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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

JUSTIN ROBERT KING; AND  
ELEVATE INVESTMENTS, LLC,

Defendants,

and

SHANNON LEIGH KING,

Relief Defendant.

Case No. SACV20-02398-JVS  
(DFMx)

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

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

**DECLARATION OF JEFFREY  
BRANDLIN IN SUPPORT  
THEREOF**

[Notice of Motion and Motion  
submitted concurrently herewith]

DATE: September 12, 2022  
TIME: 1:30 p.m.  
CTRM: 10C  
JUDGE: Hon. James V. Selna

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1 **TO THE HONORABLE JAMES V. SELNA, UNITED STATES DISTRICT**  
 2 **JUDGE, AND THE PARTIES AND THEIR COUNSEL OF RECORD:**

3  
 4 **I. INTRODUCTION**

5 As the Court-appointed Receiver of Elevate Investments, LLC, and its  
 6 subsidiaries and affiliates (collectively, "Elevate"), the Receiver's duty is to  
 7 marshal, care for, and preserve the assets of Elevate for the benefit of  
 8 investors. The Receiver has analyzed the books and records, and bank  
 9 records for Elevate and determined that Elevate received money from 49  
 10 non-insider investors with a total net investment of \$7,889,460. Because  
 11 there are only a handful of assets remaining to be administered, the  
 12 Receiver believes it is appropriate to begin the process of determining with  
 13 finality the claims against Elevate in order to move forward towards making  
 14 a distribution to investors. Because investors are the source of the majority  
 15 of funds obtained by Elevate, as opposed to creditors, the Receiver expects  
 16 to later seek a judicial determination that the claims of investors should have  
 17 priority over the claims of creditors, but does not do so by this motion. The  
 18 purpose of this motion is to initiate the claims process by seeking approval  
 19 of the claim forms for investors and creditors, to set a claims bar date by  
 20 which deadline all investors and creditors must submit claim forms to the  
 21 Receiver, and to establish a procedure to resolve any disputed claims.

22  
 23 **II. BACKGROUND**

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

25 In late December 2020, the Securities and Exchange Commission (the  
 26 "SEC") commenced this litigation against defendants Justin Robert King and  
 27 Elevate Investments, LLC, alleging violations of federal securities laws. On  
 28 December 28, 2020, the Court issued an *ex parte* temporary restraining

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1 order freezing certain assets, including the four accounts detailed below,  
2 and appointing the Receiver as the temporary receiver. (See Docket No.  
3 12.) On January 19, 2021, the Court issued the Receivership Order,  
4 appointing the Receiver in a permanent capacity. (See Docket No. 26.)

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

6 Based on the Receiver's review of Elevate's books and records and  
7 the document production from the banks and brokerage firms within the  
8 scope of the receivership estate, the Receiver compiled a list of investors  
9 and the amounts of their net investments. Based thereon, between May  
10 2019 and December 2020, Elevate raised \$8,298,985 from 49 investors.  
11 Approximately \$409,525 was returned to investors, leaving \$7,889,460 in  
12 net investments. As of the date of the Receiver's attached declaration, the  
13 Receiver had collected \$1,580,216.99 from the liquidation of investments  
14 and was holding \$1,482,562.60. The Receiver subsequently obtained a  
15 Court order determining that four accounts are property of the receivership  
16 estate (see Docket No. 87.) and there are additional actions that the  
17 Receiver may pursue for the benefit of Elevate's investors. Moreover, the  
18 Court awarded the Receiver \$70,947.79 in fees and costs on an interim  
19 basis for the period of December 28, 2020, through October 31, 2021, and  
20 awarded the Receiver's counsel, Smiley Wang-Ekvall, LLP, \$48,779.50 in  
21 fees and costs for the same period. (See Docket No. 81). Fees will  
22 continue to be incurred in connection with the administration of the estate  
23 but before they are paid, they are subject to allowance by the Court.

24 The majority of funds coming into Elevate's accounts were traceable to  
25 investors. Because of this, the Receiver may seek the imposition of a  
26 constructive trust against the assets of Elevate for the benefit of the  
27 investors, to the exclusion of non-investor creditors. However, the Receiver  
28 will first see if any claims are filed by non-investor creditors and then

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determine whether the amount of those claims justifies seeking this relief in connection with a motion to distribute funds to investors.

### III. PROPOSED CLAIM PROCEDURES

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

(1) Distribution of the Investor Claim Form to Investors: The proposed notice of the deadline to file a claim and the claim form are attached hereto as Exhibit "A" (the "Investor Claim Form"). The Receiver intends to fill out Sections 1 through 9 of the Investor Claim Form based on his analysis of Elevate's books and records and the bank and brokerage records. The Receiver is using the net investment method, which takes the total dollars put in by an investor and reduces it by any funds that the investor received, regardless of whether the payments were labeled as interest or a return of principal, arriving at the net amount of the investor's claim. If the investors agree with the information and figures, then they will need to sign and return the Investor Claim Form. If they disagree, then they will need to complete Sections 10 and 11, provide supporting documentation, and sign and return the Investor Claim Form. The Receiver proposes to also mail a letter to the investors with the Investor Claim Form. A proposed draft of that letter is attached as Exhibit "B." In addition to mailing the letter and Investor Claim Form to the last known address of each investor, the Receiver intends to publish notice of the deadline to return claims in a newspaper with local circulation in Orange County. That publication notice will provide investors instructions on how to obtain an Investor Claim Form and the deadline by which they need to return it. The Receiver will also prominently provide notice of the deadline for investors to

1 return claims on the website that he set up for the receivership estate  
2 located at <https://www.donlinrecano.com/Clients/ei/Index>.

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

24 (3) Deadline for the Return of the Claim Forms: The Receiver  
25 proposes that the deadline for his receipt of the Claim Forms be sixty (60)  
26 days from when the Receiver sends the Claim Form to investors and  
27 creditors (the "Claims Bar Date"). Any investor or creditor who fails to return  
28 a signed Claim Form by the Claims Bar Date shall be forever barred and

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

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

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

**B. The Claim Forms Are Appropriate**

The Receiver prepared the Claim Forms attached as Exhibits "A" and "C" to explain as clearly as possible what investors and creditors need to do to submit their claim, the deadline to do so, and the consequence of failing to timely return the Claim Form. The Receiver proposes to complete Sections 1 through 9 of the Investor Claim Form so that investors who agree with the figures only have to sign and return the Investor Claim Form. This should streamline the process of reviewing claims because it will alleviate the need for the Receiver to compare each Claim Form to Elevate's books and records. Investors who do not agree will need to justify their figures and provide supporting documentation, and it is on these claims that the Receiver will then focus his efforts to resolve disputes. Non-investor creditors will receive a blank Creditor Claim Form and need to complete it and submit supporting documentation. Creditors who return Creditor Claim Forms without supporting documentation are likely to have their claims recommended for denial.

**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



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records had to be reconstructed and verified, it is possible that there may be some differences between the investors' and creditors' records and Elevate'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 non-investor creditors. For both investors and non-investor 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**

(1) Granting the Motion in its entirety;

(2) Approving the notice and the Investor Claim Form that are attached hereto as Exhibit "A," the draft letter to accompany the Investor Claim Form that is attached as Exhibit "B," the notice and Creditor Claim Form attached as Exhibit "C", and the draft letter to accompany the Creditor Claim Form that is attached as Exhibit "D";

(3) Authorizing and approving the Receiver's proposed means of noticing investors and creditors, including via the website, mail, and by



1 publication of notice of the claims process in a newspaper with local  
2 circulation in Orange County, California;

3 (4) Approving and authorizing the use of summary proceedings for  
4 the determination of claims against Elevate, as detailed in the Motion;

5 (5) Setting a claims bar date of sixty (60) days from when the  
6 Receiver sends out the notice of the Claims Bar Date and the Claim Forms  
7 to investors and non-investor creditors; and

8 (6) Granting such other and further relief as the Court deems just  
9 and proper.

10  
11 DATED: August 12, 2022

SMILEY WANG-EKVALL, LLP

12  
13  
14 By: /s/ Michael L. Simon

15 KYRA E. ANDRASSY

16 MICHAEL L. SIMON

17 Attorneys for Jeffrey Brandlin,  
18 Receiver  
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**DECLARATION OF JEFFREY E. BRANDLIN**

I, Jeffrey E. Brandlin, declare as follows:

1. I am the permanent federal equity receiver (the "Receiver") appointed by the U.S. District Court, Central District of California, over Elevate Investments, LLC, and its subsidiaries and affiliates ("Elevate"). 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 of Receiver, Jeffrey E. Brandlin, for Order: (1) Approving Claim Forms; (2) Setting Claims Bar Date; and (3) Establishing Summary 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 Elevate's books and records that I caused to be removed from Elevate's office, and the document production from the banks and brokerage firms within the scope of the receivership estate. What books and records there were were poorly maintained, at best, so I have reconstructed Elevate's financial activity from bank records.

3. Based thereon, I have determined that between June 2019 and December 2020, Elevate raised \$8,298,985 from 49 investors. Approximately \$409,525 was returned to investors, leaving \$7,889,460 in net investments. As of the date of this declaration's execution, I am holding \$1,482,562.60. I expect to bring some additional funds into the estate from a motion pertaining to some accounts held by the principal of Elevate and his wife, and potentially from litigation claims I may pursue. However, there will also be additional professional fees and costs incurred in connection with the administration of this receivership estate.

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1           4.     The majority of funds that came into Elevate are traceable to  
 2 investors. Because most of the funds coming into Elevate are traceable to  
 3 investors, I anticipate seeking to impose a constructive trust against the  
 4 assets of the receivership estate for the benefit of the investors, and to the  
 5 exclusion of creditors. However, I first wish to see whether any non-investor  
 6 creditors file claims. I am not seeking approval to impose a constructive  
 7 trust in connection with this Motion, but want to keep investors and the Court  
 8 informed thereof.

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

11           Executed on this 29th day of June, 2022, at Los Angeles, California.

12  
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 14 \_\_\_\_\_  
 15 JEFFREY BRANDLIN  
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# EXHIBIT "A"

\_\_\_\_\_, 2022

**RE: Investor Claims Procedure for Elevate Investments, LLC**

Dear Elevate Investments, LLC Investor:

This letter forwards a set of documents to assist you to make a claim in the Receivership estate of Elevate Investments, LLC, and its subsidiaries and affiliates (collectively “Elevate”).

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 Elevate excluding interest or appreciation reported by Elevate 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 Elevate (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 Elevate's records, then the Receiver will propose to allow the claim as filed. If the amount of a claim is different than Elevate'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](mailto:david@brandlin.com) or to my counsel, Kyra Andrassy, at [kandrassy@swelawfirm.com](mailto:kandrassy@swelawfirm.com).

\_\_\_\_, 2022

Page 2

Sincerely yours,

Jeffrey E. Brandlin  
Court-Appointed Receiver

Attachments

# EXHIBIT "B"



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

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**JUSTIN ROBERT KING; AND ELEVATE  
INVESTMENTS, LLC,**

**Defendants.**

**and**

**SHANNON LEIGH KING,**

**Relief Defendant.**

) Case No: SACV 20-cv-02398 JVS(DFMx)

)  
) Assigned for all purposes to the  
) Honorable James V. Selna

) **NOTICE OF CLAIMS BAR DATE FOR**  
) **INVESTORS, INSTRUCTIONS, AND CLAIM**  
) **FORM FOR ALL INVESTORS SEEKING**  
) **RECOVERY FROM ELEVATE**  
) **INVESTMENTS, LLC**

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On December 28, 2020, 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 Elevate Investments, LLC ("Elevate") and its subsidiaries and affiliates. Subsequently, the District Court appointed the Receiver as the permanent receiver over Elevate and its subsidiaries and affiliates (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. SACV 20-02398 JVS (DFMx)

*Securities & Exchange Commission,*

*v.*

*Justin Robert King; and Elevate Investments LLC, et al.*

<b>GENERAL CONTACT INFORMATION</b>		
1	<b>Name of Investor:</b>	
2	<b>Street Address/P.O. Box:</b>	
3	<b>City, State, Zip Code:</b>	
4	<b>Telephone Number(s):</b>	
5	<b>Email Address(es):</b>	
<b>GENERAL CLAIM INFORMATION</b>		
6	<b>Account Number:</b>	
7	<b>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.</b>	US \$
8	<b>Total amount the Receiver believes you have received from Elevate Investments, LLC, 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.</b>	US \$
9	<b>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.</b>	US \$
<b>IF YOU DISAGREE WITH THE AMOUNT IN BOX 7 ABOVE, PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT YOUR INVESTMENT</b>		

	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.**

<b>CERTIFICATION AND SIGNATURE (REQUIRED OF ALL CLAIMANTS)</b>	
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:	<u>  X  </u>
Print Name:	_____
Title:	_____
Date:	_____

Return to:

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

# EXHIBIT "C"

\_\_\_\_\_, 2022

**RE: Claims Procedure for Creditors of Elevate Investments, LLC**

To Whom It May Concern:

You have been identified as a potential creditor of Elevate Investments, LLC. If you are owed money by Elevate Investments, LLC, this letter forwards a set of documents to assist you to make a claim in the receivership estate of Elevate Investments, LLC, and its subsidiaries and affiliates (collectively “Elevate”).

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



# EXHIBIT "D"

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

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**JUSTIN ROBERT KING; AND ELEVATE  
INVESTMENTS, LLC,**

**Defendants.**

**and**

**SHANNON LEIGH KING,**

**Relief Defendant.**

) Case No: SACV 20-cv-02398 JVS(DFMx)

)

) Assigned for all purposes to the

) Honorable James V. Selna

)

) **NOTICE OF CLAIMS BAR DATE FOR**  
) **CREDITORS, INSTRUCTIONS, AND CLAIM**  
) **FORM FOR ALL CREDITORS SEEKING**  
) **RECOVERY FROM ELEVATE**  
) **INVESTMENTS, LLC**

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On December 28, 2020, 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 Elevate Investments, LLC ("Elevate") and its subsidiaries and affiliates. Subsequently, the District Court appointed the Receiver as the permanent receiver over Elevate and its subsidiaries and affiliates (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. SACV 20-02398 JVS (DFMx)**

*Securities & Exchange Commission,*

*v.*

*Justin Robert King; and Elevate Investments LLC, et al.*

<b>Part 1: Identify the Claimant</b>	
1	<b>Name of Current Creditor:</b>
2	<b>Street Address/P.O. Box:</b>
3	<b>City, State, Zip Code:</b>
4	<b>Telephone Number(s):</b>
5	<b>Email Address(es):</b>
<b>Part 2: Claim Information</b>	
6	<b>Amount of Claim in US Dollars:</b> US \$ _____.
7	<b>Date Claim Incurred:</b> _____
8	<b>Specific Basis for Claim</b> (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

**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 **8/12/2022**, I served true copies of the following document(s) described as

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF RECEIVER, JEFFREY E. BRANDLIN, FOR ORDER: (1) APPROVING CLAIM FORMS; (2) SETTING A CLAIMS BAR DATE; AND (3) ESTABLISHING SUMMARY CLAIMS PROCEDURES; DECLARATION OF JEFFREY BRANDLIN IN SUPPORT THEREOF**

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 **8/12/2022**, 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.

**(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 below per agreement.

**( ) (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 12, 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

☐ **Jeffrey E Brandlin**

kandrassy@swelawfirm.com

☐ **Lynn M. Dean**

deanl@sec.gov,LAROFiling@sec.gov,delgadilloj@sec.gov,simundacc@sec.gov,irwinma@sec.gov

☐ **Justin Robert King**

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☐ **Kathryn C Wanner**

wannerk@sec.gov,BarryJ@SEC.GOV,simundacc@sec.gov,irwinma@sec.gov,gilliamk@sec.gov

**BY U.S. MAIL:**

Justin and Shannon King

26500 Paseo Infinita

San Juan Capistrano, CA 92675

Justin and Shannon King

10639 West Chestnut Street

Marana, AZ 85653

SMILEY WANG-EKVALL, LLP

3200 Park Center Drive, Suite 250

Costa Mesa, California 92626

Tel 714 445-1000 • Fax 714 445-1002