

1 **DAVID L. RAY**  
2 **Federal Court Receiver**  
3 **12121 Wilshire Boulevard**  
4 **Suite 600**  
5 **Los Angeles, California 90025-1166**  
6 **(310) 481-6700 – Fax: (310) 481-6720**

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 SECURITIES AND EXCHANGE  
12 COMMISSION,

13 Plaintiff,

14 vs.

15 BRADLEY L. RUDERMAN;  
16 RUDERMAN CAPITAL  
17 MANAGEMENT, LLC; RUDERMAN  
18 CAPITAL PARTNERS, LLC; and  
19 RUDERMAN CAPITAL PARTNERS A,  
20 LLC,

21 Defendants.

CASE NO. CV 09-2974 VBF (JCx)

ORDER AUTHORIZING RECEIVER  
TO INSTITUTE A CLAIMS  
PROCEDURE, ESTABLISHING  
CLAIMS PROCEDURE,  
APPROVING METHODS OF  
SERVICE OF NOTICE, AND  
ESTABLISHING CLAIMS BAR  
DATE

DATE: December 7, 2009

TIME: 1:30 p.m.

CTRM: 9

312 Spring Street  
Los Angeles, CA 90012

22 The motion of David L. Ray, Federal Court Receiver ("Receiver") appointed in  
23 this action now over Ruderman Capital Management, LLC and Ruderman Capital  
24 Partners, LLC (the "Receivership Entities"), for an Order Authorizing the Receiver to  
25 Institute and Establish a Claims Procedure in this Proceeding, Approving the  
26 Receiver's Proposed Claim Procedure and Setting a Final Date for Claimants of the  
27 Receivership Entities to File Claims with the Receiver (the "Motion"), bearing Docket  
28 No. 66, having been filed with the Court and having been served upon all interested  
parties and creditors known to the Receiver, the Court having reviewed any and all

1 papers submitted in support of and in opposition to the Motion, and good cause  
2 appearing therefor,

3 IT IS HEREBY ORDERED that:

- 4 1. The Motion is granted.
- 5 2. The Receiver is authorized to institute and establish a claims procedure to  
6 determine the holders of legitimate and valid claims against the Receivership Entities.
- 7 3. The claims procedure proposed by the Receiver in the Motion is  
8 approved.
- 9 4. The Receiver is authorized and directed to do the following:
  - 10 a. To cause to be printed, or to otherwise produce, the notice of  
11 claims procedure, the claims form, and instructions for completing the claims form in  
12 a form and style substantially similar to that as set forth in Exhibit "C" to the Motion;
  - 13 b. To cause to be mailed by United States Mail, postage prepaid, the  
14 notice of claims procedure, the claims form and instructions for completing the claims  
15 form to all known creditors of each of the Receivership Entities;
  - 16 c. To prepare and to cause to be published in the USA Today, a  
17 notice of claims procedure in a form and style substantially similar to that as set forth  
18 in Exhibit "D" to the Motion, once a week for three consecutive weeks;
  - 19 d. Upon receipt of the claims forms from claimants, to review and  
20 analyze all claims forms received and to make a list of the claims proposed to be  
21 accepted and of the claims proposed to be rejected, in part or in whole;
  - 22 e. To serve upon those claimants whose claims are proposed to be  
23 rejected because of insufficient documentation, a notice of insufficient documentation.  
24 Claimants receiving such a notice shall have 35 days from the mailing of the notice of  
25 insufficient documentation to provide the Receiver with further documentation to  
26 support their claims (the "35 Day Insufficient Period");
  - 27 f. After the Receiver has reviewed all the claims and made a  
28 determination as to which claims will be accepted and which claims will be rejected,

1 the Receiver shall serve upon the persons whose claims he proposes to reject, a notice  
2 of rejection, briefly stating the reasons for rejection (the "Notice of Rejection").

3 5. All persons with claims or demands of any kind against the Receivership  
4 Entities, whether due or not yet due, contingent, unliquidated or sounding only in  
5 damages, must present their claims, on the Court approved claims form, to the  
6 Receiver at the address and manner specified in said form and in the notice of claims  
7 procedure. All claims and proof shall be made and presented to the Receiver,  
8 postmarked on or before May 15, 2010 (the "Bar Date"), which bar date the Receiver  
9 will specifically identify in the notice of claims procedure.

10 6. Any and all creditors, claimants, investors and other persons failing to  
11 make and present claims and supporting proof to the Receiver on or before the Bar  
12 Date, shall be forever barred from participating in any distribution of the assets of the  
13 Receivership Estate.

14 7. After the 35 Day Insufficiency Period has passed, after the Receiver has  
15 finished his review of the claims and after the Bar Date has passed, the Receiver shall  
16 file with the Court an accounting of all claims submitted, including a list of the claims  
17 he proposes to accept and of the claims he proposes to reject, in whole or in part,  
18 together with a further motion for instructions regarding those claims which the  
19 Receiver believes should be rejected.

20 8. All creditors or the persons whose claims the Receiver proposes to reject,  
21 in whole or in part, shall have 30 days (plus 5 days for mailing), from the date of  
22 service of Notice of Rejection, in which to petition this Court for an order directing  
23 the Receiver to accept their claim. Each Notice of Rejection served by the Receiver  
24 shall contain a notice to claimants informing them of the deadline.

25 9. All motions or requests for instructions for an order directing the  
26 Receiver to accept rejected claims shall be heard by this Court in a single hearing  
27 approximately 60 to 90 days following the Receiver's mailing of the notices of  
28 rejection to claimants. The Receiver shall arrange a specific date with the Court and

1 include the hearing date on the Notice of Rejection.

2 10. The Receiver is authorized and directed to pay from the Receivership  
3 Estate all costs he may incur in printing or otherwise reproducing the claims forms  
4 and notices and mailing said forms and notices, and in advertising the claims  
5 procedure.

6  
7 Dated: December 7, 2009

*Valerie Baker Fairbank*

United States District Judge