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Attorneys for Jeffrey E. Brandlin,
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

**NOTICE 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;**

[Memorandum of Points and
Authorities; Declaration of Jeffrey E.
Brandlin 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 **PLEASE TAKE NOTICE THAT** unless appearances are excused prior
 5 to the hearing, on **March 14, 2022, at 1:30 p.m.** in Courtroom 10A of the
 6 above-captioned Court, located at 350 W. 1st Street, Los Angeles, CA
 7 90012, Jeffrey E. Brandlin, the Court-appointed Receiver of NTV Financial
 8 Group, Inc. ("NTV Financial"), bank and brokerage accounts through which
 9 defendant Richard Nguyen's and NTV Financial's investors funds flowed and
 10 property acquired in whole or in part with investor funds (collectively, the
 11 "Receivership Entity"), will and hereby does move this Court for an order
 12 approving the claims for investors and creditors of the Receivership Entity,
 13 setting a claims bar date, and establishing procedures for the submission of
 14 and objection to claims. Investors and creditors do not need to attend the
 15 hearing on March 14, 2022, unless they have filed written objection to the
 16 relief sought in the Motion. Please consult with Kyra Andrassy or Michael
 17 Simon, counsel for the Receiver, before attending the hearing to make sure
 18 it is going forward.

19 **PLEASE TAKE FURTHER NOTICE** that any opposition to the relief
 20 sought in the Motion must be filed with the Court and served on counsel for
 21 the Receiver no later than twenty-one (21) days before the hearing on the
 22 Motion. Failure to timely file a written opposition may be deemed by the
 23 Court to be consent to the granting of the relief sought in the Motion.

24 **SUMMARY OF THE RELIEF BEING SOUGHT**

25 The Receiver believes it is appropriate to establish a claims procedure
 26 at this juncture because it is expected that there will be a distribution from
 27 the estate of the Receivership Entity and the claims procedure will provide a
 28

1 mechanism to determine the scope of the claims against the estate with as
2 much certainty as possible. Upon approval of the investor claim form, the
3 Receiver will mail each investor a letter and the investor claim form with the
4 Receiver's calculation of the net amount that they are owed, the amount they
5 invested as verified by the Receiver based on the available books and
6 records, and the amount, if any, that the books and records reflect the
7 investor received. If investors agree with the Receiver's calculation, then all
8 they need to do is sign the investor claim form and return it to the Receiver.
9 If they disagree with the Receiver's information, then they will have an
10 opportunity to provide documentation that supports their calculation and to
11 return the signed investor claim form with the supporting documentation to
12 the Receiver. Additionally, upon approval of the creditor claim form, the
13 Receiver will mail each creditor a creditor claim form. Creditors will need to
14 complete the creditor claim form and return it to the Receiver.

15 The Receiver and his team will review the claim forms as they are
16 returned. If the Receiver disagrees with the calculation of a claim by an
17 investor, he will first attempt to informally resolve the dispute. If the dispute
18 cannot be resolved informally, then the Receiver will indicate that there is a
19 dispute requiring judicial resolution in an omnibus motion to approve the
20 recommended treatment of claims and indicate what relief the Receiver
21 believes is appropriate. The investors holding disputed claims will then have
22 an opportunity to object to that requested relief, and the Court will adjudicate
23 any disputes. As to creditors, although the Receiver is likely to later seek an
24 order of this Court subordinating claims of creditors to the claims of investors
25 for equitable reasons, he is not yet seeking that ruling and would first like
26 more information on the realm of creditor claims because the books and
27 records do not reflect substantial creditor claims.

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1 In order to aid the Receiver's efficient administration of the estate, he
 2 proposes that investors and creditors be given sixty (60) days from when the
 3 Receiver sends out the claim form and notice of the Claims Bar Date to
 4 investors and creditors. For investors, the Receiver proposes to provide
 5 notice of the Claims Bar Date by mail, on the website he set up for these
 6 cases, and by publishing notice of the Claims Bar Date in Vietnamese and
 7 English newspapers in Orange County. For creditors, the Receiver
 8 proposes to provide notice of the Claims Bar Date by mail, on the website he
 9 set up for these cases, and by publishing notice of the Claims Bar Date in a
 10 newspaper in Orange County. The Receiver will file a notice of the Claims
 11 Bar Date with the Court so that it is part of the record. Any claims not timely
 12 received by the Receiver will not be entitled to share in any distribution from
 13 the estate.

14 This Motion is based on this Notice of Motion and Motion, the
 15 concurrently submitted Memorandum of Points and Authorities and
 16 Declaration of Jeffrey E. Brandlin, and any argument or evidence presented
 17 to the Court at any hearing on the Motion.

18
 19 Respectfully submitted,

20 DATED: February 11, 2022

SMILEY WANG-EKVALL, LLP

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

Kyra E. Andrassy

Michael L. Simon

Counsel for Jeffrey E. Brandlin,

Receiver

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
NOTICE 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"):

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