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Proposed Attorneys for Jeffrey E.
Brandlin, Receiver

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN 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. SACV19-1174-AG (KESX)

**NOTICE OF MOTION AND
MOTION OF RECEIVER, JEFFREY
E. BRANDLIN, FOR ORDER IN
AID OF RECEIVERSHIP**

[Memorandum of Points and
Authorities and Declaration of
Jeffrey E. Brandlin submitted
concurrently herewith]

DATE: September 9, 2019

TIME: 10:00 a.m.

CTRM: 10D

Ronald Reagan Federal
Building

411 West Fourth St.,
Santa Ana, California

JUDGE: Hon. Andrew J. Guilford

**TO THE HONORABLE ANDREW J. GUILFORD, UNITED STATES
DISTRICT JUDGE, AND ALL PARTIES AND THEIR COUNSEL OF
RECORD:**

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1 **PLEASE TAKE NOTICE THAT** on September 9, 2019, in Courtroom
 2 10D of the above-captioned Court, located at 411 West Fourth St., Santa
 3 Ana, California 92701, Jeffrey E. Brandlin, the Court-appointed receiver (the
 4 "Receiver") over the assets of NTV Financial Group, Inc. ("NTV Financial")
 5 and its subsidiaries and affiliates, and of all accounts through which
 6 Defendants Richard Nguyen's and NTV Financial's investors and/or clients'
 7 funds have flowed (collectively with NTV Financial and its subsidiaries and
 8 affiliates, the "Receivership Entity"), will and hereby does move this Court for
 9 an order in aid of receivership authorizing the Receiver to employ the
 10 following: (a) Smiley Wang-Ekvall, LLP, as the Receiver's general
 11 receivership counsel, (b) Brandlin & Associates as the Receiver's forensic
 12 accountant; (c) Coast Business Technologies for data recovery and
 13 computer imaging; (d) Donlin Recano to design and host a website on behalf
 14 of the Receiver to provide a source of information for investors and creditors,
 15 and; (e) Day Translations to translate key documents for posting on the
 16 Receiver's website for investor information. The proposed employment of
 17 these professionals is in accordance with the terms presented in the
 18 concurrently-filed Memorandum of Points and Authorities and employment is
 19 sought retroactive to June 24, 2019, the date that the Receiver was
 20 appointed. In addition, the Receiver seeks approval of his proposed
 21 procedure for abandonment of personal property where the cost to
 22 administer the property would exceed the benefit to the receivership estate.

23 This Motion is made pursuant to the general principles of the law
 24 governing federal equity receiverships, section X.C of the *Preliminary*
 25 *Injunction and Orders (1) Freezing Assets; (2) Requiring Accountings; (3)*
 26 *Prohibiting the Destruction of Documents; (4) and Appointing a Permanent*
 27 *Receiver* [Docket No. 25], Federal Rule of Civil Procedure 66, and Local Civil
 28

1 Rule 66. This Motion is based on this Notice of Motion and Motion, the
 2 concurrently submitted Memorandum of Points and Authorities and
 3 Declaration of Jeffrey E. Brandlin, and any argument or evidence presented
 4 to the Court at any hearing on the Motion.

5 **It is not necessary that investors attend this hearing unless they**
 6 **oppose the relief sought. It is also possible that the hearing may not**
 7 **go forward if there is no opposition and the Court waives appearances**
 8 **at the hearing. If an investor has a question about the status of the**
 9 **receivership, they should contact the undersigned counsel by phone**
 10 **or e-mail. In addition, there is information available on the Receiver's**
 11 **website, which is located at www.donlinrecano.com/NTVFinancial.**

12
 13 Respectfully submitted,

14 DATED: August 9, 2019

SMILEY WANG-EKVALL, LLP

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 16
 17 By: /s/ Michael L. Simon

18 Kyra E. Andrassy
 19 Michael L. Simon
 20 Proposed Counsel for Jeffrey E.
 21 Brandlin, Receiver
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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 **08/09/19**, I served true copies of the following document(s) described as **NOTICE OF MOTION AND MOTION OF RECEIVER, JEFFREY E. BRANDLIN, FOR ORDER IN AID OF RECEIVERSHIP** 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 **08/09/19**, 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.

(X) (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 August 09, 2019, at Costa Mesa, California.

/s/ Lynnette Garrett
Lynnette Garrett

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SERVICE LIST

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

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