

SMILEY WANG-EKVALL, LLP
Kyra E. Andrassy, State Bar No. 207959
kandrassy@swelawfirm.com
Timothy W. Evanston, State Bar No. 319342
tevanston@swelawfirm.com
3200 Park Center Drive, Suite 250
Costa Mesa, California 92626
Telephone: 714 445-1000
Facsimile: 714 445-1002

Proposed Attorneys for Jeffrey E.
Brandlin, Receiver

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)

**NOTICE OF MOTION AND
MOTION OF RECEIVER, JEFFREY
E. BRANDLIN, FOR ORDER IN
AID OF RECEIVERSHIP
REGARDING EMPLOYMENT OF
PROFESSIONALS AND
DISPOSITION OF PERSONAL
PROPERTY**

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

DATE: March 1, 2021
TIME: 10:00 a.m.
JUDGE: Hon. James V. Selna

**TO THE DEFENDANTS AND INVESTORS OF ELEVATE INVESTMENTS,
LLC OR ITS SUBSIDIARIES AND AFFILIATES:**

PLEASE TAKE NOTICE that on March 1, 2021, at 1:30 p.m., a
hearing is scheduled on the motion (the "Motion") of Jeffrey E. Brandlin, the
Court-appointed permanent receiver (the "Receiver") for Elevate
Investments, LLC, and its subsidiaries and affiliates (together, "Elevate") for

SMILEY WANG-EKVALL, LLP
3200 Park Center Drive, Suite 250
Costa Mesa, California 92626
Tel 714 445-1000 • Fax 714 445-1002

SMILEY WANG-EKVALL, LLP
 3200 Park Center Drive, Suite 250
 Costa Mesa, California 92626
 Tel 714 445-1000 • Fax 714 445-1002

1 an order the following professionals: (a) Smiley Wang-Ekvall, LLP, as his
 2 general receivership counsel; (b) Brandlin & Associates as his forensic
 3 accountants; (c) Coast Business Technologies for data recovery and
 4 computer imaging; and (d) Donlin Recano to design and host a website on
 5 behalf of the Receiver to provide a source of information for investors and
 6 creditors.¹ The Receiver also seeks authorization to abandon personal
 7 property of the Estate where the cost of administration of that personal
 8 property would exceed the anticipated benefit to the Estate. In addition,
 9 when required to serve investors with notice in this case, the Receiver seeks
 10 authority to serve investors email and by posting of pleadings on the website
 11 set up for the receivership.

12 The Motion is made pursuant to sections IX.D. and F of the
 13 *Preliminary Injunction and Appointment of a Permanent Receiver*, the
 14 general principles of the law governing federal equity receiverships, Federal
 15 Rule of Civil Procedure 66, and Local Civil Rule 66. The Motion is based on
 16 this Notice of Motion and Motion, the accompanying Memorandum of Points
 17 and Authorities, and the declaration of Jeffrey Brandlin in support thereof.
 18 The Memorandum and the declarations are posted on the Receiver's
 19 website for this case (www.donlinrecano.com/elevate) or available by
 20 contacting counsel for the Receiver.

21 **PLEASE TAKE FURTHER NOTICE** that because of the pandemic,
 22 the Court is vacating all hearings and will instead post a tentative ruling in
 23 the afternoon of the day prior to the hearing. A party may file a request for
 24 hearing of no more than five pages by 5:00 p.m. the day after the scheduled
 25 hearing stating why oral argument is necessary. If no request is submitted,
 26 the matter will be deemed submitted on the papers and the tentative ruling
 27

28

¹ The website is at www.donlinrecano.com/elevate

SMILEY WANG-EKVALL, LLP
 3200 Park Center Drive, Suite 250
 Costa Mesa, California 92626
 Tel 714 445-1000 • Fax 714 445-1002

1 will become the order of the Court. If the request is granted, the Court will
 2 advise the parties when and how the hearing will be conducted.

3 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Rule 7-9,
 4 each opposing party shall, not later than twenty-one (21) days before the
 5 date scheduled for the hearing, serve upon all other parties and file with the
 6 Clerk either (a) the evidence upon which the opposing party will rely in
 7 opposition to the Motion and a brief but complete memorandum which
 8 contains a statement of all the reasons in opposition thereto and the points
 9 and authorities upon which the opposing party will rely, or (b) a written
 10 statement that the party will not oppose the Motion. Evidence presented in
 11 all opposing papers shall comply with the requirements of Local Rules 7-6,
 12 7-7 and 7-8. The address for the Clerk of the Court is as follows: U.S.
 13 District Court, Central District of California, Southern Division, 411 West 4th
 14 St., Room 1053, Santa Ana, CA 92701-4516. If you fail to file and serve a
 15 written opposition by the above date, the Court may grant the requested
 16 relief without further notice.

17
 18 DATED: January 29, 2021 SMILEY WANG-EKVALL, LLP

19
 20
 21 By: /s/ Kyra E. Andrassy
 22 KYRA E. ANDRASSY
 23 TIMOTHY EVANSTON
 24 Attorneys for Jeffrey Brandlin,
 25 Receiver
 26
 27
 28

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 1/29/2021, I served true copies of the following document(s) described as
NOTICE OF MOTION AND MOTION OF RECEIVER, JEFFREY E. BRANDLIN, FOR ORDER IN AID OF RECEIVERSHIP REGARDING EMPLOYMENT OF PROFESSIONALS AND DISPOSITION OF PERSONAL PROPERTY
 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 1/29/2021, I checked the CM/ECF docket for this case and determined that the aforementioned person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated.

(X) (BY MAIL). I enclosed the document(s) in a sealed envelope or package and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Smiley Wang-Ekvall, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Costa Mesa, California.

() (BY E-MAIL). By scanning the document(s) and then e-mailing the resultant pdf to the e-mail address indicated above per agreement. Attached to this declaration is a copy of the e-mail transmission.

() (BY FACSIMILE). I caused the above-referenced documents to be transmitted to the noted addressee(s) at the fax number as stated. Attached to this declaration is a "TX Confirmation Report" confirming the status of transmission. Executed on _____, at Costa Mesa, California.

() STATE I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

(X) FEDERAL I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 29, 2021, at Costa Mesa, California, /s/ Lynnette Garrett

Lynnette Garrett

SMILEY WANG-EKVALL, LLP

3200 Park Center Drive, Suite 250
 Costa Mesa, California 92626
 Tel 714 445-1000 • Fax 714 445-1002

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

- **Jeffrey E Brandlin**
kandrassy@swelawfirm.com
- **Lynn M Dean**
deanl@sec.gov, LAROFiling@sec.gov, delgadilloj@sec.gov, longoa@sec.gov, irwinma@sec.gov
- **Justin Robert King**
jrking80@gmail.com
- **Shannon King**
slking311@gmail.com
- **Jennifer Trowbridge**
jennifer@weintraublawgroup.com
- **Kathryn C Wanner**
wannerk@sec.gov, simundacc@sec.gov, irwinma@sec.gov

BY MAIL:

Justin and Shannon King 26500 Paseo Infinita San Juan Capistrano, CA 92675	Justin and Shannon King 10639 West Chestnut Street Marana, AZ 85653
Chris Miller Client Services Manager San Clemente Office Suites 501 N. El Camino Real, Suite 200 San Clemente, CA 92672	