

1 **RICHARD WEISSMAN, ESQ.**
2 **State Bar #54781**
3 **12121 Wilshire Blvd., Suite 600**
4 **Telephone (310) 481-6780**
5 **Facsimile (310) 481-6786**
6 **rweissman@rwreceiver.com**

7 Court Appointed Receiver

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

10 **SECURITIES AND EXCHANGE**
11 **COMMISSION**

12 **Plaintiff,**

13 **vs.**

14 **TRI ENERGY INC., H & J ENERGY**
15 **COMPANY, INC., MARINA**
16 **INVESTORS GROUP, INC., LOWELL**
17 **DECKER, ROBERT JENNINGS,**
18 **HENRY JONES, and ARTHUR**
19 **SIMBURG,**

20 **Defendants.**

21 **and**

22 **LA VIE D' ARGENT, R.P.J.**
23 **INVESTMENT GROUP, INC., T.M.A.**
24 **INVESTMENT ENTERPRISES, and**
25 **THOMAS AVERY, et al.**

26 **Relief Defendants**

Case No.: EDCV 05-00351(AG)

ASSIGNED JUDGE:
HON. ANDREW GUILFORD

NOTICE OF MOTION AND MOTION
FOR ORDER APPROVING PROOF
OF CLAIM FORMS "PACKAGE"
FOR SERVICE ON POTENTIAL
INVESTOR CLAIMANTS;
MEMORANDUM OF POINTS AND
AUTHORITIES AND SUPPORTING
DECLARATION OF RICHARD
WEISSMAN

HEARING DATE: AUGUST 8, 2011
TIME: 10 A.M.
COURT ROOM: 10 D

27 **TO: THE HONORABLE ANDREW GUILFORD, UNITED STATES DISTRICT**
28 **COURT JUDGE, THE INTERESTED PARTIES AND COUNSEL OF**
RECORD:

NOTICE IS HEREBY GIVEN that on Monday, August 8, 2011, at 10:00 a.m., in
Courtroom 10-D, of the above-entitled court, located at 411 West Fourth Street, Santa Ana,
California, 92701, the Receiver herein, Richard Weissman ("Receiver"), will, and hereby

1 does, move the Honorable Court for entry of an Order approving a Proof of Claim forms
2 “package” for service on potential investor claimants.

3 Said Motion will be made on the following grounds:

4 1. The Court entered its Order on March 21, 2011 approving a Distribution Plan of
5 the assets of the Defendants and Relief Defendants that the Court controls through the
6 Receivership (“Plan Order”)(Doc 292).

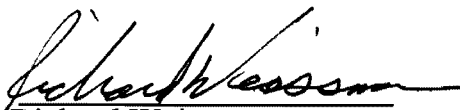
7 2. The Court stated in the Plan Order that the documents to be prepared by the
8 Receiver to give notice to the potential claimants of their right to file a claim, notice of the
9 last day to file a claim, a proof of claim form and other related documents (collectively, the
10 “Claim Package”) were to be first reviewed and approved by Securities and Exchange
11 Commission Staff and this Court before mailing to Potential Claimants.

12 3. Staff counsel for the Securities and Exchange Commission (“Commission
13 Counsel”) has reviewed and approved the documents comprising the proposed Claim
14 Package. It is hereby presented to the Court for review and approval.

15 Respectfully submitted for the Court’s consideration is this Notice of Motion and
16 Motion, the attached declaration of Richard Weissman and the exhibits filed herewith, the
17 attached Memorandum of Law in Support of Receiver’s Motion for Approval of Claim
18 Forms Package and a [Proposed] Order Approving Proof of Claim Forms, together with the
19 March 21, 2011 Plan Order, and the files and records of this entire case and any evidence
20 which may be adduced at the hearing on this matter.

21 Dated: July 5, 2011

Respectfully submitted,

22
23 

24 Richard Weissman
25 Receiver for Tri Energy, Inc., Marina Investors
26 Group, Inc., et al.
27
28

1 **MEMORANDUM OF LAW**

2 **I. INTRODUCTION.**

3 The Plaintiff herein, Securities and Exchange Commission (“Commission”),
4 obtained judgments against the named defendants and several relief defendants in this
5 litigation. Certain of the relief defendants have caused funds to be deposited to the
6 Registry of this Court and the Receiver holds and controls additional funds he marshaled in
7 the course of his securing possession of assets and accounts of the named judgment
8 defendants (“Judgment Debtors”) and of several of the relief defendants (“Relief
9 Defendants”).

10 On or about February 18, 2011, the Receiver filed a Motion for entry of an Order
11 approving and authorizing the Receiver to undertake an investor-victims claims
12 administration program and approving a Distribution Plan to distribute to qualified
13 investors funds the Court now controls through the Receiver and the Court Registry
14 Investment Services (“CRIS”) accounts holding funds obtained from Tri Energy, Inc. (“Tri
15 Energy”), H&J Energy Company, (“H&J”) Inc., R.P.J. Investment Group, Inc. (“RPJ”),
16 Marina Investors Group, Inc. (“MIG”), Robert P. Jennings (“Jennings”), Henry Jones
17 (“Jones”), and Arthur Simburg (“Simburg”), La Vie D’Argent (“La Vie”), T.M.A.
18 Investment Enterprises (“TMA), Thomas Avery (“Avery”), Daniel J. Merriman
19 (“Merriman”), Nga Wing Lau, a.k.a. Adrienne Lau (“Lau”).

20 On March 21, 2011, the Court entered its Order approving a Distribution Plan
21 (“Plan Order”) prepared by the Receiver in collaboration with Securities and Exchange
22 Commission staff counsel (“Commission Counsel”), Stacey Nahrwold, Esq. (Doc. 292).
23 The Plan Order stated that the several documents comprising a claim forms “package”
24 (“Claims Forms Package”) to be prepared by the Receiver should be first reviewed and
25 approved by Commission Counsel and the Court prior to the “Claim Forms Package”
26 being mailed to Potential Claimants. (Plan Order, p. 4:3-12.)

27 The Claim Forms Package has been approved by Commission Counsel and is
28 presented with this Motion for review and approval, or modification, by the Court. Upon

1 approval, the Receiver can cause the mailing and publication of the Claim Forms Package
2 to commence the 150 day period for filing of claims of loss pursuant to the Plan Order. The
3 Claim Forms Package consists of three documents, filed herewith as follows:

4 Exhibit A: Proof of Claim Form

5 Exhibit B: Notice of Last Day to File Proof of Claim (“Bar Date Notice”)

6 Exhibit C: Summary Statement of Distribution Plan and Claims Process


7 The Court is requested to review and approve or modify the forms comprising the
8 Claim Forms Package (Exhibits A through C) as the Court determines appropriate.

9 **III CONCLUSION.**

10 For all the foregoing reasons, this Court is requested to review and approve the
11 Claim Forms Package for mailing and publication to the Potential Claimants pursuant to
12 the Plan Order and to enable the Receiver to commence the claims administration process
13 pursuant to the Plan Order.

14
15 DATED: July 5, 2011

Respectfully submitted,

16
17 
18 RICHARD WEISSMAN
RECEIVER

DECLARATION OF RICHARD WEISSMAN

I, Richard Weissman, declare:

1. I am over the age of 18 years and competent to testify to the following facts of my own personal, firsthand knowledge, except as to those facts of which I am informed by others, and as to those facts I believe them to be true and correct. I am the duly serving receiver in this action.

2. The Court entered its Order on March 21, 2011 approving a Distribution Plan (“Plan Order”) (Doc. 292) of the assets of the Judgment Defendants and Relief Defendants under the control of the Court, which included an administrative procedure for the processing of victims’ claims of losses. The Plan Order directed that claim forms and other documents are to be prepared by the Receiver and served on Potential Claimants, including but not limited to written notice to the claimants of their right to file a claim, the last date by which they could file a claim (“the Bar Date”), and a proof of claim form (collectively, “the Claim Forms Package”); and directed that the Claim Forms Package was first to be submitted to, and approved by, the Securities and Exchange Commission Staff and then the Court, prior to the mailing of the Claim Forms Package to Potential Claimants (p. 4, par. 5(b)).

3. I have collaborated with Commission staff counsel, Stacey Nahrwold, Esq. (Commission Counsel”) , in preparing the Claim Forms Package presented for the Court’s consideration, which she has approved. The respective documents are filed herewith as follows:

Exhibit A: Proof of Claim Form;

Exhibit B: Notice of Last Day to File Proof of Claim(“Bar Date Notice”);

Exhibit C: Summary Statement of Distribution Plan and Claims Process

4. I request that the Court review and approve, or modify, as it determines appropriate, the Claim Forms Package, consisting of Exhibits A through C herewith. Upon approval, the receivership will mail and publish the subject documents as provided in the Plan Order and commence the 150 day period for filing claims.

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5. Additionally, I request such further instructions as the Court deems appropriate for the administration of the receivership.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on July 5, 2011, at Los Angeles, California.


Richard Weissman

EXHIBIT A

PROOF OF CLAIM

SECURITIES AND EXCHANGE COMMISSION v. TRI ENERGY, INC., MARINA INVESTORS GROUP, INC., ROBERT P. JENNINGS, ARTHUR SIMBURG, HENRY JONES, Defendants; Relief Defendants DANIEL J. MERRIMAN, FINANCIAL MD, INC., FINANCIAL MD AND ASSOCIATES, DJM, INC., THOMAS AVERY, NGA WING LAU aka ADRIENNE LAU,
U.S. District Court, For the Central District of California, Southern Division, Case No. ED CV 05-0351 (AG).

LAST DAY TO FILE PROOF OF CLAIM WITH DISTRIBUTION AGENT:

*******, 2012**

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 TRI ENERGY, INC., MARINA INVESTORS GROUP, INC., ROBERT P. JENNINGS, ARTHUR SIMBURG, HENRY JONES, Defendants; Relief Defendants DANIEL J. MERRIMAN, FINANCIAL MD, INC., FINANCIAL MD AND ASSOCIATES, DJM, INC., LA VIE D'ARGENT, THOMAS AVERY, AND ADRIENNE LAU (collectively "Tri Energy"):

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. THIS CLAIM IS BASED ON MY STATUS AS A LENDER TO, OR INVESTOR IN LOAN PARTICIPATION AGREEMENTS OR CERTIFICATES ISSUED BY TRI ENERGY (ET AL.) BETWEEN JANUARY 1, 2003 THROUGH MAY 3, 2005.

3. AMOUNT OF CLAIM: \$ _____ (Principal Only)
(Provide copies of Canceled checks, Wired funds receipts, bank statements, brokerage account statements, etc.)

4. AMOUNT RECEIVED FROM TRI ENERGY, et al., IF ANY: \$ _____

5. I acknowledge and remit 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 allowance of my claim by the Receiver shall be submitted to and the subject of further review by the Court for a final ruling thereon, upon federal motion practice for hearing, sitting without a jury.

6. I have not sold, assigned, transferred, hypothecated or in any way conveyed my interest in or my claim against TRI ENERGY, or any portion thereof. I further agree not to sell, convey, assign, transfer or hypothecate hereafter, prior to the date(s) of distribution, my interest in my claim against TRI ENERGY, in any manner. In the event my interest is transferred

hereafter prior to the date(s) of distribution, except by operation of law, I agree that any such assignment or transfer shall be deemed null and void and unenforceable by any successor third party as between the undersigned, on the one hand, and TRI ENERGY, the Receiver and the Court, on the other hand.

7. 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 en gross 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 set forth adjacent to my signature below.

8. I represent that I am not now and have never been affiliated with TRI ENERGY, INC., MARINA INVESTORS GROUP, INC. ROBERT P. JENNINGS, ARTHUR SIMBURG, HENRY JONES, THOMAS AVERY, LA VIE D'ARGENT, DANIEL J. MERRIMAN, FINANCIAL MD, MILLIE STULTZ, WING NA LAU AKA ADRIENNE LAU, RPJ INVESTMENTS, H&J ENERGY, et al., as a principal, employee, sales agent or solicitor, independent contractor, relative or in any other manner.

9. I represent that I have not received from or on behalf of TRI ENERGY, or any of the above-named persons against whom this claim is filed, any distribution of money or money equivalent, except as set forth in section 4, above.

10. 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.

Executed on : _____ , 201_ , at _____ (City or Town) _____ (State, Zip Code)

NO PROOF OF CLAIM SHOULD BE FILED WITH THE COURT.

Delivery of an envelope with an originally executed and fully completed Proof of Claim to Richard Weissman, Receiver of TRI ENERGY, et al., postmarked on or before *****, 2012, shall constitute Claimant's "timely filing" of the Proof of Claim. ****

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

NAME, ADDRESS AND ACCOUNT NUMBER FOR CURRENT IRA/PENSION ACCOUNT(S)

****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. The Receiver will mark the duplicate Proof of Claim "Received" with a date stamp and return it to you for your records. It is recommended that you mail your Proof of Claim to the Receiver by certified mail, return receipt requested to best assure its delivery.

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:

77943/900

_____, 2011

NOTICE OF LAST DAY TO FILE PROOF OF CLAIM
(“BAR DATE NOTICE”)

_____, **2012**

In the case of:

SECURITIES AND EXCHANGE COMMISSION v. TRI ENERGY, INC., MARINA INVESTORS GROUP, INC., ROBERT P. JENNINGS, ARTHUR SIMBURG, HENRY JONES, ET AL., U.S. District Court, for the Central District of California, Southern Division, Case No. ED CV 05-00351 (AG)

TO ALL INVESTORS AND INTERESTED PARTIES:

PLEASE TAKE NOTICE that the Order Approving Distribution Plan (“the Plan”) entered on March 21, 2011, by the U.S. District Court, For the Central District of California, (“the Court”) directed the Receiver in said action, Richard Weissman, to determine the lawful claims of investors in *TRI ENERGY, INC.* (“*TRI ENERGY*”), and *MARINA INVESTORS GROUP, INC.* (“*MIG*”), arising out of the alleged conduct of, among others, ROBERT P. JENNINGS, ARTHUR SIMBURG, and HENRY JONES (collectively, “Tri Energy”).

PLEASE TAKE FURTHER NOTICE that with respect to filing proofs of claim:

LAST DAY TO FILE PROOF OF CLAIM

Any person or entity that asserts a claim or interest against Tri Energy for loans to or investments in Tri Energy **must file** a proof of claim with the Receiver **on or before *******, **2012**. That date is the last day by which a claim may be postmarked to be deemed “filed.” **This date is called the “Bar Date.” Claims filed (postmarked) after the Bar Date may be denied by the Court. Denial of a claim will result in no distribution to a claimant of any portion of the funds controlled by the Court.**

All original Proofs of Claim must be filed with the Receiver, and **postmarked on or before the Bar Date**, at: 12121 Wilshire Boulevard, Suite 600, Los Angeles, California 90025

A PROOF OF CLAIM FORM ACCOMPANIES THIS BAR DATE NOTICE AND IS ALSO AVAILABLE FROM THE RECEIVER AT HIS OFFICE, OR FROM THE WEBSITE OF THE SECURITIES AND EXCHANGE COMMISSION: www.sec.gov (link to the Tri Energy Press Release); OR FROM THE RECEIVER'S WEBSITE: www.richardweissmanreceiver.com or www.saltzburgrayandweissman.com.

YOU ARE REQUIRED TO FILE A FULLY COMPLETED AND SIGNED PROOF OF CLAIM IF YOU SEEK RECOVERY OF MONEY FROM THE FUNDS CONTROLLED BY THE COURT IN THIS CASE.

CONSENT TO JURISDICTION OF THE COURT

By filing a proof of claim with the Receiver, you agree that the Court shall have jurisdiction over all claims identified in your Proof of Claim ("Claims") 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 to the Court 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.

PLEASE NOTE: A PROOF OF CLAIM MUST BE TIMELY POSTMARKED AND DELIVERED TO THE RECEIVER OR YOU MAY BE COMPLETELY BARRED AND PRECLUDED BY THE COURT FROM PARTICIPATING IN ANY DISTRIBUTION OF THE ASSETS HELD BY THE COURT.

EXHIBIT C

RICHARD WEISSMAN

Receiver

12121 Wilshire Boulevard

Suite 600

Los Angeles, CA 90025

Tel: (310) 481-6780

Fax: (310) 481-6786

IN REPLY REFER TO:

77943/900

_____, 2011

TO: INVESTORS OF TRI ENERGY, INC., MARINA INVESTORS GROUP, INC., H&J ENERGY, INC., RPJ INVESTMENTS, LA VIE D'ARGENT, FINANCIAL MD, INC., AND FINANCIAL MD AND ASSOCIATES, ET AL.

FROM: RICHARD WEISSMAN, COURT APPOINTED RECEIVER

SUBJ: COURT ORDERED CLAIM PROCEDURE FOR CLAIMS BY INJURED INVESTORS IN AND LENDERS TO TRI ENERGY, INC. AND MARINA INVESTORS GROUP, INC., FOR FUNDS RECOVERED IN THE FOLLOWING CIVIL PROCEEDINGS:

SECURITIES AND EXCHANGE COMMISSION v. TRI ENERGY, INC., MARINA INVESTORS GROUP, INC., ROBERT P. JENNINGS, ARTHUR SIMBURG, HENRY JONES, Defendants; Relief Defendants DANIEL J. MERRIMAN, FINANCIAL MD, INC., FINANCIAL MD AND ASSOCIATES, DJM, INC., THOMAS AVERY, NGA WING LAU aka ADRIENNE LAU, ET AL., U.S. District Court, Central District of California, Southern Division, Case No. ED CV 05-0351.

LAST DAY TO FILE CLAIM ("BAR DATE"): *** 2012**

Dear Investors:

This letter sets forth a Court directed claim(s) procedure enabling you to present your principal investment claim against *TRI ENERGY, INC., and MARINA INVESTORS GROUP, INC.*, and the other persons listed above (collectively, "Tri Energy"). I am enclosing a Proof Claim form and a Notice of Last Day To File Proof of Claim ("Bar Date Notice"). I recommend that you deliver to me your duly completed and executed Proof of Claim as soon as possible following your receipt of this letter to ensure its timely filing.

This claim procedure enables each of you to present to the Court the principal amount you claim for the loans, lender participation certificates or other investment(s)

you made to or on behalf of Tri Energy between January 1, 2003 and May 3, 2005. The Court approved a claims procedure for Tri Energy investors under its Order entered on March 21, 2011, approving a Plan of Distribution of the assets of the Judgment Defendants ("the Plan"). This letter and the enclosed Proof of Claim (form) and Bar Date Notice are submitted to you to implement the Plan's claims procedure.

You must file with the Receiver a duly executed and fully completed Proof of Claim (the "POC") and provide copies of your payment (investment) documentation to Tri Energy, or for its benefit, that support your claim; for example, canceled checks, wire transfer receipts, and bank or brokerage account statements. Loan Participation Certificates, by themselves, will **NOT** be proof of the amount of your investment. The Court will make the final determination regarding your claim.

You and all persons making a claim with you must execute and deliver to me a completed and duly signed Proof of Claim **postmarked on or before** the above stated last day to file claims (the "Bar Date") or your claim(s) will be denied and you will not participate in any cash distribution by the Court from TRI ENERGY's assets.

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 Proof of Claim.

If there is a deceased claimant, please 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.

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

1 **PROOF OF SERVICE**

2
3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

4 I am employed in the County of Los Angeles, State of California. I am over the age of
5 eighteen (18) and not a party to the within action. My business address is 12121 Wilshire
6 Boulevard, Suite 600, Los Angeles, California 90025-1166.

7 A true and correct copy of the foregoing document described will be served or was served
8 (a) on the judge in chambers in the form and manner required and (b) in the manner indicated
9 below: **NOTICE OF MOTION AND MOTION FOR ORDER APPROVING PROOF
10 OF CLAIM FORMS "PACKAGE" FOR SERVICE ON POTENTIAL INVESTOR
11 CLAIMANTS; MEMORANDUM OF POINTS AND AUTHORITIES AND
12 SUPPORTING DECLARATION OF RICHARD WEISSMAN**

13 **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING:**

14 The foregoing document will be served by the court via NEF and hyperlink to the document.
15 On July 5, 2011, I checked the CM/ECF docket for this case and determined that the following
16 person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email
17 address(es) indicated below:

18 David S. Reidy
19 dreidy@reedsmith.com

Jerome F. Friedberg
2029 Century Park East 6th Floor
Los Angeles, CA 90067
Jfriedberg@tocounsel.com

21 John B. Bulgozdy
22 5670 Wilshire Blvd. 11th Floor
23 Los Angeles, CA 90036
24 bulgozdyj@sec.gov

John W. Cotton
624 South Grand Ave. 22nd Fl
Los Angeles, CA 90017
jcotton@cglp.com

25 Michael C. Smith
26 12400 Wilshire Blvd. # 900
27 Los Angeles, CA
28 michaelcsmith@mindspring.com

Stacey M. Nahrwold
100 F. Street N.E.
Washington, DC 20549
nahrwolds@sec.gov

SERVED BY U.S. MAIL OR OVERNIGHT MAIL:

On July 5, 2011, I served the following person(s) and/or entity(ies) at the last known address(es) in this case by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

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Joel Bryan
Anderson Krehbiel McCreary & Byron
31351 Via Colinas, Ste 204
Westlake Village, CA 91362

Lisa M. Chait
Stephan Oringher Richman & Theodora
2029 Century Park E, 6th Floor
Los Angeles, CA 90067

Mildred Stultz
18905 Ross Road
Bothell, WA 98011

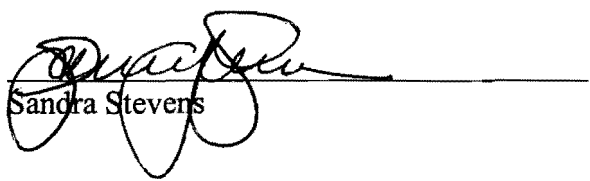
Timothy A. Scott
433 G. Street, Suite 202
Riverside, CA 92502

Robert C. Avery
2696 University Ave., Suite 180
Provo, UT 84604

5:05 ED CV-351 Persons served personally: None

(Federal) I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on July 5, 2011, at Los Angeles, California.


Sandra Stevens