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Counsel for Jeffrey 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 IMPLEMENTATION OF
THE ORDER APPOINTING THE
PERMANENT RECEIVER**

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

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

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

PLEASE TAKE NOTICE THAT Jeffrey E. Brandlin, the Court-
appointed receiver (the "Receiver") over Elevate Investments, LLC, and its
subsidiaries and affiliates (together, "Elevate"), will and hereby does move

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1 this Court for an order clarifying that the funds and assets held in four
 2 accounts are property of the receivership estate, or, in the alternative,
 3 expanding the receivership estate (the "Receivership Estate") to include
 4 such funds and assets. The Receiver believes that the following four
 5 account should be explicitly brought into the Receivership Estate:

6 7 8 9	Brokerage/Bank Name	Account Name	Account No.
10 11	Charles Schwab & Co.	Justin Robert King (the "Justin King Schwab Account")	xxxx-5708
12 13	Charles Schwab & Co.	Shannon King (the "Shannon King Schwab Account")	xxxx-4019
14 15	JPMorgan Chase Bank	Arizona Investment Kings (the "Arizona Investment Kings Account")	xxxx3592
16 17	JPMorgan Chase Bank	Area Auto Glass LLC (the "Area Auto Glass Chase Account")	xxxx8687

18 The Motion is made pursuant to the general principles of the law
 19 governing federal equity receiverships, sections IX.A, E & J of the
 20 *Preliminary Injunction and Appointment of a Permanent Receiver* [Docket
 21 No. 26], Federal Rule of Civil Procedure 66, and Local Civil Rule 66. The
 22 Motion is based on this Notice of Motion and Motion, the concurrently
 23 submitted Memorandum of Points and Authorities and Declaration of Jeffrey
 24 E. Brandlin, and any argument or evidence presented to the Court at any
 25 hearing on the Motion. The Motion, Memorandum of Points and Authorities,
 26 and other supporting papers are available on the website established by the
 27 Receiver to provide information to parties in interest, which is located at
 28 www.donlinrecano.com/Clients/ei/Index.

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1 **PLEASE TAKE FURTHER NOTICE** that the hearing is nominally
2 scheduled for August 1, 2022 at 1:30 p.m. Because of the pandemic,
3 parties will be notified three days in advance if there is to be a hearing. If
4 there is a hearing, the hearings are being staggered to minimize the number
5 of people in the courtroom. If a hearing is not set, then the parties may
6 request a hearing by filing a brief of no more than five pages by 5:00 p.m.
7 the day following the date for which the hearing was nominally set. The
8 Court will then determine if a hearing is necessary. If no request is
9 submitted, the matter will be submitted on the papers and the tentative ruling
10 will become the order of the Court. If the request is granted, the Court will
11 advise the parties when and how the hearing will be conducted.

12 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Rule 7-9,
13 each opposing party shall, not later than twenty-one (21) days before the
14 dates scheduled for the hearing, serve upon all other parties and file with the
15 Clerk either (a) the evidence upon which the opposing party will rely in
16 opposition to the Motion and a brief but complete memorandum which
17 contains a statement of all the reasons in opposition thereto and the points
18 and authorities upon which the opposing party will rely, or (b) a written
19 statement that the party will not oppose the Motion. Evidence presented in
20 all opposing papers shall comply with the requirements of Local Rules 7-6,
21 7-7 and 7-8.

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1 If you fail to file and serve a written opposition by the above date, the Court
2 may grant the requested relief without further notice.

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4 Respectfully submitted,

5 DATED: July 1, 2022

SMILEY WANG-EKVALL, LLP

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8 By: /s/ Michael L. Simon

9 Kyra E. Andrassy

10 Michael L. Simon

11 Counsel for Jeffrey E. Brandlin,

12 Permanent Receiver
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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 7/1/2022, 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 IMPLEMENTATION OF THE ORDER APPOINTING THE PERMANENT RECEIVER

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 7/1/2022, 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.

(X) (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 July 1, 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**

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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
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BY EMAIL:

All investors served by email. Email addresses withheld from this proof of service to protect the investors' privacy.

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**
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11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 Plaintiff,

14 v.

15 JUSTIN ROBERT KING; AND
16 ELEVATE INVESTMENTS, LLC,

17 Defendants,

18 and

19 SHANNON LEIGH KING,

20 Relief Defendant.

Case No. SACV20-02398-JVS
(DFMx)

**ORDER GRANTING MOTION OF
RECEIVER, JEFFREY E.
BRANDLIN, FOR ORDER IN AID
OF IMPLEMENTATION OF THE
ORDER APPOINTING THE
PERMANENT RECEIVER**

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

21 The Court having reviewed the *Motion of Receiver, Jeffrey E. Brandlin,*
22 *for Order in Aid of Implementation of the Order Appointing the Permanent*
23 *Receiver* (the "Motion"), having found that notice of the Motion was proper,
24 having reviewed all papers and evidence filed in support of and response to
25 the Motion, and having found good cause,

26 **IT IS ORDERED AS FOLLOWS:**

27 (1) The Motion is granted in its entirety;
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1 (2) The Accounts¹ are property of the Receivership Estate; and

2 (3) Charles Schwab & Co. and JP Morgan Chase shall liquidate the
3 Accounts and remit the funds on hand to the Receiver upon his request.

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6 DATED: _____, 2022

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JAMES V. SELNA, United States District
Judge

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¹ All capitalized terms not expressly defined herein shall have the meanings ascribed to them in the Motion.