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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SOUTHERN DIVISION**

13 SECURITIES AND EXCHANGE
COMMISSION,

14 Plaintiff,

15 vs.

16 JUSTIN ROBERT KING; AND
17 ELEVATE INVESTMENTS LLC,

18 Defendants,

19 SHANNON LEIGH KING,

20 Relief Defendant.
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Case No. SACV 20-02398 JVS (DFMx)

**REPLY MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
OF *EX PARTE* APPLICATION BY
PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION FOR
ORDER TO SHOW CAUSE RE:
CIVIL CONTEMPT AGAINST
DEFENDANT JUSTIN ROBERT
KING AND RELIEF DEFENDANT
SHANNON LEIGH KING**

1 **I. INTRODUCTION**

2 Defendant Justin Robert King (“JKing”) lied to investors to get them to invest
3 in Elevate Investments, LLC, (“Elevate”) and he continued to lie to them after the
4 SEC filed suit against him. Now, caught in his most recent round of lies to investors,
5 JKing urges this Court to believe that he has not continued to misrepresent to
6 investors that there is enough money in the Elevate and the personal accounts of
7 himself and Relief Defendant Shannon Leigh King (“SKing”) to repay investors.

8 The SEC’s Application for an Order to Show Cause was based on the following
9 facts, none of which are contravened by the Kings’ Opposition:

10 1) After the TRO and the PI Order were granted, JKing falsely told at least two
11 investors that there were sufficient Elevate funds to repay all of the investors.

12 2) JKing interfered with the Receiver by

13 a) filing an Answer on behalf of Elevate, and

14 b) telling investors that there are Elevate assets the Receiver does not
15 know about.

16 3) Neither JKing nor SKing has filed with the Court their Court-ordered
17 accountings, and the accounting that they provided to the SEC was incomplete and
18 omitted assets.

19 Despite the Kings’ efforts to explain these facts away, the evidence establishes
20 that they are all true, and JKing and SKing should be held in civil contempt of this
21 Court’s Temporary Restraining Order (“TRO”) entered December 28, 2021 (Dkt. No.
22 12) and Preliminary Injunction entered January 19, 2021 (Dkt. No. 26) (the “PI”).
23 SKing and JKing’s behavior violates the provisions of the TRO and PI that require
24 them to file and serve accountings and not to conceal assets. Dkt. No. 12, ¶¶ V, VII;
25 Dkt. No. 26, ¶¶ V, VII. In addition, JKing violated the provisions of the TRO and PI
26 Order that require him, among other things, not to interfere with the Receiver or act
27 on Elevate’s behalf, and he violated the injunctions forbidding him from violating
28 Section 17(a) of the Securities Act of 1933 (“Securities Act”), Section 10(b) of the

Securities Exchange Act of 1934 (“Exchange Act”) and Rule 10b-5 thereunder, and Section 206(4) of the Investment Advisers Act of 1940 (“Advisers Act”) and Rule 206(4)-8 thereunder. Dkt. No. 12, ¶ II-IV, XIII, XV; Dkt. No. 26, ¶ II-IV, XI, XIII.

II. ARGUMENT

A. JKing Has Made Material Post-filing Misrepresentations to Investors

The SEC has provided evidence that JKing violated the provisions of the TRO and the PI enjoining him from violating Securities Act Section 17(a), Exchange Act Section 10(b), and Advisers Act Section 206(4) by telling at least two investors that there was enough money to repay them. Harmon Decl., ¶¶ 6, 11; Dkt. No. 40-1 (Declaration of Naomi Hazen ¶ 8). Those injunctions forbid JKing from, among other things, making misrepresentations to investors. Dkt. No. 12, ¶ II-IV; Dkt. No. 26, ¶ II-IV.

In response to the SEC’s evidence, JKing has submitted a self-serving declaration stating that he did not tell investors there were enough funds to make them whole. Dkt. No. 38-1 ¶ 16. But his testimony is directly contradicted by the Hazen and Harmon Declarations. Ms. Hazen has declared under penalty of perjury that JKing told her on January 21, 2021 that her “investments were generating positive returns and that there was enough money to pay all of the investors. He said that the money was ‘all there.’” Dkt. No. 40-1 at ¶ 8. Ms. Hazen’s declaration is also consistent with the statements made by investors Brian Bowen and Estera Bogdan to the Receiver’s agent. Mr. Bowen stated that JKing told him that “there are other bank accounts where more money is located and that everyone will be paid back.” Dkt. No. 37-2 at ¶ 11. Mr. Bowen was so convinced that there were other accounts that were unknown to the Receiver that he planned to ask JKing “to arrange a call” to “tell the Receiver where these other funds are.” *Id.* Ms. Bogdan told the Receiver’s agent that “Mr. King told them that this was all a big misunderstanding and that he will just pay a fine when this is all over.” *Id.* at ¶ 8.

1 Moreover, although he denies that he told investors there was enough money to
2 make them whole, JKing admits that he told “told those investors that there were two
3 other personal accounts that contained funds that were frozen and that were not
4 identified by the Receiver in [his] email.” Dkt. No. 38-1 ¶ 15. He further admits that
5 he “was referring to my and Shannon’s personal accounts at Schwab.” *Id.* These
6 statements are consistent with the statements investors made to the Receiver’s agent
7 and in the Hazen Declaration. Dkt. No. 37-2 at ¶¶ 6, 11; Dkt. No. 40-1 at ¶ 8.

8 The Court need not credit JKing’s self-serving denials in the face of all the
9 evidence to the contrary. *F.T.C. v. Neovi, Inc.*, 604 F.3d 1150, 1159 (9th Cir. 2010)
10 (“[s]pecific testimony by a single declarant can create a triable issue of fact, but the
11 district court was correct that it need not find a genuine issue of fact if, in its
12 determination, the particular declaration was ‘uncorroborated and self-serving.’”);
13 *Batiz v. Am. Commer. Sec. Servs.*, 776 F. Supp. 2d 1087, 1098 (C.D. Cal. 2011)
14 (granting summary judgment where opposing deposition testimony and declaration
15 were self-serving and uncorroborated). JKing violated the injunctions in the TRO
16 and the PI when he lied to investors and stated that there were sufficient assets to
17 repay investors. Harmon Decl. ¶¶ 6-11; Dkt. No. 40-1 at ¶ 8. JKing has admitted
18 that he made statements to investors that there were additional funds in two personal
19 accounts at Schwab. Dkt. No. 38-1 at ¶ 15. But as set forth in the SEC’s application,
20 the total current balance in all three of the Schwab accounts is \$1,693,297.54. Dkt.
21 No. 37-1 at p. 9; Dkt. No. 37-2, ¶ 13. This is far less than the amount necessary to
22 make all Elevate investors whole. Just the investors interviewed by the Receiver’s
23 staff and the SEC to date invested over \$3 million between them. Dkt. No. 37-1 at p.
24 9; Dkt No. 37-2 at ¶ 12; Dkt. Nos. 20 and 21. Indeed, even JKing now admits that
25 Elevate investors suffered losses. Dkt. No. 38-1 at ¶¶ 16, 18.

26 JKing was the principal of Elevate and had control over the Schwab accounts.
27 Dkt. No. 6 at ¶¶ 14-15. JKing therefore knew or should have known that his
28 statements to investors that there were sufficient funds to repay them in these

1 accounts were false. His misrepresentations to the contrary are clear violations of the
 2 provisions of the TRO and the PI that enjoin JKing from violating the antifraud
 3 provisions of the Securities Act, Exchange Act, and Advisers Act. Dkt. No. 12, ¶ II-
 4 IV; Dkt. No. 26, ¶ II-IV. The SEC has shown by clear and convincing evidence that
 5 JKing violated the injunctive orders of the Court and he should be held accountable
 6 for his contempt.

7 **B. JKing Purported to Act on Behalf of Elevate and Interfered With**
 8 **the Receiver**

9 The SEC has also submitted clear and convincing evidence that JKing violated
 10 the provisions of the TRO and the PI that prohibit him from acting on behalf of
 11 Elevate and from interfering with the Receiver. Dkt. No. 12, ¶ XIII, XV; Dkt. No.
 12 26, ¶ X, XII. In its application, the SEC provided evidence that JKing violated these
 13 provisions when his counsel purported to answer the Complaint on Elevate's behalf,
 14 when he spoke to investors and told them that there were assets in other accounts
 15 sufficient to repay investors and the Receiver did not know about them, and when he
 16 offered to repay an investor. Dean Decl. Ex. 1; Harmon Decl. ¶¶ 6, 11. In response,
 17 JKing now admits that he told investors there were other accounts, but he never said
 18 there were sufficient funds to repay investors. As set forth above, that assertion is
 19 simply not credible. At least two investors say that he did, and one of them was
 20 convinced by JKing's statements that the Receiver did not know where these funds
 21 were located. Dkt. No. 37-2 at ¶¶ 6, 11; Dkt. No. 40-1 at ¶ 8. JKing also attempts to
 22 split hairs about whether he told Investor Hazen that he would pay her back out of
 23 funds from the Schwab accounts, but he does not argue that he didn't tell her he
 24 would pay her back. Dkt. No. 38 at p. 3, lines 17-24; Dkt. No. 38-1, ¶ 18.¹

25 Moreover, the SEC now has additional evidence that JKing was purporting to
 26

27 ¹ JKing also argues that Ms. Hazen never told *him* that she wanted to invest more
 28 money in Elevate. Dkt. No. 38-1 ¶ 18. This is irrelevant. Ms. Hazen told others that
 she was thinking about investing more money and that is the point made in the SEC's
 application for an OSC. Dkt. No. 37-2 at ¶ 6.

1 act on Elevate's behalf. In January, 2021, when Ms. Hazen asked JKing where her
 2 December 2020 Elevate statement was, JKing did not tell her that Elevate was in
 3 receivership and he could not act on its behalf, he told her that he had been ill, and
 4 that he would be sending out statements shortly. Dkt. No. 40-1 at ¶ 7.

5 Finally, JKing argues that he did not instruct his counsel to file an Answer on
 6 behalf of Elevate. Dkt No. 38, Section III. Whether he instructed her to do so or not,
 7 JKing retained that lawyer on behalf of Elevate. It is within his power to direct her
 8 actions. She has been informed that the Answer was improper, but it has not been
 9 withdrawn, and there is no evidence that JKing instructed her to do so.

10 JKing has purported to act on behalf of Elevate and he has interfered with the
 11 Receiver. He should be held in contempt for those violations.

12 **C. The Kings Failed to File and Serve Complete Accountings**

13 Neither SKing nor JKing dispute the fact that have failed to file accountings
 14 with the Court as required by paragraph VII of the TRO and PI. Dkt. No. 12, ¶ VII;
 15 Dkt. No. 26 ¶ VII. In response to the SEC's contention that they violated paragraph V
 16 of the TRO and the PI by omitting and concealing assets in the accountings they
 17 submitted to the SEC, the Kings argue that the SEC has not previously raised the
 18 defects in the accounting before filing its application for an OSC. Dkt. No. 38 at p. 4.
 19 What the Kings fail to acknowledge is that the accounting was originally provided to
 20 the SEC as a document in furtherance of settlement discussions and it was only after
 21 the SEC met and conferred with the Kings' counsel regarding this application that the
 22 Kings produced it to the SEC without Federal Rule of Evidence 408 restrictions.
 23 Supplemental Declaration of Lynn M. Dean ("Supp. Dean Decl."), filed herewith, ¶ 8.

24 The fact remains that the accounting that the Kings provided to the SEC is
 25 incomplete, and the Kings have not provided back up sufficient to test its veracity.
 26 Dkt. No. 37-3 ¶ 8 and Ex. 5. In fact, the Kings admit that they failed to include
 27 SKing's Schwab account on the disclosure. Dkt. No. 38-1, ¶ 26. The explanation "I
 28 forgot" does not excuse that failure. Moreover, the Kings explanation for their failure

1 to list any furniture or household goods on their joint accounting strains credulity.
 2 The Kings admit that on October 31, 2021 they wrote a check to their landlord for
 3 \$6000.00 for “furniture,” but they ask this Court to believe that they didn’t buy the
 4 furniture; the check was an advance for furniture they then sold between October 31,
 5 2020 and December 28, 2020. Dkt. No. 37-3, Ex. 4; Dkt. No. 38-1 ¶ 29. This
 6 explanation ignores the fact that they pocketed the proceeds of that sale. Further, the
 7 Kings admit that their accounting omits a Fidelity brokerage account that became
 8 known to the SEC based upon its review of the King’s personal bank accounts
 9 obtained pursuant to subpoena. Dkt. No. 38-1, ¶ 25. JKing cycled \$30,000 through
 10 that account in the months immediately preceding the filing of this action (Dkt. No.
 11 37-3 at ¶ 9), but JKing’s explanation for omitting the account from the accounting is
 12 that it had less than \$5,000 in it as of December 28, 2020. Dkt. No. 38-1, ¶ 25. That
 13 may explain its omission from the accounting, but it cannot explain the Kings’ failure
 14 to disclose the existence of the account at all, since paragraph V of the TRO and the
 15 PI require the Kings not to conceal assets, without limitation. Dkt. No. 12, ¶ V; Dkt.
 16 No. 26 ¶ V.

17 The Kings are in contempt of the TRO and the PI and should be held
 18 accountable for that contempt.

19 **D. Attendance at the PI Hearing**

20 The Kings’ Opposition takes issue with the fact that the SEC noted in passing
 21 in its application that the Kings did not attend the PI hearing. Dkt. No. 38, Section V.
 22 This is a red herring, since the King’s attendance is irrelevant to the substance of the
 23 SEC’s application, but the Kings take the opportunity to imply that SEC counsel may
 24 have concealed the death of SKing’s mother from the Court. *Id.* The Kings know
 25 this implicit attack on counsel’s integrity is false. Within minutes of the PI hearing
 26 on January 19, 2021, SEC counsel emailed Justin King and his attorney Jennifer
 27 Trowbridge and told them it had apprised the Court that the Kings had represented
 28 they had a death in the family. Supp. Dean Decl., Ex. 1. SEC counsel also stated

1 that upon hearing that news, the Court had reviewed the docket to ascertain whether
2 there had been any late filed documents from the Kings, and finding none, had
3 elected to proceed with the hearing. *Id.*

4 **E. SKing's Schwab Account**

5 The Kings use their opposition to make arguments regarding SKing's Schwab
6 account that are irrelevant to the SEC's application for an OSC, and appear to be
7 directed at asking the Court to release that account from the asset freeze. Dkt. No.
8 38, Section VI. These arguments are improper and should be the subject of a
9 separate motion, but the SEC will briefly address them here.

10 Defendants argue that the only deposit ever made into the SKing account came
11 from the proceeds of the sale of a home that the Kings owned in Arizona and that the
12 account contains no investor funds. Dkt. No. 38, Section VI; Dkt. No. 38-1 ¶¶ 7-9.
13 Whether or not those statements are true, it would not be appropriate to release the
14 SKing account from the asset freeze until the Receiver has completed his Court-
15 ordered accounting. The reasons for this are simple. The JKing declaration states
16 that the account was funded in July 2020 with partial proceeds from the sale of a
17 home that the King's had owned in Arizona. Dkt. No. 38-1, ¶¶ 7-12. Based on the
18 title settlement statement attached to the JKing Declaration, the house had a mortgage
19 of over \$245,000 at the time it was sold. Dkt. No. 38-5, Ex. D at pp. 3-5. A review
20 of the Kings' bank accounts and JKing's own admissions to Investor Hazen establish
21 that JKing had a practice of transferring Elevate investor money into bank accounts
22 under the control of JKing and SKing. Supp. Dean Decl. at ¶¶ 2-3; Dkt No. 40-1 at ¶
23 8. The Kings then used those funds to pay personal expenses, including the \$7000
24 monthly rent on the Kings' home in California, and the monthly lease payments on a
25 Toyota Tundra driven by JKing and a Mercedes Benz SUV driven by SKing. Supp.
26 Dean Decl. at ¶¶ 2-6; *see also* Dkt. No. 37-3, Ex 5 (identifying auto loan payments
27 totally \$1,685 per month). In addition, the SEC's accountant has previously
28 documented thousands of dollar of payments to Chase bank card, Capital One,

1 Nordstrom, American Express, Citibank, and Discover. Dkt. No. 19 at ¶¶ 8-12. Until
 2 the accounting is complete, we will not know if investor funds were used to pay the
 3 mortgage on the Arizona home. Accordingly, the freeze over an account containing
 4 the proceeds from the home sale continues to be appropriate.

5 **F. Sanctions Sufficient to Compel Compliance Are Warranted**

6 Contrary to the Kings argument in their opposition, the SEC has not
 7 recommended that the Court imprison either of the Kings. Rather, the SEC has
 8 merely noted that the Court has broad equitable power to order appropriate relief in
 9 civil contempt proceedings, which can include fines or imprisonment, and asked the
 10 Court “to impose sanctions sufficiently coercive to compel SKing and JKing’s
 11 compliance with its orders.” Dkt. No. 37-1 at p. 10, *citing SEC v. Elmas Trading*
 12 *Corp.*, 824 F.2d 732, 732-33 (9th Cir. 1987) (defendant refused to account for funds
 13 or produce records relating to assets and district court ordered him incarcerated).
 14 Both JKing and SKing are in contempt and should be held accountable accordingly.

15 **III. CONCLUSION**

16 The Kings have violated the specific and definite orders of this Court.
 17 Accordingly, for all the foregoing reasons and the reasons in its application, the SEC
 18 requests that the Court issue an order to show cause why they should not be held in
 19 civil contempt.

20 Dated: February 12, 2021

Respectfully submitted,

22 /s/ Lynn M. Dean

23 Lynn M. Dean
 24 Kathryn Wanner
 25 Attorneys for Plaintiff Securities
 26 and Exchange Commission
 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 February 12, 2021, I caused to be served the documents entitled **REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE: CIVIL CONTEMPT AGAINST DEFENDANT JUSTIN ROBERT KING AND RELIEF DEFENDANT SHANNON LEIGH KING** 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: February 12, 2021

/s/ Lynn M. Dean

Lynn M. Dean

SEC v. Justin Robert King, et al.
United States District Court—Central District of California
Case No. 8:20-cv-02398-JVS-DFM

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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 SECURITIES AND EXCHANGE
13 COMMISSION,

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16 JUSTIN ROBERT KING; AND
17 ELEVATE INVESTMENTS LLC,

18 Defendants,

19 SHANNON LEIGH KING,

20 Relief Defendant.
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Case No. 8:20-cv-02398-JVS-DFM

**SUPPLEMENTAL DECLARATION
OF LYNN M. DEAN IN SUPPORT OF
EX PARTE APPLICATION FOR
ORDER TO SHOW CAUSE RE:
CIVIL CONTEMPT AGAINST
DEFENDANT JUSTIN ROBERT
KING AND RELIEF DEFENDANT
SHANNON LEIGH KING**

DECLARATION OF LYNN M. DEAN

I, Lynn M. Dean, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney at law admitted to practice law in the State of California and before the United States District Court for the Central District of California. I am employed as an attorney in the Los Angeles Regional Office of the U.S. Securities and Exchange Commission (“SEC”), and am counsel of record for the SEC in this case. I have personal knowledge of the facts set forth in this Declaration and, if called and sworn as a witness, could and would competently testify thereto.

2. I have reviewed the bank statements and supporting documents produced to the SEC pursuant to subpoena by JP Morgan Chase. The accounts are JPMorgan Chase Account No. XXXXXXXXXXXX8635 in the name of Shannon Leigh King or Justin R King (hereinafter “King Chase x8635” account); and JPMorgan Chase Account No. XXXXXXXXXXXX8687 in the name of Area Auto Glass LLC (hereinafter “Area Auto Glass x8687”). I have also reviewed documents produced by Defendants, as well as data from third party data service providers such as Lexis Nexis.

3. Based upon my review of the available records, funds were transferred from the Schwab brokerage accounts into the King Chase x8635 account and then disbursed to several places, including the Area Auto Glass x8687 account.

4. There were monthly payments of \$636.07 to Toyota Financial Lease from the King Chase x8635 account. I spoke to a neighbor of Shannon and Justin King, who is also an investor in Elevate, by telephone on January 12, 2021, and he confirmed to me that Shannon King drives a Toyota.

5. There were monthly payments by check from the Area Auto Glass x8687 account to Alan Pekacik, in the amount of \$7,000. Based upon my review of the available records, these are payments of rent on the King’s personal residence at in San Juan Capistrano, California.

6. There were monthly payments of \$1080.95 to Mercedes Benz Financial

1 Services from the Area Auto Glass x8687 account. I spoke to a neighbor of Shannon
2 and Justin King, who is also an investor in Elevate, by telephone on January 12,
3 2021, and he confirmed to me that Shannon King drives a Mercedes SUV.

4 7. In their opposition, the Kings imply that SEC counsel may have
5 concealed the death of Shannon King's mother from the Court. Dkt. No. 38, Section
6 V. The Kings know this insinuation is false. On January 21, 2021, minutes after the
7 PI hearing, I emailed Justin King and his lawyer Jennifer Trowbridge and told them it
8 had apprised the Court that the Kings had represented they had a death in the family.
9 Specifically, I wrote I had informed the Court of the Shannon King's email to me that
10 there had been a death in their family, and that the Court had checked the docket to
11 ascertain whether there had been any late filed documents from the Kings, and finding
12 none, had elected to proceed with the hearing. A true and correct copy of my January
13 19, 2021 email to Justin King and Jennifer Trowbridge is attached hereto as Exhibit 1.

14 8. The Kings complain that the SEC did not raise the defects in the Kings'
15 accounting before filing its application for an OSC. Dkt. No. 38 at p. 4. However,
16 the accounting was originally provided to the SEC as a document in furtherance of
17 settlement discussions and it was only after the SEC met and conferred with the
18 Kings' counsel regarding this application that the Kings produced it to the SEC
19 without Federal Rule of Evidence 408 restrictions.

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

22 Executed this 12th day of February 2021, in Los Angeles, California.

23
24 /s/ Lynn M. Dean

25 Lynn M. Dean
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EXHIBIT 1

From: [Dean, Lynn M.](#)
To: ["Justin King"; Wanner, Kathryn](#)
Cc: [Jennifer Trowbridge](#)
Subject: RE: Hearing today for elevate
Date: Tuesday, January 19, 2021 9:16:24 AM

I just saw this email. The hearing has already happened and the Judge granted the Preliminary Injunction. The Order will issue later today.

We do not have to power to move hearings set by the Court. We did advise the Court that we had received an email from Mrs. King about a death in the family, and the Judge checked the docket to see if there had been any late filing. Seeing none, and noting that you had both accepted the invitation to the Zoom meeting, he proceeded with the hearing.

From: Justin King <jrking80@gmail.com>
Sent: Tuesday, January 19, 2021 8:22 AM
To: Dean, Lynn M. <DeanL@sec.gov>; Wanner, Kathryn <wannerk@SEC.GOV>
Cc: Jennifer Trowbridge <jennifer.trowbridge@jackolg.com>
Subject: Hearing today for elevate

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Not sure if you saw my wife's email but she lost her mom to covid this weekend. Is there any way we can move the hearing scheduled for today?

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 February 12, 2021, I caused to be served the documents entitled
**SUPPLEMENTAL DECLARATION OF LYNN M. DEAN IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE: CIVIL
CONTEMPT AGAINST DEFENDANT JUSTIN ROBERT KING AND
RELIEF DEFENDANT SHANNON LEIGH KING** 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.

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

Date: February 12, 2021

/s/ Lynn M. Dean

Lynn M. Dean

SEC v. Justin Robert King, et al.
United States District Court—Central District of California
Case No. 8:20-cv-02398-JVS-DFM

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