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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

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,

Defendants.

and

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

Relief Defendants.

Case No. SACV 09-399 DOC (RNBX)

**ASSIGNED JUDGE:
HON. DAVID O. CARTER**

[PROPOSED] ORDER

- (1) APPROVING AND AFFIRMING RECEIVER'S SIXTH AND FINAL REPORT AND FIFTH AND FINAL ACCOUNT;**
- (2) RATIFYING COMMISSION STAFF'S APPROVAL OF RECEIVER, PARALEGAL AND ACCOUNTING STAFF'S FINAL FEES AND EXPENSES AND PAYMENT THEREOF;**
- (3) APPROVING AND AWARDED RECEIVER'S FEES AND EXPENSES PURSUANT TO MOTION FILED ON JUNE 20, 2014 (DOC. 493);**
- (4) AUTHORIZING DESTRUCTION OF PAPER RECORDS OF DEFENDANTS AND INVESTORS AND**

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**INSTRUCTIONS REGARDING
RETENTION OF ELECTRONIC
COPIES;**
**(5) AUTHORIZING RECEIVER TO
REMIT RESIDUAL FUNDS TO
SECURITIES AND EXCHANGE
COMMISSION;**
**(6) TERMINATING THE
RECEIVERSHIP AND FULLY
DISCHARGING AND
EXONERATING THE
RECEIVER AND HIS AGENTS
FROM LIABILITY; AND,**
**(7) FOR FINAL INSTRUCTIONS
TO RECEIVER FOR CLOSURE
OF RECEIVERSHIP.**

DATE: November 30, 2015
TIME: 8:30 A.M.
DEPT: 9D

15 Before the Court is the Receiver's Motion for Order: (1) Approving and
16 Affirming Receiver's Sixth and Final Report and Fifth and Final Account; (2)
17 Ratifying Commission Staff's Approval of Receiver, Paralegal and Accounting
18 Staff's Final Fees and Expenses and Payment Thereof; (3) Approving and Awarding
19 Receiver's Fees And Expenses Pursuant to Motion Filed On June 20, 2014 (Doc.
20 493); (4) Authorizing Destruction of Paper Records of Defendants and Investors and
21 Instructions Regarding Retention of Electronic Copies; (5) Authorizing Receiver to
22 Remit Residual Funds to Securities and Exchange Commission; (6) Terminating the
23 Receivership and Fully Discharging and Exonerating the Receiver and His Agents
24 From Liability; and (7) For Final Instructions to Receiver For Closure of
25 Receivership ("Report Motion").

26 Appearances were made by Plaintiff Securities and Exchange Commission
27 through its counsel of record, Gary Leung, Esq., and by the Receiver, Richard
28 Weissman, pro se. Interested investors and other persons appeared as set forth in the

1 Minutes of the hearing.

2 All papers filed in support of and in response to the Report Motion have been
3 considered.

4 The Court's second Distribution Fund was in the amount of \$491,113.66. The
5 Receiver disbursed the Distribution Fund to the Eligible Claimants in the prorated
6 amount(s) pursuant to the Order entered on August 3, 2014 ("Second Distribution
7 Order") (Doc. 505).

8 The Receiver's Sixth and Final Report and Fifth and Final Account ("Sixth
9 Report") reports on the implementation of the Second Distribution Order and
10 fulfillment of the Distribution Plan (Doc. 357). The Report Motion seeks, inter alia,
11 ratification and confirmation of fees and expenses approved by Commission Staff
12 (Doc. No. 505, ¶6), approval of the Sixth Report, approval of a petition for reduced
13 fees as incurred during the Fourth and Fifth Reporting Periods (Doc. 493),
14 termination of the Receivership and the Receiver's full discharge from his official
15 duties and exoneration from liability according to law

16 The matter having been discussed in open court by all appearing counsel and
17 persons, and good cause appearing therefor,

18 **IT IS HEREBY ORDERED:**

19 1. The Receiver's Motion is granted;

20 2. The Receiver's Sixth and Final Report and Fifth and Final Account are
21 approved and allowed in their entirety ("Sixth Report").

22 3. The Receiver's acts and transactions reported in the Sixth Report were
23 right and proper in all respects and were in the best interests of the Receivership and
24 the Parties to this action. The Receiver's reported acts and conduct are hereby ratified,
25 approved and affirmed in their entirety.

26 4. The Receiver submitted to the Securities and Exchange Commission
27 ("Commission") Staff, for review and approval, his billing statements for services
28 rendered in implementing the Distribution Plan, without further Court review and

1 approval, pursuant to the Second Distribution Order (Doc. 505). Pursuant to the
2 approval by the Commission Staff, the Receiver disbursed the approved Receiver's
3 fees of \$48,242.50 and expenses of \$9,249.52, totaling \$57,492.02. Such fees and
4 expenses are hereby ratified and confirmed.

5 5. The aggregate fees of the Receiver and his Staff ("Aggregate
6 Receiver's Fees"), for the entire term of the Receivership, are in the sum of
7 \$821,820.09. Said sum is 16.8% of the total revenue of the Receivership. The
8 Aggregate Receiver's Fees are determined to be fair and reasonable and are
9 confirmed and approved.

10 6. It is further ordered the Receiver is to hold the electronic copies of
11 paper records of the Defendants and investors currently in his possession for a
12 period of one (1) year following this Order becoming final, at which time he is to
13 transfer the electronic data to the Commission, in such manner as the Commission
14 Staff may direct for its retention according to its retention policy.

15 7. The Receiver is authorized to destroy the paper records of the
16 Defendants and investors currently in his possession upon this Order becoming
17 final. The Receiver shall not be liable to anyone for his destruction of originals or
18 copies of documents.

19 8. The Receiver and his employees and representatives are hereby
20 exonerated from all liability for their actions and conduct in the Receivership for its
21 entire term in accordance with prior orders approving his reports and accountings,
22 and according to law. The Receiver is hereby discharged from his duties as
23 Receiver.

24 9. The Receiver has reported there are no income taxes now due or to
25 become due. The Receiver is directed to file timely the necessary federal and state
26 final Qualified Settlement Fund Income Tax Returns for the receivership's tax year
27 2015, to complete and close the receivership.

28 10. The Receiver is authorized to disburse \$5,300.00 from the Expense
Reserve for the cost of document destruction and tax return preparation, as incurred.

1 11. The Receiver shall disburse to the Commission any Residual Funds
2 currently in his possession, or may hereafter come into his possession.

3 12. The Receivership is hereby terminated.

4 13. The Court retains and reserves jurisdiction over all issues arising from
5 or affecting the Receivership and the Receiver's six reports and five accounts
6 heretofore and herein approved and ratified.

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8 IT IS SO ORDERED.

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10 DATED: _____

DAVID O. CARTER, Judge
United States District Court

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