active concert with them, who receive actual notice of this Order, by

personal service or otherwise, and each of them, be and hereby are temporarily restrained and enjoined from, directly or indirectly, transferring, assigning, selling, hypothecating, changing, wasting, dissipating, converting, concealing, encumbering, or otherwise disposing of, in any manner, any funds, assets, securities, claims or other real or personal property, including any notes or deeds of trust or other interest in real property, wherever located, of any one of the Defendants or Relief Defendants, or their subsidiaries or affiliates, owned by, controlled by, managed by or in the possession or custody of any of them and from transferring, encumbering dissipating, incurring charges or cash advances on any debit or credit card of the credit arrangement of any one of the Defendants or Relief Defendants, or their subsidiaries and affiliates.

### VIII.

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, there shall be a continuation of the freeze placed on all monies and assets (with an allowance for necessary and reasonable living expenses to be granted only upon good cause shown by application to the Court with notice to and an opportunity for the SEC to be heard) in all accounts at any bank, financial institution, brokerage firm, third-payment payment processor, held in the name of, for the benefit of, or over which account authority is held by Defendants NTV Financial and/or Nguyen, and/or by Relief Defendant Do, including but not limited to the accounts listed below:

INSTITUTION	ACCOUNT NAME/OWNER	ACCOUNT NO.
Bank Of America	NTV Financial Group Inc.	██████████8771
Bank Of America	NTV Financial Group Inc. DBA NTLF (Nguyen Tran Le Fund)	██████████-8768
Bank Of America	Richard Nguyen DBA NTV Service Group	██████████-1210
Bank Of America	Mai Do POD Phuong Do	ending in 2347
Bank Of America	Custodial Account for Loan T Do Mai Do Rep Payee	ending in 5653
Bank of America	Mai Do	ending in 0399
JP Morgan Chase	NTV Financial Group Inc.	██████████1135

1	JP Morgan Chase	Mai Do DBA NTV Business Group	██████3619
2	Wells Fargo Bank	NTV Financial Group Inc. DBA NTLF (Nguyen Tran Le Fund)	██████4464
3	Wells Fargo Bank	Richard Nguyen	██████8738
4	Banc of California	Mai Do	██████-2032
5	US Bank	Richard Nguyen DBA NTV Service Group	██████5338
6	Simple	Richard Nguyen	██████1511
7	Charles Schwab	NTV Financial Group Inc.	██████6464
8	Charles Schwab	Richard Nguyen	██████8787
9	E*Trade	Mai Do	██████3288
10	E*Trade	Mai Do	██████1301
11	E*Trade	Mai Do	██████2529
12	E*Trade	Mai Do	ending in 6059
13	E*Trade	NTV Financial Group Inc.	██████1412
14	E*Trade	Richard Nguyen	██████9407
15	Interactive Brokers	NTV Financial Group Inc.	██████9327
16	Merrill Lynch	Richard Nguyen	██████1580
17	Apex Clearing/Ally Securities	Richard Nguyen	██████10-11
18	Apex Clearing/Ally Securities	Richard Nguyen	██████9010
19	Apex Clearing/Ally Securities	Mai Do	██████6904

Any bank, financial institution or brokerage firm, or third-party payment processor holding such monies and assets described above shall hold and retain within their control and prohibit the withdrawal, removal, transfer or other disposal of any such funds or other assets except as otherwise ordered by this Court.

### IX.

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, an immediate freeze shall be placed on the title of the following real and personal properties, which shall not be mortgaged, transferred, or otherwise hypothecated:

1.	12632 Jerome Lane, Garden Grove, CA 92841
----	--



2.	2101 N Westwood Ave., Santa Ana, CA 92706
3.	2506 Monte Carlo Dr., Santa Ana, CA 92706
4.	900 W. 17 <sup>th</sup> Street, Unit B, Santa Ana, CA 92706
5.	2007 Porsche 911 – VIN ending # xxxxx29987S784416
6.	2012 Ferrari 458 Italia – VIN ending in # xxxxxNFA9C0183018
7.	2018 Toyota Tacoma Pickup
8.	2019 Honda Odyssey Van
9.	2002 Maserati Spyder
10.	2006 BMW 750il
11.	2007 Harley Roadking
12.	2005 Harley Softail
13.	2019 Harley Davidson Street Glide
14.	2003 Chopper
15.	2015 Honda Accord

## X.

IT IS FURTHER ORDERED that Defendants Nguyen and NTV Financial and the Relief Defendant Mai Do remain under a continuing obligation to prepare and deliver to the SEC detailed and complete schedules of all of their assets, including all real and personal property exceeding \$5,000 in value, and all bank, securities, and other accounts identified by institution, branch address, and account number. The accounting shall include a description of the sources of all such assets. Such accounting shall be filed with the Court and a copy shall be delivered by email to millerdou@sec.gov and delivered by hand or overnight courier to the SEC to the attention of Douglas M. Miller, Trial Counsel, U.S. Securities and Exchange Commission, Los Angeles Regional Office, 444 South Flower Street, Suite 900, Los

1 Angeles, California, 90071, or such other place and person as counsel for the SEC  
2 may direct in writing. After completion of the accounting, each of the Defendants  
3 shall produce to the SEC at a time agreeable to the SEC, all books, records and other  
4 documents supporting or underlying their accounting.

5 **XI.**

6 IT IS FURTHER ORDERED that any person who receives actual notice of this  
7 Order by personal service or otherwise, and who holds, possesses or controls assets  
8 exceeding \$5,000 for the account or benefit of any one of the Defendants or Relief  
9 Defendants, shall within 5 days of receiving actual notice of this Order provide  
10 counsel for the SEC with a written statement identifying all such assets, the value of  
11 such assets, or best approximation thereof, and any account numbers or account  
12 names in which the assets are held.

13 **XII.**

14 IT IS FURTHER ORDERED that, except as otherwise ordered by this Court,  
15 each of the Defendants NTV Financial and Nguyen, and Relief Defendant Mai Do,  
16 and their officers, agents, servants, employees, attorneys, subsidiaries and affiliates,  
17 and those persons in active concert or participation with any of them, who receive  
18 actual notice of this Order, by personal service or otherwise, and each of them, be and  
19 hereby are temporarily restrained and enjoined from, directly or indirectly:  
20 destroying, mutilating, concealing, transferring, altering, or otherwise disposing of, in  
21 any manner, any documents, which includes all books, records, computer programs,  
22 computer files, computer printouts, contracts, emails, correspondence, memoranda,  
23 brochures, or any other documents of any kind in their possession, custody or control,  
24 however created, produced, or stored (manually, mechanically, electronically, or  
25 otherwise), pertaining in any manner to Defendants NTV Financial and Nguyen, and  
26 Relief Defendant Mai Do.

27 **XIII.**

28 IT IS FURTHER ORDERED that Jeffrey Brandlin remain as permanent

1 receiver of Defendant NTV Financial and its subsidiaries and affiliates, and of all  
2 bank and brokerage accounts through which Defendants Richard Nguyen's and NTV  
3 Financial's investors and/or clients' funds flowed and property acquired in whole or  
4 in part with clients' funds, including but not limited to the accounts set forth in  
5 paragraph V and VI above (the "Subject Accounts") (collectively with NTV  
6 Financial and its subsidiaries and affiliates, the "Receivership Entity"), with full  
7 powers of an equity receiver, including, but not limited to, full power over all funds,  
8 assets, collateral, premises (whether owned, leased, occupied, or otherwise  
9 controlled), choses in action, books, records, papers and other property belonging to,  
10 being managed by or in the possession of or control of Defendant NTV Financial, its  
11 subsidiaries and affiliates, and/or the Subject Accounts, and that such receiver  
12 continue to be authorized, empowered and directed:

- 13       A.     to have access to and to collect and take custody, control, possession,  
14             and charge of all funds, assets, collateral, premises (whether owned,  
15             leased, occupied, or otherwise controlled), choses in action, books,  
16             records, papers and other real or personal property, wherever located, of  
17             or managed by Defendant NTV Financial, its subsidiaries and affiliates,  
18             and/or the Subject Accounts, with full power to sue, foreclose, marshal,  
19             collect, receive, and take into possession all such property (including  
20             access to and taking custody, control, and possession of all such  
21             Defendant NTV Financial property, and that of its subsidiaries and  
22             affiliates NTV Financial and/or the Subject Accounts);
- 23       B.     to have control of, and to be added as the sole authorized signatory for,  
24             all accounts of the entities in receivership, including all accounts at any  
25             bank, title company, escrow agent, financial institution or brokerage firm  
26             (including any futures commission merchant) which has possession,  
27             custody or control of any assets or funds of Defendant NTV Financial,  
28             and that of its subsidiaries and affiliates and the Subject Accounts, or

1 which maintains accounts over which Defendant NTV Financial, its  
2 subsidiaries and affiliates, and/or the Subject Accounts have signatory  
3 authority;

4 C. to conduct such investigation and discovery as may be necessary to  
5 locate and account for all of the assets of or managed by Defendant NTV  
6 Financial, its subsidiaries and affiliates and/or the Subject Accounts, and  
7 to engage and employ attorneys, accountants and other persons to assist  
8 in such investigation and discovery;

9 D. to take such action as is necessary and appropriate to preserve and take  
10 control of and to prevent the dissipation, concealment, or disposition of  
11 any assets of or managed by Defendant NTV Financial, its subsidiaries  
12 and affiliates and/or the Subject Accounts;

13 E. to make an accounting, as soon as practicable, to this Court and the SEC  
14 of the assets and financial condition of Defendant NTV Financial, its  
15 subsidiaries and affiliates and/or the Subject Accounts, and to file the  
16 accounting with the Court and deliver copies thereof to all parties;

17 F. to make such payments and disbursements from the funds and assets  
18 taken into custody, control, and possession or thereafter received by him  
19 or her, and to incur, or authorize the making of, such agreements as may  
20 be necessary and advisable in discharging his or her duties as permanent  
21 receiver;

22 G. to employ attorneys, accountants, and others to investigate and, where  
23 appropriate, to institute, pursue, and prosecute all claims and causes of  
24 action of whatever kind and nature which may now or hereafter exist as  
25 a result of the activities of present or past employees or agents of  
26 Defendant NTV Financial, its subsidiaries and affiliates and/or the  
27 Subject Accounts; and

28 H. to have access to and monitor all mail, electronic mail, and video phone

1 of the entities in receivership in order to review such mail, electronic  
2 mail, and video phone which he or she deems relates to their business  
3 and the discharging of his or her duties as permanent receiver.

4 **XIV.**

5 IT IS FURTHER ORDERED that Defendant NTV Financial, its subsidiaries  
6 and affiliates and the Subject Accounts, including all of the other entities in  
7 receivership, and their officers, agents, servants, employees and attorneys, and any  
8 other persons who are in custody, possession or control of any assets, collateral,  
9 books, records, papers or other property of or managed by any of the entities in  
10 receivership, shall forthwith give access to and control of such property to the  
11 permanent receiver.

12 **XV.**

13 IT IS FURTHER ORDERED that no officer, agent, servant, employee or  
14 attorney of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject  
15 Accounts shall take any action or purport to take any action, in the name of or on  
16 behalf of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject  
17 Accounts, without the written consent of the permanent receiver or order of this  
18 Court.

19 **XVI.**

20 IT IS FURTHER ORDERED that, except by leave of this Court, during the  
21 pendency of this receivership, all clients, investors, trust beneficiaries, note holders,  
22 creditors, claimants, lessors and all other persons or entities seeking relief of any  
23 kind, in law or in equity, from Defendant NTV Financial, its subsidiaries and  
24 affiliates and/or the Subject Accounts, and all persons acting on behalf of any such  
25 investor, trust beneficiary, note holder, creditor, claimant, lessor, consultant group or  
26 other person, including sheriffs, marshals, servants, agents, employees and attorneys,  
27 are hereby restrained and enjoined from, directly or indirectly, with respect to these  
28 persons and entities:

- A. commencing, prosecuting, continuing or enforcing any suit or proceeding (other than the present action by the SEC or any other action by the government) against any of them;
- B. using self-help or executing or issuing or causing the execution or issuance of any court attachment, subpoena, replevin, execution or other process for the purpose of impounding or taking possession of or interfering with or creating or enforcing a lien upon any property or property interests owned by or in the possession of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject Accounts; and
- C. doing any act or thing whatsoever to interfere with taking control, possession or management by the permanent receiver appointed hereunder of the property and assets owned, controlled or managed by or in the possession of Defendant NTV Financial, its subsidiaries and affiliates and/or the Subject Accounts, or in any way to interfere with or harass the permanent receiver or his or her attorneys, accountants, employees, or agents or to interfere in any manner with the discharge of the permanent receiver's duties and responsibilities hereunder.

XVII.

IT IS FURTHER ORDERED that Defendant NTV Financial and its subsidiaries and affiliates, and their officers, agents, servants, employees and attorneys, and the Subject Accounts, shall cooperate with and assist the permanent receiver and shall take no action, directly or indirectly, to hinder, obstruct, or otherwise interfere with the permanent receiver or his or her attorneys, accountants, employees or agents, in the conduct of the permanent receiver's duties or to interfere in any manner, directly or indirectly, with the custody, possession, management, or control by the permanent receiver of the funds, assets, collateral, premises, and choses in action described above.

## XVIII.

1 IT IS FURTHER ORDERED that Defendant NTV Financial, and its  
2 subsidiaries and affiliates, shall pay the costs, fees and expenses of the permanent  
3 receiver incurred in connection with the performance of his or her duties described in  
4 this Order, including the costs and expenses of those persons who may be engaged or  
5 employed by the permanent receiver to assist him or her in carrying out his or her  
6 duties and obligations. All applications for costs, fees, and expenses for services  
7 rendered in connection with the receivership other than routine and necessary  
8 business expenses in conducting the receivership, such as salaries, rent, and any and  
9 all other reasonable operating expenses, shall be made by application setting forth in  
10 reasonable detail the nature of the services and shall be heard by the Court.

11 **XIX.**

12 IT IS FURTHER ORDERED that no bond shall be required in connection with  
13 the appointment of the permanent receiver. Except for an act of gross negligence, the  
14 permanent receiver shall not be liable for any loss or damage incurred by any of the  
15 defendants, their officers, agents, servants, employees and attorneys or any other  
16 person, by reason of any act performed or omitted to be performed by the permanent  
17 receiver in connection with the discharge of his or her duties and responsibilities.

18 **XX.**

19 IT IS FURTHER ORDERED that representatives of the SEC and any other  
20 government agency are authorized to have continuing access to inspect or copy any  
21 or all of the corporate books and records and other documents of Defendant NTV  
22 Financial, and the other entities in receivership, and continuing access to inspect their  
23 funds, property, assets and collateral, wherever located.

24 **XXI.**

25 IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this  
26 action for the purpose of implementing and carrying out the terms of all orders and  
27 decrees which may be entered herein and to entertain any suitable application or  
28 motion for additional relief within the jurisdiction of this Court.



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1 IT IS SO ORDERED.

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3 Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
4 UNITED STATES DISTRICT JUDGE

5  
6 Presented by:

7 \_\_\_\_\_  
8 Attorney for Plaintiff  
9 Securities and Exchange Commission  
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