

FACSIMILE TRANSMISSION**DATE:** December 28, 2020**FROM:** Kyra E. Andrassy

TO:	FAX NO.:	PHONE NO.:
Charles Schwab	888-368-6355	

PAGES: 17 (including cover sheet)**RE:** Receivership and Asset Freeze order**MESSAGE:**

Attached is an asset freeze order and request for turnover and document production

PLEASE CALL KYRA E. ANDRASSY AT 714 445-1000 IMMEDIATELY IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

CONFIDENTIALITY NOTICE

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December 28, 2020

VIA FACSIMILE ONLY

Charles Schwab
Fax: 888-368-6355

**Re: Securities & Exchange Comm'n v. Justin Robert King; Elevate Investments, LLC
Receivership Order and Asset Freeze Order**

To Whom It May Concern:

I represent Jeffrey Brandlin, who was appointed as the receiver (the "Receiver") over Elevate Investments, LLC ("Elevate"), and its subsidiaries and affiliates. The case is pending in the U.S. District Court, Central District of California, Case No. SACV 20-02398-JVS and is a civil enforcement action brought by the SEC. A copy of the order freezing assets and appointing Mr. Brandlin as the temporary receiver is enclosed with this letter.

The asset freeze order specifically identifies three accounts at Charles Schwab that are part of the asset freeze order. One of them is held by Elevate Investments and is identified as Account No. XXXX-6211. It is possible that Elevate has additional accounts at Charles Schwab that have not been located by the SEC.

Please immediately freeze Elevate's account(s) to prevent any dissipation of funds in the account. Any trading in the account(s) must cease until further direction is provided by the Receiver. Please turn over any cash portion of Elevate's account(s) to the Receiver and if there are investments held in the account(s), please immediately provide the Receiver with a statement so that the Receiver can determine what to do with the investments. If Justin Robert King has opened any other accounts in the names of corporate entities or is a signatory on any other accounts in the name of corporate entities, those accounts should also be frozen pending document production and further instructions from the Receiver. Funds being turned over should be payable to the Receivership Estate of Elevate Investments, LLC, and mailed to the following address:

Elevate Investments, LLC Receivership Estate
c/o Jeffrey Brandlin, Receiver
545 South Figueroa St., Suite 1134
Los Angeles, CA 90071

Bank of America
December 28, 2020
Page 2

For the account identified above and any other account(s) that Charles Schwab locates that are held in the name of Elevate Investments, LLC, we request that Charles Schwab provide copies of the account opening documents and monthly statements, trade confirmations, withdrawal requests, debits, credits, and correspondence for the period from the date the account was opened through the present. In addition, if Justin Robert King, the principal of Elevate Investments, has opened other accounts at Charles Schwab for corporate entities, please provide the same documents for those accounts as well, because they fall within the scope of the receivership. We need these documents as soon as you can provide them so that we can prevent further dissipation of assets. Production on a rolling basis is acceptable.

Please confirm that you have received this letter and confirm with me as accounts are located and frozen. My email address is kandrassy@swelawfirm.com and my direct line is 714-445-1017. My cell phone number is 714-981-7966. Please also notify us when we can expect to receive documents as soon as you can since time is of the essence.

Very truly yours,

SMILEY WANG-EKVALL, LLP

/s/ Kyra E. Andrassy

Kyra E. Andrassy

Enclosures: Asset Freeze Order

cc: Jeffrey Brandlin

1 LYNN M. DEAN (Cal. Bar No. 205562)
Email: deanl@sec.gov
2 KATHRYN WANNER (Cal. Bar No. 269310)
Email: wannerk@sec.gov

3 Attorneys for Plaintiff
4 Securities and Exchange Commission
Michele Wein Layne, Regional Director
5 Alka N. Patel, Associate Regional Director
Amy J. Longo, Regional Trial Counsel
6 444 S. Flower Street, Suite 900
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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 SECURITIES AND EXCHANGE
13 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 20-02398JVS(DFMx)

**TEMPORARY RESTRAINING
ORDER AND ORDERS: (1)
FREEZING ASSETS; (2) REQUIRING
ACCOUNTINGS; (3) PROHIBITING
THE DESTRUCTION OF
DOCUMENTS; (4) GRANTING
EXPEDITED DISCOVERY; AND (5)
APPOINTING A TEMPORARY
RECEIVER; AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION AND APPOINTMENT
OF A PERMANENT RECEIVER**

(FILED UNDER SEAL)

1 This matter came before the Court upon the Application of Plaintiff Securities
2 and Exchange Commission (“SEC”) for a Temporary Restraining Order and Orders
3 (1) Freezing Assets; (2) Requiring Accountings; (3) Prohibiting the Destruction of
4 Documents; (4) Granting Expedited Discovery; (5) Appointing a Temporary
5 Receiver; and (6) to Show Cause Re Preliminary Injunction and Appointment of a
6 Permanent Receiver (the “TRO Application”).

7 The Court, having considered the SEC’s Complaint, the TRO Application, the
8 supporting Memorandum of Points and Authorities, the supporting declarations and
9 exhibits, and the other evidence and argument presented to the Court, finds that:

10 A. This Court has jurisdiction over the parties to, and the subject matter of,
11 this action.

12 B. The SEC has made a sufficient and proper showing in support of the
13 relief granted herein, as required by Section 20(b) of the Securities Act
14 of 1933 (“Securities Act”) (15 U.S.C. s 77t(b)), Section 21(d) of the
15 Securities Exchange Act of 1934 (“Exchange Act”) (15 U.S.C. §
16 78u(b)), and Section 209(d) of the Investment Advisers Act of 1940
17 (“Advisers Act”) (15 U.S.C. §§ 80b-9(d)), by evidence establishing a
18 *prima facie* case and reasonable likelihood that Justin Robert King
19 (“King”) and Elevate Investments LLC (“Elevate”) engaged in, are
20 engaging in, are about to engage in, and will continue to engage in
21 unless restrained transactions, acts, practices and courses of business that
22 constitute violations of Section 17(a) of the Securities Act, 15 U.S.C.
23 § 77q(a); Section 10(b) of the Securities Exchange Act, 15 U.S.C. §
24 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5; and Section
25 206(4) of the Advisers Act, 15 U.S.C. §§ 80b-6(4) and Rule 206(4)-8, 17
26 C.F.R. § 275.206(4)-8(a).

27 C. Good cause exists to warrant the appointment of a temporary receiver
28 over Elevate and its subsidiaries and affiliates.

- 1 D. Good cause exists to believe that, unless restrained and enjoined by
2 order of this Court, Defendants King and Elevate and Relief Defendant
3 Shannon Leigh King ("S. King") will dissipate, conceal, or transfer
4 assets which could be the subject to an order directing disgorgement or
5 the payment of civil money penalties in this action. It is appropriate for
6 the Court to issue this Temporary Restraining Order so that prompt
7 service on appropriate financial institutions can be made, thus preventing
8 the dissipation of assets.
- 9 E. Good cause exists to believe that an accounting of assets is necessary.
- 10 F. Good cause exists to believe that, unless restrained and enjoined by
11 order of this Court, Defendants and Relief Defendant may alter or
12 destroy documents relevant to this action.
- 13 G. Good cause exists to believe that expedited discovery is necessary.

14 **I.**

15 IT IS HEREBY ORDERED that the SEC's TRO Application is GRANTED.

16 **II.**

17 IT IS FURTHER ORDERED that Defendants King and Elevate and their
18 officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those
19 persons in active concert or participation with any of them, who receive actual notice
20 of this Order, by personal service or otherwise, and each of them, be and hereby are
21 temporarily restrained and enjoined from, directly or indirectly, in the offer or sale of
22 any securities, by the use of any means or instruments of transportation or
23 communication in interstate commerce or by the use of the mails:

- 24 A. employing any device, scheme or artifice to defraud;
- 25 B. obtaining money or property by means of any untrue statement of a
26 material fact or any omission to state a material fact necessary in order to
27 make the statements made, in light of the circumstances under which
28 they were made, not misleading; or

1 C. engaging in any transaction, practice, or course of business which
2 operates or would operate as a fraud or deceit upon the purchaser;
3 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

4 IT IS FURTHER ORDERED that, as provided in Federal Rule of Civil
5 Procedure 65(d)(2), the foregoing paragraph also binds the following who receive
6 actual notice of this Order by personal service or otherwise: (a) Defendants' officers,
7 agents, servants, employees, and attorneys; and (b) other persons in active concert or
8 participation with any of the Defendants or with anyone described in (a).

9 **III.**

10 IT IS FURTHER ORDERED that Defendants King and Elevate, and their
11 officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those
12 persons in active concert or participation with any of them, who receive actual notice
13 of this Order, by personal service or otherwise, and each of them, be and hereby are
14 temporarily restrained and enjoined from, directly or indirectly, in connection with
15 the purchase or sale of any security, by the use of any means or instrumentality of
16 interstate commerce, or of the mails, or of any facility of any national securities
17 exchange:

18 A. employing any device, scheme or artifice to defraud;
19 B. making any untrue statement of a material fact or omitting to state a
20 material fact necessary in order to make the statements made, in the light
21 of the circumstances under which they were made, not misleading; or
22 C. engaging in any act, practice, or course of business which operates or
23 would operate as a fraud or deceit upon any person;
24 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5
25 thereunder, 17 C.F.R. § 240.10b-5.

26 IT IS FURTHER ORDERED that, as provided in Federal Rule of Civil
27 Procedure 65(d)(2), the foregoing paragraph also binds the following who receive
28 actual notice of this Order by personal service or otherwise: (a) Defendants' officers,

1 agents, servants, employees, and attorneys; and (b) other persons in active concert or
2 participation with any of the Defendants or with anyone described in (a).

3 **IV.**

4 IT IS FURTHER ORDERED that Defendants King and Elevate, and their
5 officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those
6 persons in active concert or participation with any of them, who receive actual notice
7 of this Order, by personal service or otherwise, and each of them, be and hereby are
8 temporarily restrained and enjoined from directly or indirectly, by the use of the mails
9 or any means or instrumentality of interstate commerce, while acting as an
10 investment adviser to a pooled investment vehicle:

- 11 A. making any untrue statement of a material fact or omitting to state a
12 material fact necessary to make the statements made, in the light of the
13 circumstances under which they were made, not misleading, to any
14 investor or prospective investor in a pooled investment vehicle;
15 B. engaging in any act, practice, or course of business that is fraudulent,
16 deceptive, or manipulative with respect to any investor or prospective
17 investor in a pooled investment vehicle;

18 in violation of Section 206(4) of the Advisers Act, 15 U.S.C. § 80b-6(4), and
19 Rule 206(4)-8 thereunder, 17 C.F.R. § 275.206(4)-8.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
21 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
22 binds the following who receive actual notice of this Final Judgment by personal
23 service or otherwise: (a) Defendants' officers, agents, servants, employees, and
24 attorneys; and (b) other persons in active concert or participation with Defendants or
25 with anyone described in (a).

26 **V.**

27 IT IS FURTHER ORDERED that, except as otherwise ordered by this Court,
28 Defendants King and Elevate and Relief Defendant S. King, and their officers,

agents, servants, employees, attorneys, subsidiaries and affiliate, and those persons in active concert with them, who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are temporarily restrained and enjoined from, directly or indirectly, transferring, assigning, selling, hypothecating, changing, wasting, dissipating, converting, concealing, encumbering, or otherwise disposing of, in any manner, any funds, assets, securities, claims or other real or personal property, including any notes or deeds of trust or other interest in real property, wherever located, of any one of the Defendants or Relief Defendant, or their subsidiaries or affiliates, owned by, controlled by, managed by or in the possession or custody of any of them and from transferring, encumbering dissipating, incurring charges or cash advances on any debit or credit card of the credit arrangement of any one of the Defendants or Relief Defendant, or their subsidiaries and affiliates.

VI.

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, an immediate freeze shall be placed on all monies and assets (with an allowance for necessary and reasonable living expenses to be granted only upon good cause shown by application to the Court with notice to and an opportunity for the SEC to be heard) in all accounts at any bank, financial institution or brokerage firm, or third-payment payment processor, all certificates of deposit, and other funds or assets, held in the name of, for the benefit of, or over which account authority is held by Defendants and Relief Defendant, including but not limited to the accounts listed below:

BROKERAGE/ BANK NAME	ACCOUNT NAME	ACCOUNT NO.
Charles Schwab & Co.	Elevate Investments	xxxx-6211
Charles Schwab & Co.	Justin Robert King	xxxx-5708
Charles Schwab & Co.	Shannon King	xxxx-4019
JPMorgan Chase Bank	Elevate Investments LLC	xxxx8157

BROKERAGE/ BANK NAME	ACCOUNT NAME	ACCOUNT NO.
JPMorgan Chase Bank	Area Auto Glass LLC	xxxx8687
JPMorgan Chase Bank	Shannon King and/or Justin King	xxxx8635
JP Morgan Chase Bank	Arizona Investment Kings	xxxx3592
Comerica Bank	Justin and Shannon King	xxxx1361

Any bank, financial institution or brokerage firm, or third-party payment processor holding such monies and assets described above shall hold and retain within their control and prohibit the withdrawal, removal, transfer or other disposal of any such funds or other assets except as otherwise ordered by this Court.

VII.

IT IS FURTHER ORDERED that Defendants King and Elevate and Relief Defendant S. King, within five days of the issuance of this Order, shall prepare and deliver to the SEC a detailed and complete schedule of all of their personal assets, including all real and personal property exceeding \$5,000 in value, and all bank, securities, and other accounts identified by institution, branch address and account number. The accounting shall include a description of the sources of all such assets. Such accounting shall be filed with the Court and a copy shall be delivered to the SEC to the attention of Lynn M. Dean, counsel for the SEC. After completion of the accounting, each of the Defendants and Relief Defendant shall produce to the SEC at a **reasonable** time agreeable to the SEC, all books, records and other documents supporting or underlying their accounting.

VIII.

IT IS FURTHER ORDERED that any person who receives actual notice of this Order by personal service or otherwise, and who holds, possesses or controls assets exceeding \$5,000 for the account or benefit of any one of the Defendants or Relief Defendant, shall within 5 days of receiving actual notice of this Order provide

1 counsel for the SEC with a written statement identifying all such assets, the value of
2 such assets, or best approximation thereof, and any account numbers or account
3 names in which the assets are held.

4 **IX.**

5 IT IS FURTHER ORDERED that, except as otherwise ordered by this Court,
6 each of the Defendants King and Elevate and Relief Defendant S. King, and their
7 officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those
8 persons in active concert or participation with any of them, who receive actual notice
9 of this Order, by personal service or otherwise, and each of them, be and hereby are
10 temporarily restrained and enjoined from, directly or indirectly: destroying,
11 mutilating, concealing, transferring, altering, or otherwise disposing of, in any
12 manner, any documents, which includes all books, records, computer programs,
13 computer files, computer printouts, contracts, emails, correspondence, memoranda,
14 brochures, or any other documents of any kind in their possession, custody or control,
15 however created, produced, or stored (manually, mechanically, electronically, or
16 otherwise), pertaining in any manner to Defendants King or Elevate or Relief
17 Defendant S. King.

18 **X.**

19 IT IS FURTHER ORDERED that the SEC's application for expedited
20 discovery concerning Defendants and Relief Defendant, their assets and activities, is
21 granted and that, commencing with the time and date of this Order, in lieu of the time
22 periods, notice provisions, and other requirements of Rules 26, 30, 33, 34, 36, and 45
23 of the Federal Rules of Civil Procedure and the corresponding Local Rules of this
24 Court, discovery shall proceed as follows:

- 25 A. Pursuant to Rule 30(a) of the Federal Rules of Civil Procedure, the SEC
26 may take video depositions of parties or any third parties upon oral
27 examination on **three** days' notice of any such deposition. Depositions
28 may be taken Monday through Saturday, except that depositions shall

1 not be taken on Christmas Eve, Christmas Day, New Year's Eve or New
2 Year's Day. As to Defendant King and Relief Defendant S. King, and
3 their agents, servants, promoters, employees, brokers, associates, and
4 any person who transferred money to or received money from the bank
5 accounts identified above, the SEC may depose such witnesses after
6 serving a deposition notice by facsimile, hand or overnight courier upon
7 such individuals, and without serving a subpoena on such witness.
8 Depositions that have not been signed by the witness may be used for
9 purposes of the hearing on the SEC's application for preliminary
10 injunction;

- 11 B. Pursuant to Rule 45 and the applicable provisions in the Securities Act
12 and Exchange Act, each party may serve subpoenas to third parties; and
13 C. All discovery requests and responses may be served via email, facsimile,
14 or by hand on counsel for the parties.

15 **XI.**

16 IT IS FURTHER ORDERED that Jeff Brandlin is appointed as temporary
17 receiver of Defendant Elevate and its subsidiaries and affiliates, with full powers of
18 an equity receiver, including, but not limited to, full power over all funds, assets,
19 collateral, premises (whether owned, leased, occupied, or otherwise controlled),
20 choses in action, books, records, papers and other property belonging to, being
21 managed by or in the possession of or control of Defendant Elevate, and that such
22 receiver is immediately authorized, empowered and directed:

- 23 A. to have access to and to collect and take custody, control, possession,
24 and charge of all funds, assets, collateral, premises (whether owned,
25 leased, pledged as collateral, occupied, or otherwise controlled), choses
26 in action, books, records, papers and other real or personal property,
27 wherever located, of or managed by Defendant Elevate and its
28 subsidiaries and affiliates (collectively, the "Assets"), with full power to

1 sue, foreclose, marshal, collect, receive, and take into possession all such
2 Assets (including access to and taking custody, control, and possession
3 of all such Assets);

4 B. to assume full control of Defendant Elevate and its subsidiaries and
5 affiliates by removing, as the receiver deems necessary or advisable, any
6 director, officer, attorney, independent contractor, employee, or agent of
7 Defendant Elevate and its subsidiaries and affiliates, and any named
8 Defendant or Relief Defendant, from control of, management of, or
9 participation in, the affairs of Defendant Elevate and its subsidiaries and
10 affiliates;

11 C. to have control of, and to be added as the sole authorized signatory for,
12 all accounts of the entities in receivership, including all accounts at any
13 bank, title company, escrow agent, financial institution or brokerage firm
14 (including any futures commission merchant) which has possession,
15 custody or control of any Assets, or which maintains accounts over
16 which Defendant Elevate and its subsidiaries and affiliates, and/or any of
17 its employees or agents have signatory authority;

18 D. to conduct such investigation and discovery as may be necessary to
19 locate and account for all of the assets of or managed by Defendant
20 Elevate and its subsidiaries and affiliates, and to engage and employ
21 attorneys, accountants and other persons to assist in such investigation
22 and discovery;

23 E. to take such action as is necessary and appropriate to preserve and take
24 control of and to prevent the dissipation, concealment, or disposition of
25 any Assets;

26 F. to choose, engage, and employ attorneys, accountants, appraisers, and
27 other independent contractors and technical specialists, as the receiver
28 deems advisable or necessary in the performance of duties and

responsibilities under the authority granted by this Order;

G. to make an accounting, as soon as practicable, to this Court and the SEC of the assets and financial condition of Defendant Elevate and its subsidiaries and affiliates, and to file the accounting with the Court and deliver copies thereof to all parties;

H. to make such payments and disbursements from the Assets taken into custody, control, and possession or thereafter received by him or her, and to incur, or authorize the making of, such agreements as may be necessary and advisable in discharging his or her duties as temporary receiver;

I. to investigate and, where appropriate, to institute, pursue, and prosecute all claims and causes of action of whatever kind and nature that may now or hereafter exist as a result of the activities of present or past employees or agents of Defendant Elevate and its subsidiaries and affiliates;

J. to institute, compromise, adjust, appear in, intervene in, or become party to such actions or proceedings in state, federal, or foreign courts, which (i) the receiver deems necessary and advisable to preserve or recover any Assets, or (ii) the receiver deems necessary and advisable to carry out the receiver's mandate under this Order; and

K. to have access to and monitor all mail, electronic mail, and video phone of the entities in receivership in order to review such mail, electronic mail, and video phone which he or she deems relates to their business and the discharging of his or her duties as temporary receiver.

XII.

IT IS FURTHER ORDERED that Defendants King and Elevate, and their subsidiaries and affiliates, including all of the other entities in receivership, and their officers, agents, servants, employees and attorneys, and any other persons who are in

1 custody, possession or control of any assets, collateral, books, records, papers or
2 other property of or managed by any of the entities in receivership, shall forthwith
3 give access to and control of such property to the temporary receiver.

4 **XIII.**

5 IT IS FURTHER ORDERED that no officer, agent, servant, employee or
6 attorney of Defendants King and Elevate shall take any action or purport to take any
7 action, in the name of or on behalf of Defendant Elevate or its subsidiaries or
8 affiliates without the written consent of the temporary receiver or order of this Court.

9 **XIV.**

10 IT IS FURTHER ORDERED that, except by leave of this Court, during the
11 pendency of this receivership, all clients, investors, trust beneficiaries, note holders,
12 creditors, claimants, lessors and all other persons or entities seeking relief of any
13 kind, in law or in equity, from Defendant Elevate, or its subsidiaries or affiliates, and
14 all persons acting on behalf of any such investor, trust beneficiary, note holder,
15 creditor, claimant, lessor, consultant group or other person, including sheriffs,
16 marshals, servants, agents, employees and attorneys, are hereby restrained and
17 enjoined from, directly or indirectly, with respect to these persons and entities:

- 18 A. commencing, prosecuting, continuing or enforcing any suit or
19 proceeding (other than the present action by the SEC or any other action
20 by the government) against any of them;
- 21 B. using self-help or executing or issuing or causing the execution or
22 issuance of any court attachment, subpoena, replevin, execution or other
23 process for the purpose of impounding or taking possession of or
24 interfering with or creating or enforcing a lien upon any property or
25 property interests owned by or in the possession of Defendant Elevate;
26 and
- 27 C. doing any act or thing whatsoever to interfere with taking control,
28 possession or management by the temporary receiver appointed

1 hereunder of the property and assets owned, controlled or managed by or
2 in the possession of Defendant Elevate, or in any way to interfere with or
3 harass the temporary receiver or his or her attorneys, accountants,
4 employees, or agents or to interfere in any manner with the discharge of
5 the temporary receiver's duties and responsibilities hereunder.

6 **XV.**

7 IT IS FURTHER ORDERED that Defendants King and Elevate, and their
8 subsidiaries, affiliates, officers, agents, servants, employees and attorneys, shall
9 cooperate with and assist the temporary receiver and shall take no action, directly or
10 indirectly, to hinder, obstruct, or otherwise interfere with the temporary receiver or
11 his or her attorneys, accountants, employees or agents, in the conduct of the
12 temporary receiver's duties or to interfere in any manner, directly or indirectly, with
13 the custody, possession, management, or control by the temporary receiver of the
14 funds, assets, collateral, premises, and choses in action described above.

15 **XVI.**

16 IT IS FURTHER ORDERED that Defendants King and Elevate and their
17 subsidiaries and affiliates, shall pay the costs, fees and expenses of the temporary
18 receiver incurred in connection with the performance of his or her duties described in
19 this Order, including the costs and expenses of those persons who may be engaged or
20 employed by the temporary receiver to assist him or her in carrying out his or her
21 duties and obligations. All applications for costs, fees, and expenses for services
22 rendered in connection with the receivership other than routine and necessary
23 business expenses in conducting the receivership, such as salaries, rent, and any and
24 all other reasonable operating expenses, shall be made by application setting forth in
25 reasonable detail the nature of the services and shall be heard by the Court.

26 **XVII.**

27 IT IS FURTHER ORDERED that no bond shall be required in connection with
28 the appointment of the temporary receiver. Except for an act of gross negligence, the

1 temporary receiver shall not be liable for any loss or damage incurred by any of the
2 defendants, their officers, agents, servants, employees and attorneys or any other
3 person, by reason of any act performed or omitted to be performed by the temporary
4 receiver in connection with the discharge of his or her duties and responsibilities.

5 **XVIII.**

6 IT IS FURTHER ORDERED that representatives of the SEC and any other
7 government agency are authorized to have continuing access to inspect or copy any
8 or all of the corporate books and records and other documents of Defendant Elevate
9 and its subsidiaries and affiliates, and the other entities in receivership, and
10 continuing access to inspect their funds, property, assets and collateral, wherever
11 located.

12 **XIX.**

13 IT IS FURTHER ORDERED that this Temporary Restraining Order shall
14 expire at Noon on January 11, 2021 unless for good cause shown it is extended or the
15 parties against whom it is directed consent that it may be extended for a longer
16 period.

17 **XX.**

18 IT IS FURTHER ORDERED that at 9 a.m. on January 11, 2021, or as soon
19 thereafter as the parties may be heard, the Defendants, and each of them, shall appear
20 before the Honorable James V. Selna, Judge of the United States District Court for
21 the Central District of California, to show cause, if there be any, why a preliminary
22 injunction should not be granted and Jeff Brandlin be appointed as permanent
23 receiver. Any declarations, affidavits, points and authorities, or other submissions in
24 support of, or in opposition to, the issuance of such an Order shall be filed with the
25 Court and emailed to the Lynn M. Dean, counsel for the SEC, at deanl@sec.gov, and
26 the offices of the Defendants and the Relief Defendant or their attorneys no later than
27 Noon on January 5, 2021. Any reply papers shall be filed with the Court and
28 delivered to opposing counsel no later than Noon on January 7, 2021.

1 IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this
2 action for the purpose of implementing and carrying out the terms of all orders and
3 decrees which may be entered herein and to entertain any suitable application or
4 motion for additional relief within the jurisdiction of this Court.

5
6 IT IS SO ORDERED.

7
8 Dated: December 28, 2020, Noon


UNITED STATES DISTRICT JUDGE
HONORABLE JAMES V. SELNA

9
10 Presented by:
11 Lynn M. Dean
12 Kathryn Wanner
13 Attorneys for Plaintiff
14 Securities and Exchange Commission
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TRANSMISSION VERIFICATION REPORT

TIME : 12/28/2020 03:53
NAME : SMILEY WANG EKVALL
FAX : 7144451002
TEL : 7144451000
SER.# : U63274J4J792570

DATE, TIME	12/28 03:53
FAX NO./NAME	8883686355
DURATION	00:00:00
PAGE(S)	00
RESULT	BUSY
MODE	STANDARD

BUSY: BUSY/NO RESPONSE