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Receiver

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES 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

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION OF RECEIVER, JEFFREY
E. BRANDLIN, FOR ORDER:**

- (1) **APPROVING CLAIM FORMS;**
- (2) **SETTING CLAIMS BAR
DATE; AND**
- (3) **ESTABLISHING SUMMARY
CLAIMS PROCEDURES;**

**DECLARATION OF J. BRANDLIN
IN SUPPORT THEREOF**

[Notice of Motion and Motion
submitted concurrently herewith]

DATE: March 14, 2022

TIME: 1:30 p.m.

CTRM: 10A

350 W. 1st Street

Los Angeles, CA 90012

JUDGE: Hon. Stephen V. Wilson

1 **TO THE HONORABLE STEPHEN V. WILSON, UNITED STATES**
 2 **DISTRICT JUDGE, AND ALL PARTIES AND THEIR COUNSEL OF**
 3 **RECORD:**

4
 5 **I. INTRODUCTION**

6 As the Court-appointed Receiver of NTV Financial Group, Inc. ("NTV
 7 Financial"), bank and brokerage accounts through which defendant Richard
 8 Nguyen's and NTV Financial's investors funds flowed, and property acquired
 9 in whole or in part with investor funds (collectively, the "Receivership
 10 Entity"), the Receiver's duty is to marshal, care for, and preserve the assets
 11 of the Receivership Entity for the benefit of investors. The Receiver has
 12 analyzed the bank records for NTV Financial and determined that the
 13 Receivership Entity received money from 100 non-insider investors with a
 14 total net investment of \$1,770,105. As of October 31, 2021, the Receiver
 15 was holding \$1,020,092.13 in cash, although this amount will be reduced by
 16 the fees and costs of the Receiver and his counsel that the Court permits to
 17 be paid. Because there are only a handful of assets remaining to be
 18 administered, the Receiver believes it is appropriate to begin the process of
 19 determining with finality the claims against NTV Financial in order to move
 20 forwards towards making a distribution to investors. Because investors are
 21 the source of nearly all funds obtained by NTV Financial, the Receiver
 22 expects to later seek a judicial determination that the claims of investors
 23 should have priority over the claims of creditors, but does not do so by this
 24 motion. The purpose of this motion is to initiate the claims process by
 25 seeking approval of the claim forms for investors and creditors, to set a
 26 claims bar date by which deadline all investors and creditors must submit

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1 claim forms to the Receiver, and establish a procedure to resolve any
2 disputed claims.

3
4 **II. BACKGROUND**

5 **A. The Receiver's Appointment**

6 On June 24, 2019, the Receiver was appointed temporary receiver for
7 the Receivership Entity, with full powers of an equity receiver, including, but
8 not limited to, full power over all assets and property belonging to, being
9 managed by or in the possession or control of the Receivership Entity, and
10 was immediately authorized, empowered and directed to take certain actions
11 as set forth in the temporary restraining order and related orders. (See
12 Docket Nos. 14 and 21.) On July 2, 2019, the Court entered the preliminary
13 injunction and related orders [Docket No. 21] ("PI Order"), which, among
14 other things, made the Receiver's appointment permanent. The PI Order
15 was subsequently amended by orders entered on August 9, 2019 [Docket
16 No. 54], August 15, 2019 [Docket No. 58], and September 18, 2019 [Docket
17 No. 71] (the "Amended PI Order"), all of which provided that the Receiver
18 remain as permanent receiver. Pursuant to the terms of the Amended PI
19 Order, the Receiver remains as the permanent receiver of the Receivership
20 Entity, "with full powers of an equity receiver, including, but not limited to, full
21 power over all funds, assets, collateral . . . and other property belonging to,
22 being managed by or in possession of or control of [the Receivership Entity]"
23 (*Id.* at 8-9.) The Amended PI Order also authorizes the Receiver to take
24 possession of all real property of the Receivership Entity, wherever located,
25 and to take such action as is necessary to preserve the assets of the estate
26 of the Receivership Entity (the "Receivership Estate"). (*Id.* at 9-10.)

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1 **B. The Receiver's Findings**

2 Based on the Receiver's review of NTV Financial's books and records
3 and the document production from the banks and brokerage firms within the
4 scope of the Receivership Estate, the Receiver compiled a list of investors
5 and the amounts of their net investments. Based thereon, between 2018
6 and July 1, 2019, NTV Financial raised \$2,935,201 from 100 investors.
7 Approximately \$1,165,096 was returned to investors, leaving \$1,770,105 in
8 net investments. To date, the Receiver has collected \$1,051,624 from the
9 liquidation of investments, the sale of three real properties, and settlements
10 of fraudulent transfer claims and spent \$31,532 on ordinary costs of the
11 receivership estate. The Receiver has incurred fees and costs of
12 \$222,701.06 and his counsel has incurred fees and costs of \$208,913.74.
13 These fees and costs will be the subject of fee applications to be filed
14 shortly. The allowed fees and costs will need to be paid from the funds on
15 hand before any distribution is made to investors.

16 Nearly all of the funds coming into the Receivership Entity's accounts
17 were traceable to investors. Because of this, the Receiver anticipates later
18 seeking a constructive trust against the assets of the Receivership Estate for
19 the benefit of the investors, to the exclusion of creditors. However, the
20 Receiver will first see if any claims are filed by creditors and then determine
21 whether to seek this relief in connection with a motion to distribute funds to
22 investors.

23 **C. The Anticipated Method of Calculating Distributions,**
24 **Subject to Court Approval at a Later Date**

25 Because some investors received distributions prior to the Receiver's
26 appointment, the Receiver believes that it will be appropriate to use the
27 "rising tide methodology" when it comes time to seek Court approval to
28

1 make distributions. The goal of this method is to equalize distributions so
 2 that investors who received distributions prior to the filing of this case do not
 3 receive additional distributions until the rest of the investors have received
 4 the same percentage. The Receiver is not seeking approval of this
 5 methodology in connection with this Motion, but wants to keep investors and
 6 the Court informed of his anticipated proposed plan for administering the
 7 Receivership Estate.

9 **III. PROPOSED CLAIM PROCEDURES**

10 The Receiver proposes the following procedures for noticing,
 11 reviewing, and processing investor and creditor claims:

12 (1) Distribution of the Investor Claim Form to Investors: The English
 13 version of the proposed notice of the deadline to file a claim and the claim
 14 form are attached hereto as Exhibit "A" (the "Investor Claim Form").
 15 Because many of the investors are Vietnamese, a Vietnamese version of the
 16 Investor Claim Form will also be mailed to all investors. The Receiver
 17 intends to fill out Sections 1 through 9 of the Investor Claim Form based on
 18 his analysis of NTV's books and records. If the investors agree with the
 19 information and figures, then they will need to sign and return the Investor
 20 Claim Form. If they disagree, then they will need to complete Sections 10
 21 and 11, provide supporting documentation, and sign and return the Investor
 22 Claim Form. The Receiver proposes to also mail a letter to the investors
 23 with the Investor Claim Form. A proposed draft of that letter is attached as
 24 Exhibit "B." In addition to mailing the letter and Investor Claim Form to the
 25 last known address of each investor, the Receiver intends to publish notice
 26 of the deadline to return claims in English and Vietnamese papers with local
 27 circulation in Orange County. That publication notice will provide investors
 28

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1 instructions on how to obtain an Investor Claim Form and the deadline by
 2 which they need to return it. The Receiver will also prominently provide
 3 notice of the deadline for investors to return claims on the website that he
 4 set up for the Receivership Estate located at
 5 <https://www.donlinrecano.com/Clients/brandlin/Index>.

6 (2) Distribution of the Creditor Claim Form to Creditors: Although
 7 the Receiver is likely to seek an order of this Court subordinating claims of
 8 creditors to the claims of investors for equitable reasons, he is not yet
 9 seeking that ruling and would first like more information on the realm of
 10 creditor claims because the books and records do not reflect substantial
 11 creditor claims. Accordingly, the Receiver proposes to mail each creditor
 12 and potential creditor the proposed notice of the deadline to file a claim and
 13 the claim form in the form attached as Exhibit "C" (the "Creditor Claim Form"
 14 and together with the Investor Claim Form, the "Claim Forms"), which they
 15 will need to fill out, provide supporting documentation, and return to the
 16 Receiver by the Claims Bar Date (defined below). It will be accompanied by
 17 a letter in the form attached as Exhibit "D." In addition to mailing the notice
 18 and Creditor Claim Form, the Receiver intends to publish notice of the
 19 deadline to return claims in a newspaper with local circulation in Orange
 20 County. That publication notice will provide creditors instructions on how to
 21 obtain a Creditor Claim Form and the deadline by which they need to return
 22 it. The Receiver will also prominently provide notice of the deadline for
 23 creditors to return the Creditor Claim Form on the Receiver's website located
 24 at: <https://www.donlinrecano.com/Clients/brandlin/Index>.

25 (3) Deadline for the Return of the Claim Forms: The Receiver
 26 proposes that the deadline for his receipt of the Claim Forms be sixty (60)
 27 days from when the Receiver sends the Claim Form to investors and
 28

creditors (the "Claims Bar Date"). Any investor or creditor who fails to return a signed Claim Form by the Claims Bar Date shall be forever barred and enjoined from asserting a claim against NTV Financial, the Receiver, and the Receivership Estate. Claims shall not be filed with the Court, but rather, shall be submitted directly to the Receiver.

(4) Claims Review Process: The Receiver will evaluate all Claim Forms and supporting documentation that are received by the Claims Bar Date and compare them to the records of the Receivership Entity and the results of the Receiver's investigation and accounting, and make a determination of the recommended treatment of each claim.

The Receiver will then provide recommendations for the treatment of and/or the proposed allowed amount of each timely submitted claim to the Court in a separate motion to approve the recommended treatment of claims. If the Receiver determines judicial resolution of a dispute regarding a claim is required, then the Receiver will indicate that in the motion and request approval of procedures for resolution of the dispute(s), including deadlines for the completion of any necessary discovery and the deadlines to file supplemental briefs.

The Receiver believes that these procedures will minimize delay and expense while still affording investors a full and fair opportunity to present their claims and have any disputes resolved by the Court.

IV. LEGAL ARGUMENT

A. The Court Has Broad Discretion to Approve Procedures for the Submission and Administration of Claims

It is well-settled that district courts supervising federal equity receiverships have broad discretion to adopt appropriate procedures to

1 administer the assets of and claims against a receivership estate. See *SEC*
 2 *v. Capital Consultants, LLC*, 397 F.3d 733, 738 (9th Cir. 2005); *SEC v.*
 3 *Hardy*, 803 F.2d 1034 (9th Cir. 1986).

4 A district court's power to supervise an equity
 5 receivership and to determine the appropriate action
 6 to be taken in the administration of the receivership is
 7 extremely broad. The district court has broad powers
 8 and wide discretion to determine the appropriate relief
 9 in an equity receivership. The basis for this broad
 10 deference to the district court's supervisory role in
 11 equity receiverships arises out of the fact that most
 12 receiverships involve multiple parties and complex
 13 transactions.

14 *Capital Consultants*, 397 F.3d at 738 (citations omitted).

15 **B. The Claim Forms Are Appropriate**

16 The Receiver prepared the Claim Forms attached as Exhibits "A" and
 17 "C" to explain as clearly as possible what investors and creditors need to do
 18 to submit their claim, the deadline to do so, and the consequence of failing
 19 to timely return the Claim Form. The Receiver proposes to complete
 20 Sections 1 through 9 of the Investor Claim Form so that investors who agree
 21 with the figures only have to sign and return the Investor Claim Form. This
 22 should streamline the process of reviewing claims because it will alleviate
 23 the need for the Receiver to compare each Claim Form to the books and
 24 records of the Receivership Entity. Investors who do not agree will need to
 25 justify their figures and provide supporting documentation, and it is on these
 26 claims that the Receiver will then focus his efforts to resolve disputes. The
 27 Receiver intends to send a blank Claim Form to NTV customers who did not
 28 invest funds directly with NTV but instead permitted Richard Nguyen to trade
 in their accounts. The Receiver does not know whether they hold any
 claims.

The Investor Claim Form and accompanying letter will be sent to
 investors in both English and Vietnamese.

C. The Claims Bar Date Is Necessary and Appropriate

In order to make any distributions, the Receiver must have certainty about the possible magnitude of allowed claims. The Receiver believes that he has identified all of the investors and creditors, and has done his best to verify the amount of their net investments or claims. However, because records had to be reconstructed and verified, it is possible that there may be some differences between the investors' and creditors' records and the Receivership Entity's books and records. Setting a bar date will provide a mechanism for providing notice and a deadline after which the Receiver can be confident that the universe and magnitude of investor and creditor claims is known, and can be reserved for while the allowed amount of disputed claims is determined by the Court. *See Hardy*, 803 F.2d at 1038-39 (affirming a district court's decision to establish deadlines for the filing of claims because the rights of creditors must be balanced against the need for the expeditious administration of the receivership).

Accordingly, the Receiver requests that the Court enter an order setting the Claims Bar Date as sixty days from when the Receiver sends the notice of the Claims Bar Date to investors and creditors. For investors, the Receiver proposes to provide notice of the Claims Bar Date by mail, on the website he set up for these cases, and by publishing notice of the Claims Bar Date in Vietnamese and English newspapers in Orange County. For creditors, the Receiver proposes to provide notice of the Claims Bar Date by mail, on the website he set up for these cases, and by publishing notice of the Claims Bar Date in a newspaper in Orange County.

V. CONCLUSION

Based on the foregoing, the Receiver respectfully requests that the Court enter an order:

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- 1 (1) Granting the Motion in its entirety;
- 2 (2) Approving the notice and the Investor Claim Form that are
- 3 attached hereto as Exhibit "A," the draft letter to accompany the Investor
- 4 Claim Form that is attached as Exhibit "B," the notice and Creditor Claim
- 5 Form attached as Exhibit "C", and the draft letter to accompany the Creditor
- 6 Claim Form that is attached as Exhibit "D";
- 7 (3) Authorizing and approving the Receiver's proposed means of
- 8 noticing investors and creditors, including via the website, mail, and by
- 9 publication of notice of the claims process in newspapers with local
- 10 circulation in Orange County, California;
- 11 (4) Approving and authorizing the use of summary proceedings for
- 12 the determination of claims against the Receivership Entity, as detailed in
- 13 the Motion;
- 14 (5) Setting a claims bar date of sixty (60) days from when the
- 15 Receiver sends out the notice of the Claims Bar Date and the Claim Forms
- 16 to investors and creditors; and
- 17 (6) Granting such other and further relief as the Court deems just
- 18 and proper.

19 Respectfully submitted,

20 DATED: February 11, 2022

SMILEY WANG-EKVALL, LLP

21
22
23 By: /s/ Kyra E. Andrassy

24 Kyra E. Andrassy
25 Counsel for Jeffrey E. Brandlin,
26 Receiver
27
28

DECLARATION OF JEFFREY E. BRANDLIN

I, Jeffrey E. Brandlin, declare as follows:

1. I am the federal equity receiver appointed by the U.S. District Court, Central District of California, over NTV Financial Group, Inc. ("NTV Financial"), bank accounts held by or for the benefit of defendant Richard Nguyen and relief defendant Mai Do, and property acquired in whole or in part with investor funds. I know the facts contained in this declaration to be true of my own personal knowledge, except as otherwise stated and, if called as a witness, I could and would competently testify with respect thereto. I make this declaration in support of the motion to establish claims procedures (the "Motion"). Unless otherwise defined in this declaration, all terms defined in the Motion are incorporated herein by this reference.

2. I have reviewed the Receivership Entity's books and records that I caused to be removed from NTV Financial's office, and the document production from the banks and brokerage firms within the scope of the Receiver Estate.

3. Based thereon, I have determined that between 2018 and July 1, 2019, NTV Financial raised at least \$2,935,201 from 100 investors. Approximately \$1,165,096 was returned to investors, leaving \$1,770,105 in net investments. To date, I have collected \$1,051,624 from the liquidation of investments, the sale of three real properties, and settlements of fraudulent transfer claims. This figure is net of ordinary expenses of the receivership estate, such as the cost to host the website for the receivership. The remainder of the funds traceable to the investors was lost on speculative investments or spent on purchases for the benefit of Nguyen and Relief Defendant Do.

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1 4. Most, if not all, of the funds coming into the Receivership Entity
2 are traceable to investors. Although some of the investors' money was put
3 into volatile and speculative investments, nearly all of that money was lost or
4 spent on purchases for the personal benefit of Nguyen and Relief Defendant
5 Do. Because most of the funds coming into the Receivership Entity's
6 accounts are traceable to investors, I anticipate seeking to impose a
7 constructive trust against the assets of the Receivership Estate for the
8 benefit of the investors, and to the exclusion of creditors. However, I wish to
9 first see if any claims are filed by creditors. I am not seeking approval to
10 impose a constructive trust in connection with this Motion, but want to keep
11 investors and the Court informed thereof.

12 5. Because some investors received distributions prior to my
13 appointment, I believe that it will be appropriate to use the "rising tide
14 methodology" when it comes time to seek Court approval to make
15 distributions. The goal of this method is to equalize distributions so that
16 investors who received distributions prior to the filing of this case do not
17 receive additional distributions until the rest of the investors have received
18 the same percentage. I am not seeking approval of this methodology in
19 connection with this Motion, but want to keep investors and the Court
20 informed of my anticipated proposed plans for administration of the
21 Receivership Estate.

22 I declare under penalty of perjury under the laws of the United States
23 of America that the foregoing is true and correct.

24 Executed on this 8th day of February, 2022, at Los Angeles, California.

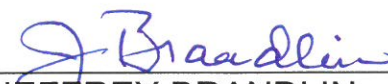
25
26 
27 JEFFREY BRANDLIN
28

EXHIBIT "A"

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**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

)

) Assigned for all purposes to the
) Honorable Stephen V. Wilson

)

) **NOTICE OF CLAIMS BAR DATE FOR**
) **INVESTORS, INSTRUCTIONS, AND CLAIM**
) **FORM FOR ALL INVESTORS SEEKING**
) **RECOVERY FROM NTV FINANCIAL**
) **GROUP, INC.**

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On June 24, 2019, the United States District Court for the Central District of California (the "District Court") appointed Jeffrey E. Brandlin as the temporary receiver (the "Receiver") over NTV Financial Group Inc. ("NTV Financial") and its subsidiaries and affiliates, and of all bank and brokerage accounts through which Defendants Richard Vu Nguyen's and NTV Financial's investors and/or clients' funds have flowed. Subsequently, the District Court appointed the Receiver as the permanent receiver over NTV Financial and its subsidiaries and affiliates, and of all bank and brokerage accounts through which Defendants Richard Vu Nguyen's and NTV Financial's investors and/or clients' funds have flowed (collectively, the "Receivership Entity").

The Receiver has determined that there will be assets available for distribution to investors. The amount of funds available has not yet been finally determined. However, in order to make a distribution, the Receiver must establish a database of all claims entitled to a distribution. Therefore, all investors are required to submit their claims in accordance with the procedure below, which was approved by the District Court by an order entered on ____, 2022.

INVESTOR CLAIM FORM INSTRUCTIONS

1. **WHO MUST SUBMIT AN INVESTOR CLAIM FORM?** You must return the enclosed claim form ("Investor Claim Form") if you believe you are owed any money by the Receivership Entity. A failure to timely submit an original signed Investor Claim Form and any necessary supporting documentation may result in the denial of your claim. You must submit the signed Investor Claim Form even if you have already informally

provided evidence of a claim to the Receiver.

2. **CONSENT TO JURISDICTION OF THE COURT:** If you submit an Investor Claim Form in this case, you are consenting to the jurisdiction of the District Court for all purposes and agree to be bound by its decisions, including, among other things, a determination as to the validity and amount of your claim against the Receivership Entity after notice and a hearing.

3. **WHERE DO YOU RETURN THE INVESTOR CLAIM FORM?** The original signed, completed Investor Claim Form and any supporting documentation must be mailed to: Jeffrey E. Brandlin, Receiver, 545 South Figueroa St., Suite 1134, Los Angeles, CA, 90071. Do not file the Investor Claim Form with the District Court.

4. **WHEN IS THE DEADLINE TO RETURN THE INVESTOR CLAIM FORM?** **The Investor Claim Form must be received by the Receiver on or before _____, 2022 (the "Claims Bar Date").**

5. **WHAT HAPPENS IF YOU DO NOT TIMELY RETURN THE SIGNED INVESTOR CLAIM FORM?** If your Investor Claim Form is not received on or before the above Claims Bar Date, you (a) will be barred to the fullest extent allowed by applicable law from asserting, in any manner, a claim against the Receivership Entity and its property or estate, (b) will not be permitted to object to any distribution plan proposed by the Receiver on account of such claim, (c) will be denied distributions, and (d) will not receive any further notices on account of such claim. In addition, the Receivership Entity and its property or estate will be discharged from any and all indebtedness or liability with respect to such claim.

6. **WHAT DO YOU NEED TO DO IF YOU AGREE WITH THE AMOUNTS ON THE INVESTOR CLAIM FORM?**

Investors who do not dispute the claim information provided by the Receiver only need to timely sign on the last page of the Investor Claim Form and return the Investor Claim Form and do not need to attach documentation to the Investor Claim Form. If the Receiver learns new information that affects the amount of your claim, he reserves the right to send you a notice of proposed adjustment to the claim, and you will have ninety (90) days from the date of service of that notice to contest the proposed adjustment by submitting an amended Investor Claim Form.

7. **WHAT DO YOU NEED TO DO IF YOU DISAGREE WITH THE AMOUNTS ON THE INVESTOR CLAIM FORM?** Investors who dispute the claim information provided by the Receiver must attach to the Investor Claim Form copies of all documents that establish that the Receivership Entity owe the debts or amounts that you claimed. Failure to provide such documents may result in the denial of your claim. The District Court will resolve any disputes about the allowance or amount of a particular claim.

8. **CHANGE OF CONTACT INFORMATION.** If the contact information provided on the Investor Claim Form changes, you must direct the Receiver to update your contact information by sending a letter to Jeffrey E. Brandlin, Receiver, 545 South Figueroa St., Suite 1134, Los Angeles, CA, 90071.

9. **TAX OR LEGAL ADVICE.** The Receiver cannot provide tax or legal advice. You are encouraged to seek independent advice in regard to filing your Investor Claim Form or the tax implications of it.

10. **RESERVATION OF RIGHTS BY THE RECEIVER.** The Receiver has the right to verify and dispute any information you have provided in order to determine the proper distribution amount, if any, to which you may be entitled. Nothing in this notice and instructions or the Investor Claim Form precludes the Receiver from objecting to any Investor Claim Form on any grounds.

INVESTOR CLAIM FORM

**United States District Court
Central District of California
Case No. 8:19-CV-01174-SVW-KES**

Securities & Exchange Commission,

v.

Richard Vu Nguyen, a/k/a Nguyen Thanh Vu, and NTV Financial Group, Inc., et al.

GENERAL CONTACT INFORMATION		
1	Name of Investor:	
2	Street Address/P.O. Box:	
3	City, State, Zip Code:	
4	Telephone Number(s):	
5	Email Address(es):	
GENERAL CLAIM INFORMATION		
6	Account Number:	
7	Total amount that the Receiver believes you invested, not including interest. If you disagree with this number, please state what you assert is the correct amount and, in Section 10 below, provide the detailed information requested.	US \$
8	Total amount the Receiver believes you have received from NTV Financial Group, Inc., including payments of interest, principal, payment of bills, donations made on your behalf, or investment distributions from the Receivership Entity. If you disagree with this number, please state what you assert is the correct amount and provide the details below in Section 11.	US \$
9	Total amount the Receiver believes you are owed (Line 7 – Line 8), not including any interest on your investment. If you disagree with this number, please state what you assert is the correct amount.	US \$
IF YOU DISAGREE WITH THE AMOUNT IN BOX 7 ABOVE, PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT YOUR INVESTMENT		

	Amounts Invested	Date of Investment (mm/dd/yy)	Was your investment made by check, cash, wire transfer, or other (please explain).
10	a. \$	____/____/____	
	b. \$	____/____/____	
	c. \$	____/____/____	
	d. \$	____/____/____	
	e. \$	____/____/____	

IF YOU DISAGREE WITH THE AMOUNT IN BOX 8 ABOVE, PROVIDE THE FOLLOWING INFORMATION ABOUT MONEY THAT YOU HAVE RECEIVED					
	Date of payment (mm/dd/yy)	Amount of money received or expended on your behalf	Type of payment (i.e., principal, interest, donations, payment of bills etc.)	If the payment was not directed to you, state the name of the entity to which the payment was made	
11	a. ____/____/____	\$			
	b. ____/____/____	\$			
	c. ____/____/____	\$			
	d. ____/____/____	\$			
	e. ____/____/____	\$			
	f. ____/____/____	\$			
	g. ____/____/____	\$			

If you need additional space to complete an answer, please attach a separate sheet of paper using the same format as on this Investor Claim Form and indicate the number of the question for which

you are providing the additional information.

Any other comments you wish to make to the Receiver: _____

IMPORTANT: ANY PERSON OR ENTITY SUBMITTING THIS INVESTOR CLAIM FORM SUBMITS TO THE EXCLUSIVE JURISDICTION OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR ALL PURPOSES, INCLUDING, WITHOUT LIMITATION, AS TO RESOLUTION OF ANY CLAIMS, OBJECTIONS, DEFENSES, OR COUNTERCLAIMS BY THE RECEIVER AGAINST SUCH CLAIMANT IN CONNECTION WITH THIS RECEIVERSHIP, INCLUDING THOSE ARISING OUT OF (1) ANY DEALING OR BUSINESS TRANSACTED BY OR WITH THE RECEIVERSHIP ENTITY OR (2) ANY DEALING OR BUSINESS TRANSACTED THAT RELATES IN ANYWAY TO ANY RECEIVERSHIP PROPERTY. FURTHER, CLAIMANTS WAIVE ANY RIGHT TO A JURY TRIAL WITH RESPECT TO SUCH CLAIMS, OBJECTIONS, DEFENSES, AND COUNTERCLAIMS AND AGREE TO BE BOUND BY THE DECISIONS OF THE DISTRICT COURT EVEN IF IT MEANS YOUR CLAIM IS LIMITED OR DENIED.

CERTIFICATION AND SIGNATURE (REQUIRED OF ALL CLAIMANTS)

By signing below, I declare under penalty of perjury that the information in this Investor Claim Form is true and correct, and, if I am not the claimant, that I have been authorized to file this Investor Claim Form on behalf of the claimant

Signature: X

Print Name: _____

Title: _____

Date: _____

Return to:

Jeffrey E. Brandlin, Receiver
545 South Figueroa St., Suite 1134
Los Angeles, CA, 90071

EXHIBIT "B"

_____, 2022

RE: Investor Claims Procedure for NTV Financial Group, Inc.

Dear NTV Financial Group, Inc. Investor:

This letter forwards a set of documents to assist you to make a claim in the Receivership estate of NTV Financial Group, Inc. (collectively “NTV Financial”).

Attached is a claim form that includes the following:

Instructions on how to complete the claim form.

The deadline for submitting the claim form, which is _____, 2022.

A procedure for submitting documentation in support of your position if you believe your net claim amount is different than the net claim amount proposed by the Receiver.

The Receiver’s goal is to devise a distribution plan that is fair and equitable to all qualified investors. The first step in that process is determining the amount of each investor's claim that will be allowed, which is why this process is important.

1. Calculating Each Investor’s Net Claim: The Receiver has initially defined your net claim as follows: (a) the total amount that you invested with NTV Financial excluding interest or appreciation reported by NTV Financial on your monthly statements that is now known to be fraudulent and non-existent, (b) less monies distributed to you or on your behalf by NTV Financial (also reported on your monthly statements). With these calculations, our goal is to arrive at an agreed upon net claim amount for each eligible investor/victim.

2. Timing: Claims must be returned to the Receiver before the deadline. As claims are received, the Receiver will review them. If the amount of a claim is consistent with NTV Financial's records, then the Receiver will propose to allow the claim as filed. If the amount of a claim is different than NTV Financial's records, the Receiver will review the documentation provided to determine the correct amount of the claim. The Receiver will use his best efforts to resolve any disputes without the assistance of the Court, but if a resolution cannot be reached, he will submit the dispute to the Court to decide. Once the deadline for submitting claims has passed and disputes about claims are resolved, the Receiver will propose a distribution plan. Investors and creditors will have an opportunity to review that plan, which must be approved by the Court.

3. Next Steps: You should proceed to complete the claim form and return it as soon as possible but the claim form must be received by the Receiver on or before _____, 2022. Any claim received after the deadline likely will be disallowed by the Court.

We appreciate your diligence and patience during this process. This process is neither easy nor swift, but the Receiver and his staff remain committed to treating all eligible investors in the most equitable way possible under these difficult circumstances.

As you have questions, we will do our best to answer them. We remain committed to providing as much assistance and as fair a methodology as possible. Any questions can be e-mailed to David Bell at david@brandlin.com or to my counsel, Kyra Andrassy, at kandrassy@swelawfirm.com.

_____, 2021

Page 2

Sincerely yours,

Jeffrey E. Brandlin
Court-Appointed Receiver

Attachments

EXHIBIT "C"

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**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

)
) Assigned for all purposes to the
) Honorable Stephen V. Wilson

) **NOTICE OF CLAIMS BAR DATE FOR**
) **CREDITORS, INSTRUCTIONS, AND CLAIM**
) **FORM FOR ALL CREDITORS SEEKING**
) **RECOVERY FROM NTV FINANCIAL**
) **GROUP, INC.**

On June 24, 2019, the United States District Court for the Central District of California (the "District Court") appointed Jeffrey E. Brandlin as the temporary receiver (the "Receiver") over NTV Financial Group Inc. ("NTV Financial") and its subsidiaries and affiliates, and of all bank and brokerage accounts through which Defendants Richard Vu Nguyen's and NTV Financial's investors and/or clients' funds have flowed. Subsequently, the District Court appointed the Receiver as the permanent receiver over NTV Financial and its subsidiaries and affiliates, and of all bank and brokerage accounts through which Defendants Richard Vu Nguyen's and NTV Financial's investors and/or clients' funds have flowed (collectively, the "Receivership Entity").

The Receiver has determined that there may be assets available for distribution, although it is possible that he may seek Court approval to prioritize claims of investors over claims of creditors. The amount of funds available has not yet been finally determined. However, in order to make a distribution, the Receiver must establish a database of all claims entitled to a distribution. Therefore, all creditors are required to submit their claims in accordance with the procedure below, which was approved by the District Court by an order entered on ____, 2022.

CREDITOR CLAIM FORM INSTRUCTIONS

1. **WHO MUST SUBMIT A CREDITOR CLAIM FORM?** You must return the enclosed claim form ("Creditor Claim Form") if you believe you are owed any money by the Receivership Entity. A failure to timely submit an original signed Creditor Claim Form and any necessary supporting documentation may result in the

denial of your claim. You must submit the signed Creditor Claim Form even if you have already informally provided evidence of a claim to the Receiver.

2. **CONSENT TO JURISDICTION OF THE COURT:** If you submit a Creditor Claim Form in this case, you are consenting to the jurisdiction of the District Court for all purposes and agree to be bound by its decisions, including, among other things, a determination as to the validity and amount of your claim against the Receivership Entity after notice and a hearing.

3. **WHERE DO YOU RETURN THE CREDITOR CLAIM FORM?** The original signed, completed Creditor Claim Form and any supporting documentation must be mailed to: Jeffrey E. Brandlin, Receiver, 545 South Figueroa St., Suite 1134, Los Angeles, CA, 90071. Do not file the Creditor Claim Form with the District Court.

4. **WHEN IS THE DEADLINE TO RETURN THE CREDITOR CLAIM FORM? **The Creditor Claim Form must be received by the Receiver on or before _____, 2022 (the "Claims Bar Date").****

5. **WHAT HAPPENS IF YOU DO NOT TIMELY RETURN THE SIGNED CREDITOR CLAIM FORM?** If your Creditor Claim Form is not received on or before the above Claims Bar Date, you (a) will be barred to the fullest extent allowed by applicable law from asserting, in any manner, a claim against the Receivership Entity and its property or estate, (b) will not be permitted to object to any distribution plan proposed by the Receiver on account of such claim, (c) will be denied distributions, and (d) will not receive any further notices on account of such claim. In addition, the Receivership Entity and its property or estate will be discharged from any and all indebtedness or liability with respect to such claim.

6. **CHANGE OF CONTACT INFORMATION.** If the contact information provided on the Creditor Claim Form changes, you must direct the Receiver to update your contact information by sending a letter to Jeffrey E. Brandlin, Receiver, 545 South Figueroa St., Suite 1134, Los Angeles, CA, 90071.

7. **TAX OR LEGAL ADVICE.** The Receiver cannot provide tax or legal advice. You are encouraged to seek independent advice in regard to filing your Creditor Claim Form or the tax implications of it.

8. **RESERVATION OF RIGHTS BY THE RECEIVER.** The Receiver has the right to verify and dispute any information you have provided in order to determine the proper distribution amount, if any, to which you may be entitled. Nothing in this notice and instructions or the Creditor Claim Form precludes the Receiver from objecting to any Creditor Claim Form on any grounds.

CREDITOR CLAIM FORM

**United States District Court
Central District of California
Case No. 8:19-CV-01174-SVW-KES**

Securities & Exchange Commission,

v.

Richard Vu Nguyen, a/k/a Nguyen Thanh Vu, and NTV Financial Group, Inc., et al.

Part 1: Identify the Claimant	
1	Name of Current Creditor:
2	Street Address/P.O. Box:
3	City, State, Zip Code:
4	Telephone Number(s):
5	Email Address(es):
Part 2: Claim Information	
6	Amount of Claim in US Dollars: US \$ _____.
7	Date Claim Incurred: _____
8	Specific Basis for Claim (attached additional sheet(s) if necessary). Examples: Goods sold, money loaned, lease, services performed, or credit card. _____ _____ _____ _____ _____ _____ _____ _____

Any other comments you wish to make to the Receiver: _____

SUPPORTING DOCUMENTATION: Please attach to your Creditor Claim Form any

documents (including copies of emails and other electronic data) that support your Creditor Claim Form. Such documentation may include, but is not limited to: any written contract or agreement made in connection with the Receivership Entity; an accounting of all money received by the claimant from the Receivership Entity, and whether such payments are denominated as the return of principal, interest, or otherwise; copies of all agreements, promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, or evidence of perfection of lien; and other documents evidencing the amount and basis of the claim. DO NOT SEND ORIGINAL DOCUMENTS. If such documentation is not available, please attach an explanation why the documents are not available.

IMPORTANT: ANY PERSON OR ENTITY SUBMITTING THIS CREDITOR CLAIM FORM SUBMITS TO THE EXCLUSIVE JURISDICTION OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR ALL PURPOSES, INCLUDING, WITHOUT LIMITATION, AS TO RESOLUTION OF ANY CLAIMS, OBJECTIONS, DEFENSES, OR COUNTERCLAIMS BY THE RECEIVER AGAINST SUCH CLAIMANT IN CONNECTION WITH THIS RECEIVERSHIP, INCLUDING THOSE ARISING OUT OF (1) ANY DEALING OR BUSINESS TRANSACTED BY OR WITH THE RECEIVERSHIP ENTITY OR (2) ANY DEALING OR BUSINESS TRANSACTED THAT RELATES IN ANYWAY TO ANY RECEIVERSHIP PROPERTY. FURTHER, CLAIMANTS WAIVE ANY RIGHT TO A JURY TRIAL WITH RESPECT TO SUCH CLAIMS, OBJECTIONS, DEFENSES, AND COUNTERCLAIMS AND AGREE TO BE BOUND BY THE DECISIONS OF THE DISTRICT COURT EVEN IF IT MEANS YOUR CLAIM IS LIMITED OR DENIED.

CERTIFICATION AND SIGNATURE (REQUIRED OF ALL CLAIMANTS)

By signing below, I declare under penalty of perjury that the information in this Creditor Claim Form is true and correct, and, if I am not the claimant, that I have been authorized to file this Creditor Claim Form on behalf of the claimant

Signature: X

Print Name: _____

Title: _____

Date: _____

Return to:
Jeffrey E. Brandlin, Receiver
545 South Figueroa St., Suite 1134
Los Angeles, CA, 90071

EXHIBIT "D"

_____, 2022

RE: Claims Procedure for Creditors of NTV Financial Group, Inc.

To Whom It May Concern:

You have been identified as a potential creditor of NTV Financial Group, Inc. If you are owed money by NTV Financial Group, Inc., this letter forwards a set of documents to assist you to make a claim in the receivership estate of NTV Financial Group, Inc. (collectively “NTV Financial”).

Attached is a claim form that includes the following:

Instructions on how to complete the claim form.

The deadline for submitting the claim form, which is _____, 2022.

The Receiver’s goal is to devise a distribution plan that is fair and equitable to all qualified investors. It is possible that the Receiver may seek an order that prioritizes the claims of investors over creditors, but will not make that decision until after the deadline for submitting claims. The first step in proposing a distribution plan is determining the amount of each creditor's claim that will be allowed, which is why this process is important.

Please complete and sign the enclosed claim form and attach any documents that support the claim. You must return the claim form to the address on the form as soon as possible but in no event later than _____, 2022. Any claim received after the deadline likely will be disallowed by the Court.

We appreciate your diligence and patience during this process. This process is neither easy nor swift, but the Receiver and his staff remain committed to treating all eligible investors in the most equitable way possible under these difficult circumstances.

As you have questions, we will do our best to answer them. We remain committed to providing as much assistance and as fair a methodology as possible.

Sincerely yours,

Jeffrey E. Brandlin
Court-Appointed Receiver

Attachments

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 2/11/2022, I served true copies of the following document(s) described as
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION AND MOTION OF RECEIVER, JEFFREY E. BRANDLIN, FOR ORDER: (1) APPROVING CLAIM FORMS; (2) SETTING CLAIMS BAR DATE; AND (3) ESTABLISHING SUMMARY CLAIMS PROCEDURES

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 2/11/2022, 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.

() (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 February 11, 2022, at Costa Mesa, California.

/s/ Lynnette Garrett

Lynnette Garrett

SERVICE LIST

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

☐ **Kyra E Andrassy**

kandrassy@swelawfirm.com,jchung@swelawfirm.com,lgarrett@swelawfirm.com,gacruz@swelawfirm.com

☐ **Kelly Curtis Bowers**

bowersk@sec.gov

☐ **Nathan W. Fransen**

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☐ **Michael Lewis Simon**

msimon@swelawfirm.com,jchung@swelawfirm.com,lgarrett@swelawfirm.com,gacruz@swelawfirm.com

BY MAIL:

Richard Nguyen & Mai Do
12632 Jerome Lane
Garden Grove, CA 92841

SMILEY WANG-EKVALL, LLP

3200 Park Center Drive, Suite 250

Costa Mesa, California 92626

Tel 714 445-1000 • Fax 714 445-1002