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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

PACIFIC WEST CAPITAL GROUP,
INC.; ANDREW B CALHOUN IV;
PWCG TRUST; BRENDA CHRISTINE
BARRY; BAK WEST, INC.; ANDREW B
CALHOUN JR.; ERIC CHRISTOPHER
CANNON; CENTURY POINT, LLC;
MICHAEL WAYNE DOTTA; and
CALEB AUSTIN MOODY (dba SKY
STONE),

Defendants.

Case No. 2:15-cv-02563-DDP-FFM

**ORDER:
(1) APPROVING RECEIVER'S
RECOMMENDATIONS
REGARDING ALLOWED
CLAIMS; (2) APPROVING
RECOMMENDATIONS
REGARDING DISPUTED AND
DISALLOWED CLAIMS;
(3) APPROVING DISTRIBUTION
PLAN; AND (4) AUTHORIZING
INTERIM DISTRIBUTION**

[375]

1 Before this Court is the Motion of Thomas Hebrank (the "Receiver"), the
 2 Receiver for PWCG Trust, for an order: (1) Approving Receiver's
 3 Recommendations Regarding Allowed Claims; (2) Approving Recommendations
 4 Regarding Disputed and Disallowed Claims; (3) Approving Distribution Plan; and
 5 (4) Authorizing Interim Distributions (the "Motion"). Attached to the Declaration of
 6 Thomas Hebrank in Support of the Motion ("Hebrank Decl" or "Hebrank
 7 Declaration"), as Exhibit A is the Receiver's list of recommendations for Allowed
 8 Claims. Attached as Exhibit B to the Hebrank Declaration is the Receiver's
 9 recommendations concerning the allowance and denial of disputed claims.

10 By the Motion, the Receiver also seeks approval of the Distribution Plan,
 11 attached to the Hebrank Declaration as Exhibit C, and authority to make an interim
 12 distribution to those Claimants with Allowed Claims in accordance with the
 13 Distribution Plan on a pro rata basis from the pooled funds.¹ The Receiver has met
 14 and conferred with the Plaintiff Securities and Exchange Commission, which does
 15 not object to the Motion.

16 Several claimants stated or filed oppositions to the Motion based upon the
 17 Receiver's proposed treatment of their claims. Specifically, the Court received and
 18 considered written and oral arguments by the Receiver, David Amandus and Wesley
 19 Bemis. These arguments and those of the Receiver are reflected in the records of
 20 the District Court.

21 Having considered the Receiver's Motion and having found that good and
 22 proper notice has been provided, and good cause appearing therefor,

- 23 1. The Receiver's Motion is GRANTED, in its entirety;
- 24 2. The objection of Mr. Amandus is overruled and he shall have an
 25 Allowed Claim of \$320.48;

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¹ Initial capitalized words such as "Allowed Claim" and Claimant", that are not specifically defined herein, shall have the definition set forth in the Distribution Plan.

1 3. The opposition of Mr. Bemis to the Motion is overruled and he shall
2 have an Allowed Claim of \$1,198,532.49. However, the Receiver has agreed and
3 the Court orders that, if there is a recovery of money by the Receiver arising out of
4 the Receiver’s pending lawsuit against Mills Potoczak & Company [See Doc. No.
5 357], then the Receiver shall calculate Mr. Bemis’ pro rata interest in the net funds
6 recovered by the receivership estate as a result of the lawsuit based upon a claim of
7 \$1,457,532.49.

8 4. The list of proposed Allowed Claims, as reflected in Exhibit A to the
9 Hebrank Declaration, are approved.

10 5. Except as described herein, the Receiver's recommendations
11 concerning the disputed claims identified in Exhibit B to the Hebrank Declaration
12 are approved.

13 6. The Distribution Plan attached as Exhibit C to the Hebrank Declaration
14 is approved.

15 7. The Receiver is authorized to make the interim distributions to the
16 holders of Allowed Claims identified in Exhibit A to the Hebrank Declaration, in
17 accordance with the Receivers recommendations to this Court as reflected in the
18 Motion and pursuant to the terms and conditions of the Distribution Plan.

19 **SO ORDERED.**



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21 Dated: January 28, 2021

22 Hon. Dean D. Pregerson
23 Judge, United States District Court
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