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7 Receiver

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

10  
11 SECURITIES AND EXCHANGE  
12 COMMISSION,

13 Plaintiff,

14 vs.

15 SUN EMPIRE, LLC; ECAM, LLC  
16 a/k/a EMPIRE CAPITAL ASSET  
17 MANAGEMENT; DELILAH A.  
18 PROCTOR and SHAUNTEL A.  
19 McCOY,

20 Defendants.

21 and

22 SUN COMMERCE AND  
23 INVESTMENT; INFINITY  
24 INVESTMENT CLUB, LLC;  
25 SUNLAND INVESTMENT CLUB,  
26 LLC; RECOMMENDED SERVICES,  
27 INC., and TYCOON CLUB  
28 INTERNATIONAL, LLC,

Relief Defendants.

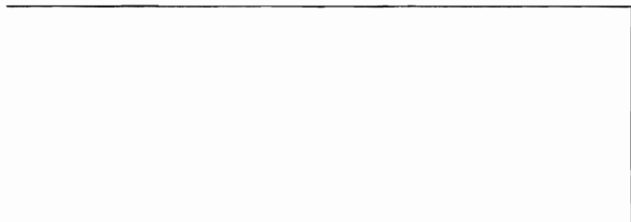
**Case No. SACV 09-399 DOC (RNBX)**

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

**[PROPOSED] ORDER**

- (1) APPROVING AND AFFIRMING RECEIVER'S FIFTH REPORT AND FOURTH ACCOUNT;**
- (2) APPROVING SECOND CLAIMS REPORT AND DISTRIBUTION PLAN;**
- (3) APPROVING DISTRIBUTION AND CLOSING FEES AND EXPENSES;**
- (4) DESIGNATING ALL RECEIVERSHIP FUNDS AS A QUALIFIED SETTLEMENT FUND (IRC §468(B)); AND**
- (5) FOR FURTHER INSTRUCTIONS TO RECEIVER**

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**DATE: JULY 21, 2014**  
**TIME: 8:30 A.M.**  
**DEPT: 9D**

Richard Weissman, the duly appointed Receiver ("Receiver") herein, filed a Motion for Order: (1) Approving and Affirming Receiver=s Fifth Report and Fourth Account, (2) Approving Second Claims Report and Distribution Plan, (3) Approving Distribution and Closing Fees and Expenses, (4) Designating All Receivership Funds As A Qualified Settlement Fund (IRC §468(B), and (5) For Further Instructions to Receiver; Memorandum of Points and Authorities and Declaration of Richard Weissman in Support Thereof (AREport Motion@), and concurrently filed the Receiver's Fifth Report and Fourth Account, and Exhibits A through D, in support of the Motion. The Report Motion and the Receiver's Fifth Report and Fourth Account, inter alia, presented the Receiver's Second Claims Distribution Report and the Receiver's proposed Second Distribution Plan of the available funds to the previously Eligible Claimants, as determined by the loss determination methodology used for the First Distribution in December 2011 (Doc. Nos. 357, 388).

At the hearing on the Report Motion, Plaintiff Securities and Exchange Commission appeared through its counsel of record, Gary Leung; the Receiver appeared pro se; other counsel and interested parties appeared as set forth in the Minutes of the hearing. All papers filed in support of and in response to the Report Motion have been considered. The matter having been argued and submitted, and good cause appearing therefor,

**IT IS HEREBY ORDERED** that:

1. The Receiver's Motion is granted;
2. The Receiver's Fifth Report and Fourth Account are approved and

1 allowed in their entirety ("Fifth Report");

2 3. The Receiver's acts and transactions reported in the Fifth Report were  
3 right and proper in all respects and were in the best interests of the Receivership and  
4 the Parties to this action. The Receiver's reported acts and conduct are hereby ratified,  
5 approved and affirmed in their entirety;

6 4. The Receiver's recommendations as to the approval and denial of  
7 current claims of previously Eligible Claimants, pursuant to the Second Claims  
8 Distribution Report (Exhibit C to Fifth Report), are adopted and approved. The  
9 Receiver's use of the Rising Tide Method of determining investment losses is  
10 approved.

11 5. The Receivership Entities and their respective funds held and controlled  
12 by the Receiver are hereby ordered combined as a single Receivership fund, and the  
13 funds shall be administered as a Qualified Settlement Fund for income tax reporting  
14 purposes, pursuant to IRC §468(B) and the regulations thereunder.

15 6. The Receiver's estimated distribution and closing fees and expenses,  
16 including the preparation of closing income tax returns, in the sum of \$41,948.00, are  
17 approved. The Receiver may pay the monthly expenses as incurred following  
18 submission of his billing statements to the Commission Staff, unless Commission  
19 Staff disapprove (partially or wholly) said charges within fifteen (15) days of the  
20 Receiver's submission. The interim fee and expense statements are not to be filed  
21 with the Court.

22 7. The Court Distribution Fund shall be in the sum of \$500,000 (Five  
23 Hundred Thousand Dollars), as the Receiver has proposed. (Fifth Report, p. 22, ¶41)  
24 There are insufficient funds to make each investor whole. The claims of all of the  
25 Eligible Claimants shall be prorated and determined in accordance with the Rising  
26 Tide Method, to equalize the percentage recovery of each investor's loss, to the extent  
27 reasonably practicable. If the recovery percentage determined by the Receiver is  
28

1 zero, the investor's claim to this Second Distribution is denied in full on the ground  
 2 his or her percentage value of all early cash distributions (ROI) unfairly exceeds the  
 3 equalized percentage value of all other investors in the current distribution.

4 8. The Receiver is authorized and directed to disburse the Distribution  
 5 Fund of \$500,000 to the following Eligible Claimants, in the prorated amount(s) set  
 6 forth adjacent to their respective names below. If the amount is zero, the original  
 7 claim of the named investor is denied in full in respect to this distribution.

S/N	NAME	SECOND ADJUSTED NEW PRORATED SHARE \$
1	Abrea, Cecil	4,190.79
2	Abrenica, Brent	649.26
3	Abrenica, Merly	0
4	Afkar, Mehrdad	811.57
5	Africano, Edwin	0
6	Alegre, Stanley & Gemma	3,246.28
7	All Souls Christian Center (Opong, Jones Charles)	3,246.28
8	All Souls Christian Center (Opong, Jones Charles)	944.48
9	Amezcuca, Dona & Emilia Lynch	973.56
10	Ana Rivas & Jorge Javier	0
11	Anderson, James	0

1	12	Anderson, Nedria & Horton, Sunday	0
2	13	Archipelago Investment, LLC - Becerra, Ruben & Gricelda	0
3			
4	14	Argosino, Fernando & Sonia	0
5			
6	15	Argosino, Fernando & Sonia	0
7			
8	16	Argosino, Samantha	0
9			
10	17	Arigo, Blanquita	1,298.51
11			
12	18	Arville Group, LLC	0
13			
14	19	Avant Garde Asset Management	649.26
15			
16	20	Bacani, Jean Victoria	649.26
17			
18	21	Bahr, Sonia	649.26
19			
20	22	Bais, Asuncion	0
21			
22	23	Bais, Joanne A.	511.05
23			
24	24	Bais, Kathryn	395.47
25			
26	25	Barrera, Edward	1,298.51
27			
28	26	Benedict, Dean & Lisa	2,597.02
	27	Benedict, Dean & Lisa	0
	28	Benedict, Jean TTEE	0
	29	Bihis, Paulo Angelo	1,577.90
	30	Bonvissuto, Lorraine	649.26
	31	Boquiren, Abraham & Maria	4,174.92

1	32	Borjkhani, Abbas	0
2	33	Boureston, John & Marion	649.26
3			
4	34	Bowles Chiropractic-Kingdom's Health Inc - Bowles, Cheryl	973.88
5			
6	35	Boydton Corporation	64,925.61
7	36	Brown, James	973.88
8	37	Buchanan, Teresita	649.26
9			
10	38	Burchard, Maria Lucrecia	188.90
11	39	Burchard, Maria Lucrecia	0
12	40	Burkitt III, Garrett	6,875.95
13			
14	41	Cabato, Rogelio	2,272.40
15	42	Callejo, Fenina	0
16	43	Calma, Ana	0
17			
18	44	Camero, Remedios	1,947.77
19	45	Canaria, Alexander & Aida	2,536.76
20	46	Canizares, Gisselle	352.38
21			
22	47	Caramat, Michael	649.26
23	48	Carey- Smith, Damita	649.45
24	49	Cedano, Maria	0
25			
26	50	Cedano-Vega, Moncia	1,623.14
27	51	Chaney, Rita	1,182.06
28			



1	52	Chapman, Jesse & Beatrice	81.71
2	53	Chavez, Lauren Anne	649.26
3			
4	54	Chavez, Leigh Nikole	0
5	55	Chen, Hui	1,354.01
6	56	Ching, Emee-Lee	0
7			
8	57	Cooley, Earline	3,246.48
9	58	Coronel, Dolores	324.30
10			
11	59	Coronel, Dolores	584.33
12	60	Dai, Stephen	3,710.60
13	61	Dailo, Anna & Michael	648.61
14			
15	62	Dela Cruz, Loida	649.26
16	63	Dela Fuente, Catherine Dela	1,121.51
17	64	Diaz, Jose & Rosemarie	2,597.02
18			
19	65	Diego, Anabella	102.39
20	66	Diego, Rose Maria	0
21	67	Dobler, Gerhard	51,940.49
22			
23	68	Duerme, Donald	649.26
24	69	Duerme, Rachel	649.26
25	70	Dungo, Teresita	973.88
26			
27	71	Dunham, Janet Marie	9.45
28			

1	72	Dunkelberger, Andrew	649.26
2	73	Dunkelberger, Severina	371.85
3			
4	74	Duran, Kiria	649.26
5	75	Duren, Jonathan	65.12
6	76	Dzheragyan, Levon	1,298.51
7			
8	77	En, Sun Bee	6,492.56
9	78	Epstein, Ary	994.10
10	79	Estacio, Julian	0
11			
12	80	Evangelista, Shara	4,220.16
13	81	Fernandez, Noel	7,141.82
14	82	Fernandez, Vivien & Raymond	2,986.25
15			
16	83	Fields, Mary	3,246.28
17	84	Flores Jr, Julian	0
18	85	Flores, Jeffrey & Nanette	4,167.48
19			
20	86	Flores, Jerry & Fidelis	4,140.30
21	87	Flores, Simon	0
22			
23	88	Flores, Suzette (deceased) - Flores, Daniel	2,952.44
24	89	Ford, Undra	100.40
25	90	Franco, Darlo & Eleanor	0
26			
27	91	Fulgencio, Jose & Teresa	0
28			



1	92	Fulgencio, Teresa	0
2	93	Gaba, Delia & Albert	3,639.96
3			
4	94	Gabbert, Janis	0
5	95	Gabriel, Josephine	1,298.51
6	96	Galama, David	6,492.56
7			
8	97	Galama, Richard & Imelda	6,492.56
9	98	Galante, Mary Beth	0
10	99	Galech, Bertha Kim	0
11			
12	100	Galero, Eric	0
13	101	Garcia, Edwin	324.30
14	102	Garcia, Imelda	2,129.56
15			
16	103	Geiser TCD, LLC - Dayoah, Teodora	0
17	104	Gibson, Dorothy	0
18	105	Gibson, Dorothy	5,518.68
19			
20	106	Gluskoter, Deborah	1,947.12
21	107	Gonzalez, Marco	3,246.28
22			
23	108	Griggs, Denise	0
24	109	Guinto, MA. Lourdes	649.26
25	110	Harris Dane & Lovie	0
26			
27	111	Hermann, Thomas	0
28			

1	112	Hessenflow, Donna	0
2	113	Hestian Asset Group, LLC - Felicia Clark	94.45
3			
4	114	Hestian Asset Group, LLC - Felicia Clark	1,233.59
5	115	Hines, Eric	649.26
6	116	Hope Adult Day Healthcare - Linda Sandi	1,623.14
7			
8	117	Horton, Daniel	324.30
9	118	Horton, Zabrina	649.26
10	119	Huang, Cindy	1,298.51
11			
12	120	Hubbard, Martine	0
13	121	Huynh, Phuc	649.26
14	122	Imelda Garcia	1,298.19
15			
16	123	Issakhanian, Sandra	1,298.51
17	124	Jidaria, Jose Gerardo	649.26
18	125	Jidaria, Maxima	649.26
19			
20	126	Jidaria, Myra	649.26
21	127	Jones, Dwight & Maynard-Jones, Sandra	0
22	128	Jose Sr, Benjamin	1,947.77
23			
24	129	Jose, Benjamin Jr. & Sheryl	0
25	130	Josephine Miller & Philip Bologna	324.63
26			
27	131	Karapetyan, Anzhela	1,298.51
28			

1	132	Kim, Frank	4,869.42
2	133	Kinnear, Maria & Rivera, Martha	973.88
3			
4	134	Kojaoghianian, Raffi & Papazian, Varduhi R	1,382.24
5	135	Kortemeier, Donna	324.63
6	136	Kuang, Jacqueline	1,947.77
7			
8	137	Lam, Andy	3,647.39
9	138	Lam, Betty	1,947.77
10	139	Lambert R. Abeyatunge	0
11			
12	140	Lapus, Armando	0
13	141	Lapus, Naila	1,625.12
14	142	Lawrence, Brian & Santa	17.38
15			
16	143	Layco, Shirley	0
17	144	Layug, Jaime	0
18	145	Layug, Karl Angelo	649.26
19			
20	146	Lee, Jeanne	1,623.14
21	147	Lee, Norman Jun	649.26
22	148	Lesaca, Andrew & Robert & Amor & Sangria, Maria	0
23			
24	149	Liang, Perry	649.26
25			
26	150	Lifelite Investments, LLC - Galech, Li	0
27	151	Lim, Lyudmila & Gennadiy, Tsoy	1,298.51
28			

1	152	Lindo, Marcelo C/O Lorna Valdez	649.26
2	153	Lopez, Fernando	1,140.33
3			
4	154	Loualhati, Angelita	324.30
5	155	Loualhati, Asuncion	0
6	156	Loualhati, Edgar & Asuncion 2	0
7			
8	157	Loualhati, Edgar & Asuncion 3	1,947.77
9	158	Loualhati, Edgar & Asuncion 4	972.91
10	159	Luminarias, Ma.Isabel	928.64
11			
12	160	Luminarias, Ma.Isabel	8,440.33
13	161	Lunasin, Myron & Mario	973.88
14	162	Maddatu, Maria Gina	454.48
15			
16	163	Maddux, Andre	972.91
17	164	Malonzo, Elizabeth	649.26
18	165	Malonzo, Rosalia	649.26
19			
20	166	Malouf, Daniel	1,103.01
21	167	Martin, Augustine	0
22	168	Martin, Augustine	1,922.63
23			
24	169	Martindale, Richard	0
25	170	Mary M. Lindsey Trust - Lindsey, Deborah TTEE	0
26			
27	171	McClain, Aura	999.08
28			

1	172	McElrea, Leslie	0
2	173	McKewen, Anna	3,089.18
3			
4	174	Mendiola, Tim	1,947.44
5	175	Mendoza, Dan Manlutac	649.26
6	176	Mercado, Virginia	324.63
7			
8	177	Million, Dr. Jeannetta - Jat's 8 Dynasty	0
9	178	Moccia, Mark	324.30
10			
11	179	Moore, Betty	37.38
12	180	Morgan, Alice	648.93
13	181	Mow, Laura	0
14			
15	182	Mumford Financial, LLC - Viljamaa, Virginia	0
16	183	Nabo, Ritche & Christine	649.26
17	184	Napalan, Josephine & Jessiefino	1,298.51
18			
19	185	Navarro, Jesse	14,932.89
20	186	Nazareno, Rodelio	324.63
21	187	Ocampo, Jasmin & Dominique	5,766.78
22			
23	188	Ong, Julio	649.26
24	189	Ong, Pacita B.	3,264.13
25	190	Ornedo, Sheila Marie	6,492.56
26			
27	191	Padel, Corazon	649.26
28			

1	192	Palma, Angelina & Elmer	0
2	193	Papa, Leonida - Grace Investment Group	0
3			
4	194	Pastor, Maria & Rudy	0
5	195	Patio, Filipina & Robert	0
6	196	Pelaez (Lava), Elizabeth	4,288.32
7			
8	197	Pepe, Harry	0
9	198	Perdido, Sam C/O Edgar Valdez	0
10			
11	199	Perez, Barbara	324.30
12	200	Pimentel, Irma	0
13	201	Pimentel, Pat	649.26
14			
15	202	Posel, Sherab - Living Trust	11,318.68
16	203	Prater, Alonzo	0
17	204	Pronto, Antonio	0
18			
19	205	Pursifull, Teresita	1,458.39
20	206	Pyramid Hardwood Flooring - Chen, Hui	8,050.78
21	207	Quiming Jr, Alipio	649.26
22			
23	208	Quinones, Jesse	0
24	209	Quinones, Robert	5,308.98
25	210	Ramirez, Amelia	644.91
26			
27	211	Ramos, Beatriz	973.88
28			



1	212	Ratnavira, Dayani	0
2	213	Raya, Lawrence	1,298.51
3			
4	214	Reyes, Albert	94.45
5	215	Reyes, Jamie	236.13
6	216	Reyes, Maria Carlota	7,308.96
7			
8	217	Rivera, Beatrice & Rodriguez, Erika	1,298.51
9	218	Roach, Erma	3,350.26
10			
11	219	Rocha, Ruben	0
12	220	Roosevelt, Clay	649.26
13	221	Royo, Maria Cecilia	649.26
14			
15	222	Salinas, Bernard & Lea	649.26
16	223	San Luis, Josefina	0
17	224	Sandajan, Luisa & Romano	0
18			
19	225	Sandi, Ernesto & Linda	324.63
20	226	Sandoval, Elias	324.30
21	227	Sandoval, Karen	324.30
22			
23	228	Sandoval, Laura	324.30
24	229	Sands, Elma	6,492.56
25	230	Santiago, Marlyn	1,298.51
26			
27	231	Santos, Andrei & Annalee	324.30
28			

1	232	Santos, Andrei & Annalee	2,337.32
2	233	Santos, Aurora	0
3			
4	234	Santos, Praxedes	2,791.80
5	235	Sargsian, Aram	1,994.67
6	236	Sayegh, Ola	0
7			
8	237	Sedeno, Francisco	0
9	238	Sheppard, Janis	0
10	239	Shrode, Martin & Nancy Ann	324.30
11			
12	240	Simmons, Henry	324.63
13	241	Smalls, Pelton	1,717.59
14	242	Smith, Stephen John	4,187.70
15			
16	243	Soriano, Conchita	0
17	244	Steadfast Investments, LLC	0
18	245	Suarez, Jose Luis & Terrones, Minerva	3,246.28
19			
20	246	Tan, Yuran	649.26
21	247	Tanjuaquid, Esperanza	1,298.51
22	248	Tannahill, June Teresa	649.26
23			
24	249	Tasoy, Dannylyn	0
25	250	Taylor, Luz Ordono & Thomas	649.26
26			
27	251	The Naughton Family Trust (Naughton, Daniel)	3,324.19
28			

1	252	Tian, Olga	3.97
2	253	Tian, Olga - Rusko, LLC Deposit	0
3			
4	254	Tian, Olga - Rusko, LLC Investment	1,298.51
5	255	Tolentino, Alberto & Jason	1,298.51
6	256	Tolentino, Kimberly	649.26
7			
8	257	Tolentino, Teodoro & Jasmine	1,298.51
9	258	Torres, Luis	0
10	259	Tran, John	464.32
11			
12	260	Trinidad, Anita	6,325.48
13	261	Trinity Global, LLC - Becerra, Ruben & Gricelda	0
14	262	Turner Jr, Streeter	5,194.05
15			
16	263	Turner, Sarah Holland	0
17	264	Valdez, Edgar & Lorna	16,138.65
18	265	Valencia, Andrea	649.26
19			
20	266	Valley Green Properties, LLC - Valverde, Rebecca	0
21	267	Varee, Rosalyn	324.63
22			
23	268	Venice Boulevard, LLC - Martindale, Richard	6,460.10
24	269	Verceluz, Hipolito & Lourdes	0
25	270	Viljamma, Virginia	324.30
26			
27	271	Villamil, Michael	94.45
28			

1	272	Villanueva, Floradel & Rodnick	2,075.98
2	273	Villanueva, Juanita	649.26
3			
4	274	Villanueva, Marian	796.56
5	275	Vivar, Myrna	0
6	276	Vladimir, Tyan	324.63
7			
8	277	Vytiaco, Alicia	649.26
9	278	Wall 2 Wall Services - Vega, Oswaldo	2,272.40
10	279	Ward, Dree	3,246.28
11			
12	280	Warren Jr, Nolan	1,623.14
13	281	White, Edna Jean	649.26
14	282	Wong Jr, Delbert	0
15			
16	283	Wong, Maggie	324.63
17	284	Wong, Thomas	3,051.81
18	285	Wong-Fernandez, Theresa	324.30
19			
20	286	Wright, Devon	0
21	287	Yip, Cathy	649.26
22	288	Young, Shelor	973.88
23			
24	289	Zarza, Joel & Prima	1,298.51
25	290	Verceluz, Shannon	324.63
26			
27	291	Lee, Dorothea	1,298.51
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1	292	Willis, Beatriss	973.56
2	293	Willis, Christopher	973.56
3			
4			<hr/>
5			<b>\$500,000.00</b>

6 IT IS SO ORDERED.

7 DATED: \_\_\_\_\_

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DAVID O. CARTER, Judge  
United States District Court

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