

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Case No. SACV 09-399 DOC

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

SUN EMPIRE, LLC, ECAM, LLC a/k/a
EMPIRE CAPITAL ASSET
MANAGEMENT, DELILAH A
PROCTOR and SHAUNTEL A. MCCOY,
SUN INVESTMENT SAVINGS AND
LOAN, SUN GROUP, BICH QUYEN
NGUYEN, AND JOHNNY JOHNSON,
Defendants.

and

SUN COMMERCE AND INVESTMENT,
INFINITY INVESTMENT CLUB, LLC,
SUNLAND INVESTMENT CLUB, LLC,
RECOMMENDED SERVICES, INC., and
TYCOON CLUB INTERNATIONAL,
LLC,

Relief Defendants

**(PROPOSED)
CLAIMS PROCEDURE AND
DISTRIBUTION PLAN**

The receiver, Richard Weissman ("Receiver"), has proposed a claims administration and distribution plan ("Distribution Plan" or "Plan") of the funds the Receiver holds and funds on deposit that were frozen at one or more banks pursuant to orders entered on April 2,

1 2009, and thereafter, which are in the name of, or controlled by one or more of the Defendants
2 herein against whom final judgment was entered on January 12, 2011, and as to accounts in
3 the name of, or controlled by the named Relief Defendants, and/or private investment clubs
4 (“PIC” or “PICS”) or individuals in which the funds of investor-victims’ were alleged to have
5 been deposited (“Distribution Fund”).

6 After reviewing all the papers filed in connection with the motion, good cause has been
7 shown for the Court’s adoption of the Receiver's Plan and its immediate implementation.

8
9 **IT IS HEREBY ORDERED** that the Receiver is granted the additional powers and
10 duties set forth below over the subject Distribution Fund arising out of this action.

11
12
13 **IT IS FURTHER ORDERED** that the Receiver shall have the following powers and
14 duties:

15 1. The Court hereby finds that the Distribution Fund is a Qualified
16 Settlement Distribution Fund (“QSF”) under Section 468B(g) of the Internal Revenue Code,
17 and related regulations, 26 C.F.R. §§ 1.468B-1 through 5, and that the QSF complies with all
18 related legal and regulatory requirements, including, but not limited to, satisfying any
19 reporting or withholding requirements imposed on distributions from the QSF.

20 2. The Receiver shall take appropriate and reasonable steps to obtain claims of
21 Potential Claimants who invested with and transferred money to the Judgment Defendants
22 and their subsidiaries and affiliates, and other third parties in the manner and during the
23 relevant time period alleged in the Third Amended Complaint in this matter. Where the
24 Receiver deems necessary, after consultation with the Commission Staff, the Receiver may
25 modify the distribution procedure, without prior Court approval, to facilitate a fair claims
26 process to accomplish the general purposes of this Order. There shall not be any distribution
27 of the Distribution Fund to any Potential Claimant without prior Court approval thereof.

28 3. The Receiver shall administer a claims procedure as generally delineated below

1 to determine who were the actual victims of the investment scheme and eligible to receive a
2 full or partial share of the Distribution Fund. Said procedures are as follows:

- 3 a. The Receiver shall, with the assistance of the Commission Staff, identify
4 potential claimants for the Distribution Fund ("Potential Claimants")
5 from the financial records obtained from the Judgment Defendants and
6 other sources;
- 7 b. The Receiver shall provide the Potential Claimants, who have been
8 individually identified, with written notice, by certified mail, of the right
9 to submit a claim. The Receiver has prepared, and the Court hereby
10 approves two documents, titled: (1) Investor Claim Letter and Notice of
11 Bar Date, attached hereto as Exhibit 1; and (2) Proof of Claim, attached
12 hereto as Exhibit 2. These documents provide a summary of the claims
13 administration process and its purpose, instructions for filing a Proof of
14 Claim form ("POC"), and the POC itself. These documents have been
15 submitted to and approved by the Commission Staff. These documents
16 constitute the "Claims Packet."
- 17 c. The Receiver shall immediately remail by certified mail any returned
18 undelivered mail for which the United States Postal Service ("USPS")
19 has provided a forwarding address. The Receiver is not authorized at this
20 time to engage a third-party search firm to conduct more rigorous
21 searches for unlocated Potential Claimants. Additional efforts to identify
22 new addresses for returned undelivered mail will be conducted as
23 necessary and economically reasonable after consultation with the
24 Commission Staff.
- 25 d. In addition, the Receiver, in conjunction with the Commission Staff,
26 shall place on the Commission's website at: www.sec.gov, and on the
27 Receiver's website, at: www.richardweissmanreceiver.com, a copy of the
28 Claims Packet. Placement on the respective websites shall constitute

1 published notice (“Website Notice”) to Potential Claimants of their right
2 to file a claim in this action and notice of the Bar Date. The Website
3 Notice shall include the contact information of the Receiver and a copy
4 of this Distribution Plan.

5 e. All POCs submitted to the Receiver must be postmarked on or before the
6 Bar Date of *****, 2011, and must be actually received by the
7 Receiver. Any POC postmarked after the Bar Date may be rejected by the
8 Receiver. Each Potential Claimant must submit a POC in the form
9 approved by the Court in conjunction with the Distribution Plan. Each
10 Potential Claimant must certify the existence of and amount of any claim
11 under penalty of perjury and submit any records that the Receiver may
12 require to substantiate the existence or amount of said claim. The POC
13 shall also include the respective Potential Claimant's Social Security
14 number or other identification number and certification that the potential
15 distribution is not subject to any withholding of an amount to pay taxes
16 due the Internal Revenue Service. Each Potential Claimant shall answer
17 questions in the POC whether the Potential Claimant: (1) served as a
18 team leader or club leader of any PIC; (2) received any money for fees,
19 expenses, commission and/or compensation from any PICs, and if so,
20 state the amount received; (3) received any fees, commissions or
21 compensation from Nguyen/Proctor¹, from the PIC, or from other
22 persons or entities for referring or soliciting investors to invest with
23 anyone and, if so, state the amount received; (4) identify the sources of
24 all fees, expenses, commission and/or compensation received by the
25 Potential Claimant; and (5) received any return of or on investment

26
27 ¹ The term Nguyen/Proctor includes Sun Group, Sun Investment Savings and Loan, Sun
28 Commerce and Investment, Empire Club, Inc., ECAM, LLC, Also Known As Empire Capital Asset
Management, Tycoon Club International, LLC, Infinity Investment Club, LLC, Sun Celebrity, LLC,
Sun Quest, LLC, Recommended Services, Inc.

1 (“ROI”), interest, or other money from PICs or from Nguyen/Proctor,
2 their companies, or affiliates for any reason, as alleged in the Third
3 Amended Complaint, and identified in the Receiver’s Reports and, if so,
4 state the sources of any and all return on investment, interest or other
5 money received from PICs or from Nguyen/Proctor, their companies, or
6 affiliates for any reason whatsoever.

7 f. The Receiver shall determine the (i) gross amount of each Potential
8 Claim that is substantiated by each Potential Claimant, (ii) the amount(s)
9 of money paid to the Potential Claimant in respect to the items described
10 in subparagraph “e,” above, as acknowledged by the Potential Claimant
11 and as determined from third party records, and (iii) the Net Loss for
12 each Potential Claimant. The amount of Net Loss shall be the difference
13 of the Gross Claim less the aggregate of items 1 through 5, in
14 subparagraph “e,” immediately above. Each Potential Claimant shall
15 include, as a part of their POC, a schedule of money paid to them under
16 each of the categories listed in subparagraph e. above.

17 g. Within thirty-five (35) days of the expiration of the Bar Date, the
18 Receiver shall file a report (the “Claims Report”) on the established Net
19 Losses of all Potential Claimants who filed fully completed and duly
20 executed POCs and who corroborated their claimed losses (“Eligible
21 Claimants”). Said Claims Report shall also include which Claims, and
22 their amounts, that are rejected by the Receiver (“Rejected Claims”) and
23 the grounds therefor. The Receiver shall file a Motion for approval of
24 said Claims Report concurrently with the Claims Report. The Claims
25 Report shall also contain the Receiver’s determination of each Eligible
26 Claimant’s Net Loss amount (pro rata loss) relative to the other Eligible
27 Claimants’ established losses (aggregate losses).

28 h. The Claims Report and Motion shall contain recommendations regarding

1 the manner and timing of distribution of the available Distribution Fund
2 to Eligible Claimants, payment of taxes, and administration expenses.
3 The intention of this Distribution Plan is to compensate victims
4 (investors) who invested on any basis in the certificates of deposit,
5 certificates of investment, alleged domestic and foreign investments, and
6 loans to third parties, all with alleged high rates of return and such
7 additional scams alleged in the Third Amended Complaint or otherwise
8 set forth in the Receiver's report. A person whom the Receiver
9 determines was a "qualified" investor pursuant to the foregoing criteria,
10 will be deemed an "Eligible Claimant" upon the Receiver's preliminary
11 approval of the claim, and the amount thereof, either in full or in part. To
12 the extent of competent supporting evidence, the Receiver shall also
13 determine from the POCs and information in the Receiver's possession,
14 and report whether a Potential Claimant was: (1) a team or private
15 investment club leader and received compensation of any kind for such
16 services; (2) solicited other investors for Nguyen/Proctor and/or any third
17 parties and received compensation therefor; and/or (3) received any
18 return of principal investment and/or return on investment (interest or
19 other revenue), or money for any other reason from Nguyen/Proctor.

- 20 i. The Receiver shall notify all Potential Claimants of the amount the
21 Receiver calculated to be the Eligible Claimant's pro rata share of the
22 Distribution Fund, or of the Receiver's rejection of the Claim,
23 concurrently with the Receiver's submission of his Claims Report to the
24 Court. Said Notice may be served by electronic mail if an email address
25 was provided in the POC, or by regular mail, if there was no email
26 address. The Receiver need not serve notice of his Claims Report or
27 Motion on any Potential Claimant for whom there was an invalid address
28 or who executed a USPS certified mail receipt and did not file a POC.

1 j. Where the Receiver denies a claim, he shall so notify the Potential
2 Claimant and advise the Potential Claimant of the grounds for denial and
3 that he or she has 15 days to provide additional documentation to support
4 the claim and request reconsideration. A Potential Claimant's failure or
5 refusal to fully complete and execute the POC shall be an appropriate
6 ground for rejecting said Claim.

7 k. Except as otherwise provided herein, the filing of a POC with the
8 Receiver shall constitute consent from and a grant by the Potential
9 Claimant of personal jurisdiction to the Court supervising the
10 Distribution Fund to adjudicate said claim(s) and all aspects of the claims
11 process.

12 l. Further, by filing a POC, each Potential Claimant also shall be
13 consenting as follows:

14 (i) Any disapproval or dispute by the Receiver of a claim will be
15 submitted by the Receiver (in the Claims Report) to the Court
16 for review and approval or disapproval, fully or partially, upon
17 noticed motion, with notice to each disapproved Potential
18 Claimant. The failure of a Potential Claimant to give to the
19 Receiver sufficient proof of his/her claim shall constitute
20 grounds upon which the Receiver may base his denial or
21 objection to the POC, independently from an untimely filed
22 claim.

23 (ii) Any opposition by a Potential Claimant to the Receiver's final
24 denial or objection to a claim shall be filed and served by the
25 Potential Claimant on the Receiver as required by the Federal
26 Rules of Civil Procedure and the local rules of this Court
27 following the Receiver's notice of filing his Claims Report. Said
28 Potential Claimant's objection or opposition shall be

1 accompanied by evidence submitted by written declaration under
2 penalty of perjury as to the accuracy, veracity and authenticity of
3 such evidence. Any reply by the Receiver and/or the
4 Commission shall be in accordance with the Federal and Local
5 Rules of Civil Procedure.

6 (iii) All of the claims and distribution issues shall be heard and
7 adjudicated by the Court sitting without a jury.

8 m. The Receiver shall set aside a portion of the Distribution Fund to pay
9 taxes on its income and the fees and expenses incurred in the preparation
10 of tax returns and other documents required by the Commission or the
11 United States Treasury, or likely to be incurred in carrying out this Order
12 (the "Tax Reserves").

13 n. The Receiver shall inform the Court of any outstanding Receiver's fees
14 and expenses and of other unpaid professionals' fees and expenses. Upon
15 approval thereof, they shall be paid from the Distribution Fund before
16 distribution to the Eligible Claimants. The Receiver shall also report his
17 estimate, and request a reserve fund for the payment of the fees and
18 expenses that are projected to be incurred in completing the distribution
19 of the Distribution Fund to the Eligible Claimants ("Expense Reserve
20 Fund"). The balance of available funds shall then be allocated to the
21 Distribution Fund, and will be disbursed pro rata to the Eligible
22 Claimants as approved by the Court.

23 o. Before disbursement, the Distribution Fund shall be invested in
24 short-term U.S. Treasury securities backed by the full faith and credit of
25 the U.S. Government and/or in fully FDIC insured non-interest bearing
26 checking or interest bearing accounts at U.S. commercial banks, all of a
27 type and term necessary to meet the cash requirements of the payments to
28 Eligible Claimants, tax obligations and all fees and expenses; provided,

1 however, that the investments in U.S. Treasury securities and/or the
2 non-interest or interest bearing checking account(s) will not be made
3 through repurchase agreements or other derivative products.

4 p. Presented checks will be subject to "positive pay" controls before they
5 are honored and paid by the bank.

6 q. All payments to Eligible Claimants shall be preceded or accompanied by
7 a communication that includes, as appropriate: (a) a statement
8 characterizing the distribution; (b) a statement that checks will be void
9 after 60 days; and (c) the name of a person in the Receiver's office to
10 contact in the event of any questions regarding the distribution. Any such
11 information letter or other mailing to recipients characterizing their
12 distributions shall be first submitted to the Commission Staff for review
13 and approval. Distribution checks, on their face, or in the accompanying
14 mailing will clearly indicate that the money is being distributed from a
15 Distribution Fund.

16 r. Upon receipt and acceptance by an Eligible Claimant of a payment from
17 the Distribution Fund, such Eligible Claimant shall be deemed to have
18 released all claims and rights of appeal that such Claimant may have
19 against the Receiver and his Agents and personnel, and the Commission
20 in connection with the Plan and the administration of the Distribution
21 Fund, and such Eligible Claimant shall be deemed enjoined from
22 prosecuting or asserting any such claims in any Court.

23 s. All checks will bear a "stale date" of sixty (60) days from the date of the
24 check. Checks that are not negotiated within the stale date shall be
25 voided and the issuing financial institution shall be instructed to stop
26 payment on those checks.

27 t. Checks returned as undeliverable by the USPS and for which a new
28 address has been provided by the USPS will be sent to the new address.

1 For checks returned as undeliverable by the USPS and for which no new
2 address is provided, no further action by the Receiver will be required or
3 undertaken. If new address information becomes available during the 60
4 day check negotiation period, the Receiver shall repackage the
5 distribution check and send it to the new address. If no new address
6 information becomes available within the 60 days after the mailing of the
7 original check, the check shall be voided and the Receiver shall instruct
8 the issuing financial institution to stop payment thereon.

9 u. Where an Eligible Claimant's check has not been negotiated within 60
10 days from the date of mailing by the Receiver and the check has been
11 voided by the Receiver, the Receiver shall hold the allocated funds for
12 that check for an additional thirty (30) days pending possible notification
13 of an Eligible Claimant's new address. After the expiration of said 30
14 additional days without a valid new address, the Eligible Claimant's
15 claim(s) shall be deemed extinguished and fully released and all funds
16 representing that claim shall be reallocated to the Distribution Fund.

17 4. The Receiver is authorized to disburse from receivership funds he holds in this
18 matter to pay administrative expenses necessary for the Receiver to carry out the claims
19 processing under the Distribution Plan through the filing of his Claims Report, such as
20 postage, cost of copying and handling of the Claims Packet, etc. The Receiver will submit his
21 charges for his administration of the Claims Plan with his Claims Report and Motion thereon.

22 IT IS SO ORDERED.

23 DATED: _____, 2011

24 _____
25 HON. DAVID O. CARTER
26 UNITED STATES DISTRICT JUDGE
27
28

EXHIBIT B

RICHARD WEISSMAN

Receiver

12121 Wilshire Boulevard

Suite 600

Los Angeles, CA 90025

Tel: (310) 481-6780

Fax: (310) 481-6786

IN REPLY REFER TO:

77949/900

_____, 2011

TO: INVESTORS OF SUN GROUP, SUN INVESTMENT SAVINGS AND LOAN, SUN COMMERCE AND INVESTMENT, EMPIRE CLUB, INC., ECAM, LLC, ALSO KNOWN AS EMPIRE CAPITAL ASSET MANAGEMENT, TYCOON CLUB INTERNATIONAL, LLC, INFINITY INVESTMENT CLUB, LLC, SUN CELEBRITY, LLC, SUN QUEST, LLC, RECOMMENDED SERVICES, INC., ET AL., U.S. DISTRICT CASE NO. SACV 09-399 (DOC) ("Sun Empire Action")

FROM: RICHARD WEISSMAN, COURT APPOINTED RECEIVER

SUBJ: **(1) NOTICE OF COURT-ORDERED PROCEDURE FOR FILING CLAIMS BY INVESTORS FRAUDULENTLY DEFRAUDED BY BICH QUYEN NGUYEN, JOHNNY E. JOHNSON, DELILAH PROCTOR, SUN GROUP, AND THE ABOVE-NAMED ENTITIES AND AFFILIATES; AND**

(2) NOTICE OF LAST DAY TO FILE CLAIMS ("BAR DATE")

LAST DAY TO FILE CLAIMS ("BAR DATE"): *** , 2011**

Dear Investors:

The United States District Court supervising the receivership in the Sun Empire Action has approved a claims procedure which will allow you to present to the Receiver a claim for losses which you believe you have suffered in connection with your investments with or through Sun Group, Sun Investment Savings and Loan ("SISL"), Sun Commerce and Investment, Empire Club, Inc., ECAM, LLC, Tycoon Club International, LLC, Infinity Investment Club, LLC, Sun Celebrity, LLC, Sun Quest, LLC, Recommended Services, Inc., and the other persons listed above and their affiliates (collectively, "Nguyen/Proctor").

This letter contains important information regarding how you can submit your claim against Nguyen/Proctor and includes a Notice of the "Bar Date", which is an important deadline for the submission of your claim.

Filing Proof of Claim

In order to protect any claim you may have against Nguyen/Proctor, you must submit to the Receiver a Proof of Claim form. A copy of the Proof of Claim form is enclosed. The Court has directed that all investors who want to file a claim must deliver the fully completed

and signed Proof of Claim form ("POC") as soon as possible addressed to Richard Weissman, Receiver, 12121 Wilshire Blvd, Suite 600, Los Angeles, California 90025. This claim procedure enables each of you to present to the Court your Net Claim of Loss resulting from any and all investments you made to, through, with, and/or solicited by or on behalf of Nguyen/Proctor between January 1, 2006 and April 2, 2009. The Court approved a claims procedure for Nguyen/Proctor investors under its Order entered on *****, 2011.

The Court and Receiver will not know how much money will be payable to each Eligible Claimant until completion of the claims process and they cannot comment on the amount of potential distribution to each Potential Claimant until the Court has approved a Claims Report about all filed and unfiled potential claims.

The POC must be completed and signed by each person making the claim; and copies of documents which prove your payment (investment) to Nguyen/Proctor must be attached to your POC. For example, canceled checks, wire transfer receipts, and bank or brokerage account statements must be provided. Copies of Certificates of Deposit, Certificates of Investment or Participation Certificates issued by entities related to Nguyen/Proctor will **NOT** be accepted as sufficient proof of the amount of your investment. The Court will make the final determination regarding the validity and amount of your claim, based upon the information in your POC and the supporting documents.

The Court has expressed its concern that fairness be accorded among and between the many investors. You must inform us in the POC whether you were a PIC leader or team leader of any investment, and whether you received money on account of your investments or from Nguyen/Proctor for any other reason(s).

Net Claim of Loss

The amount of your Net Claim of Loss in your POC will be calculated by deducting from the amount of your total investments, any and all money you received from Nguyen/Proctor, including but not limited to (a) "returns on investment" ("ROI"), including interest, (b) expenses or compensation you received for being a team leader and/or private investment club leader ("PIC"), (c) any compensation you received for the referral of investors to the investment schemes involved in this case, including "Super Corps." and/or acting as a sales representative or sales manager for soliciting and referring investors to Nguyen/Proctor, and (d) any other money recovered, for any reason, from or through Nguyen/Proctor. **This information must be included in your POC and any information provided will be compared to bank records and other documents obtained by the SEC and/or the Receiver during this litigation.**

Execution of POC Under Penalty of Perjury

You and all persons submitting a claim with you *must* sign the POC as a declaration under penalty of perjury. The declaration must include your representations about: (a) the amount of your total investments; (b) whether you were a team or private investment club leader; (c) whether you were a sales agent or sales manager or otherwise solicited investments on behalf of Nguyen/Proctor; (d) whether you received any fee, commission or

payment of any kind from any source for referring other investors to Nguyen/Proctor, and, if so, the amount of any fee, commission or payment you received; (e) whether you received any amount of money and, if so, the amount you received from any source as a return of, or on account of your investment (regardless how such payment was labeled or characterized, in writing or verbally); (f) whether you invested individually or through a PIC or third person, and (g) whether you formed your own individual or family-based limited liability company ("LLC") for the purpose of making investments with Nguyen/Proctor, and if so, the name of such LLC.

NOTICE OF CLAIMS BAR DATE.

THIS LETTER CONSTITUTES NOTICE ("Bar Date Notice") THAT THE FULLY COMPLETED AND SIGNED POC MUST BE POSTMARKED ON OR BEFORE *** , 2011, and actually received by the Receiver, in order for your claim to be deemed "filed."**

IF YOU FAIL TO DELIVER A COMPLETED PROOF OF CLAIM, SIGNED UNDER PENALTY OF PERJURY, POSTMARKED ON OR BEFORE *** , 2011 ("BAR DATE"), YOUR CLAIM MAY BE REJECTED.**

Confidential Information Required

A **Social Security Number (SSN), Federal Employer Identification Number (FEIN), or Tax Identification Number (TIN)** is required for each Claimant and is an absolute condition to a distribution to any person signing the POC. This information will be held by the Receiver in confidence, subject to further Court orders.

If you are signing the POC on behalf of a deceased claimant, you must enclose a copy of a Probate Order or Judgment of Distribution showing your entitlement to the decedent's share of the proceeds. If the investment was held in joint tenancy, please send a copy of a certified copy of a Certificate of Death and a copy of a recorded Affidavit of Death of Joint Tenant to support your entitlement.

CONSENT TO JURISDICTION OF THE COURT

By filing a POC with the Receiver, you agree that the Court shall have jurisdiction over all claims identified in your POC and over all aspects of your claims, including but not limited to: (a) the allowed amount; (b) priority in distribution; (c) scheduling and allocation of the funds available to satisfy your claims (if any are available); and (d) objections or disputes as to the allowed amount. You must file and submit any and all objections and disputes you may have regarding your claim pursuant to federal motion practice for a hearing and a final ruling thereon. The matter will be heard by the Court sitting without a jury.

AVAILABLE CLAIM FORMS

A POC form accompanies this Bar Date Notice and is also available from the Receiver at his office, or from his website: www.richardweissmanreceiver.com or www.saltzburgrayandweissman.com.

If you have any questions about the procedures above, please call my office staff for clarification. Thank you for your cooperation.

EXHIBIT C

PROOF OF CLAIM

SECURITIES AND EXCHANGE COMMISSION v. SUN EMPIRE, LLC, ECAM, LLC a/k/a EMPIRE CAPITAL ASSET MANAGEMENT, DELILAH A PROCTOR, SHAUNTEL A. MCCOY, SUN INVESTMENT SAVINGS AND LOAN, SUN GROUP, BICH QUYEN NGUYEN, JOHNNY E. JOHNSON, SUN COMMERCE AND INVESTMENT, INFINITY INVESTMENT CLUB, LLC, SUNLAND INVESTMENT CLUB, LLC, RECOMMENDED SERVICES, INC. and TYCOON CLUB INTERNATIONAL, LLC.

U.S. District Court for the Central District of California, Southern Division, Case No.: SACV09-399 DOC (RNBx).

LAST DAY TO FILE PROOF OF CLAIM WITH RECEIVER:

*****, 2011

PLEASE COMPLETE, SIGN AND RETURN THIS FORM WITH SUPPORTING DOCUMENTATION IMMEDIATELY TO:

RICHARD WEISSMAN, ESQ.
RECEIVER
12121 WILSHIRE BLVD., SUITE 600
LOS ANGELES, CA 90025-1188

The undersigned hereby submits the following claim against **SUN EMPIRE, LLC, ECAM, LLC a/k/a EMPIRE CAPITAL ASSET MANAGEMENT, DELILAH A PROCTOR, SUN INVESTMENT SAVINGS AND LOAN, SUN GROUP, BICH QUYEN NGUYEN, JOHNNY E. JOHNSON, SUN COMMERCE AND INVESTMENT, INFINITY INVESTMENT CLUB, LLC, RECOMMENDED SERVICES, INC. and TYCOON CLUB INTERNATIONAL, LLC, ET AL.:**

1. NAME(S) AND ADDRESS OF CLAIMANT(S):

Name(s) of Company or Individual: _____

Current Address: _____

Address at time of investment (if different from current address): _____

Telephone No.: _____ E-Mail: _____

2. Are you a member of one or more Private Investment Club(s) (PICs)? Yes: No:

If **Yes**, print name(s) of each PIC: _____

3. HOW MUCH DID YOU INVEST: \$ _____ **(Principal Investment Only)**

Provide copies of canceled checks, wired funds receipts, bank statements, brokerage account statements, etc.

* If you have already provided the documents to the Receiver, you do not need to provide them at this time.*

4. Are/Were you a team leader or club leader of any of the PICs involved in the above case? Yes No

If **Yes**, what was the total amount of money you received for expenses, commission and/or compensation? \$ _____

5. Did you receive any fees, commissions or compensation from any of the defendants; from the PIC, or from other persons or entities for referring or soliciting investors to invest with anyone? Yes No

If **Yes**, what was the total amount you received? \$ _____

What/Who were the sources of the compensation? (Name all sources and why) _____

6. Did you receive any return of investment (ROI), interest or other money from PICs or any of the defendants, their companies, or affiliates for any reason *not* stated above? Yes _____ No _____
 If Yes, what was the total received? \$ _____

7. IF YOU ANSWERED "YES" TO SECTION 4, 5 AND/OR 6 ABOVE, YOU MUST INCLUDE A SEPARATE STATEMENT WHICH LISTS ALL AMOUNTS RECEIVED BY YOU AND THE NAME OF THE PERSON(S) OR ENTITY(IES) WHICH SENT THE PAYMENT(S) TO YOU.

8. **A. TOTAL AMOUNT OF COMPENSATION/MONEY RECEIVED FROM ANY SOURCE:**
 (ADD AMOUNTS SET FORTH IN SECTIONS 4 THROUGH 6, ABOVE) \$ _____

B. NET CLAIM OF LOSS (Deduct amounts stated in Section 8A. from Section 3, above) \$ _____

9. I acknowledge and submit to the jurisdiction of the United States District Court ("the Court") that is administering this action, and agree that my claim shall be adjudicated, determined and paid as ordered by the Court. I further consent to, and understand that the Court will determine (a) my right to any money from the above-named defendants, if any is available, (b) the priority of said claim(s), if any, (c) the scheduling and allocating of the assets to be distributed, and (d) that all objections and disputes to the Receiver's allowance of my claim shall be submitted to and be the subject of review by the Court for a final ruling thereon, upon federal motion practice for hearing, sitting without a jury.

10. I have not sold, assigned, transferred, or in any way conveyed my interest in or my claim against Nguyen/Proctor, et al., or any portion thereof. I further agree not to sell, convey, assign or transfer my interest in my claim against Nguyen/Proctor, in any manner before the date of distribution. In the event my interest is transferred before the date(s) of distribution, except by operation of law, I agree that any such assignment or transfer shall be null and void and unenforceable by any successor third party as between the undersigned, on the one hand, and the Receiver and the Court, on the other hand.

11. I further understand and agree that: (a) a disbursement check will be made payable jointly to me and to each of my co-claimants named herein below, if any; (b) it will be our individual and collective responsibility for said check's deposit and collection and later division between us, if any; (c) that the Agent will not prorate the amount due me or to us under separate checks; and (d) my correct Social Security Number (SSN) or Federal Employer Identification Number (FEIN) or other Tax Identification Number (TIN) is written next to my signature below.

12. I represent that I have not received from or on behalf of any of the defendants, any PIC, or from any other person or entity, any distribution of money or compensation, in any form, except as set forth in Sections 4 through 6, above.

13. TAX BACKUP WITHHOLDING CERTIFICATION

A. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and

B. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and

C. I am a U.S. citizen or other U.S. person.

You must cross out item B above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

(A finding of perjury by the Court is punishable by incarceration and/or fine.)

Executed on : _____, 2011, at _____ (City or Town) _____ (State, Zip Code)

Delivery of an envelope with an originally *signed* and fully completed Proof of Claim to Richard Weissman, Receiver of SUN EMPIRE, et al., *postmarked* on or before _____, 2011, will constitute Claimant's "timely filing" of the Proof of Claim. ***A PROOF OF CLAIM SHOULD NOT BE FILED DIRECTLY WITH THE COURT.

PRINT (FULL NAME)	CLAIMANT SIGNATURE	SSN / FEIN/TIN
PRINT (FULL NAME)	CLAIMANT SIGNATURE	SSN / FEIN/TIN

To receive an acknowledgment from the Receiver of his receipt of your Proof of Claim, you must provide him with a duplicate of the original Proof of Claim and a self-addressed, postage prepaid envelope. To best assure delivery of Proof of Claim, use certified mail, with return receipt.

1 PROOF OF SERVICE

2 I am employed in the county aforesaid; I am over the age of eighteen years and not a
3 party to the within entitled action; my business address is: 12121 Wilshire Blvd., Ste. 600, Los
4 Angeles, California 90025.

5 On August 9, 2011 I served the following Document: **RECEIVER'S STATUS BRIEF**
6 **RE: PROPOSED CLAIMS PROCEDURE AND DISTRIBUTION PLAN:** on the
7 concerned parties in said action, by placing a true copy thereof enclosed in a sealed envelope with
8 postage thereon fully prepaid, in the United States mail at Los Angeles, CA 90025 addressed as
9 follows:

10 **SEE ATTACHED SERVICE LIST**

11 XX (via CF/EMC) as follows: I am "readily familiar" with the firm's practice of collection
12 and processing correspondence for mailing. Under that practice it would be deposited with U.S.
13 Postal Service on that same day with postage thereon fully prepaid, in the ordinary course of business.
14 I am aware that on motion of the party served, service is presumed invalid if postal cancellation date
15 or postage meter date is more than one day after date of deposit for mailing in affidavit.

16 ___ (BY FACSIMILE TRANSMISSION) I caused such document(s) to be telefaxed to the
17 above parties at their telephone numbers immediately following their names and the transmission was
18 reported as complete and without error.

19 ___ (State) I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 XX (Federal) I declare that I am employed in the office of a member of the bar of this Court
22 at whose direction this service was made.

23 Executed on August 9 2011 at Los Angeles, California.

24
25 
26 SANDRA L. STEVENS
27
28