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6 Attorneys for David A. Gill, Receiver  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 SECURITIES AND EXCHANGE  
COMMISSION,

12 Plaintiff,

13 vs.

14 WESTMOORE MANAGEMENT,  
15 LLC; WESTMOORE INVESTMENT,  
LP.; WESTMOORE CAPITAL  
16 MANAGEMENT, INC.;  
17 WESTMOORE CAPITAL, LLC; and  
MATTHEW R. JENNINGS,

18 Defendants.  
19

Case No. 8:10-cv-00849-AG (MLGx)

**NOTICE OF MOTION FOR  
ORDER AUTHORIZING  
RECEIVER TO EMPLOY  
CASTILLO SNYDER, A  
PROFESSIONAL CORPORATION,  
AS SPECIAL LITIGATION  
COUNSEL**

Date: August 6, 2012  
Time: 10:00 a.m.  
Place: Courtroom 10D  
411 West Fourth Street  
Santa Ana, California

20 **PLEASE TAKE NOTICE** that David A. Gill, the permanent receiver (the  
21 “Receiver”) appointed in the above-captioned case, has filed a motion for an order  
22 authorizing him to employ Castillo Snyder, a Professional Corporation (“Castillo  
23 Snyder”) as special litigation counsel in this case.

24 The motion is based on the following grounds: The Receiver desires to retain  
25 Castillo Snyder as special litigation counsel to conduct a more detailed investigation  
26 of claims against third parties, and, if appropriate, prosecute such claims. Castillo  
27 Snyder is familiar with this case because, among other things, the firm represents two  
28 Westmoore investors, Joaquin De Teresa and Ana Alicia Aguilar De Teresa

1 (collectively the “De Teresas”), who allege that they are owed over \$4 million as a  
2 result of a series of loans and other investments made by the De Teresas from May  
3 2006 through November 2008. The De Teresas have agreed to advance fees and  
4 costs to pay Castillo Snyder for its initial investigation, which will be billed on an  
5 hourly-fee basis, subject to reimbursement only from collections resulting from the  
6 firm’s assertion of claims against third parties. After the initial investigation phase,  
7 Castillo Snyder will advance costs and be compensated on a contingency-fee basis,  
8 payable only from its collections.

9 The Receiver believes that his proposed retention of Castillo Snyder on the  
10 terms set forth in the engagement letter attached as Exhibit “2” to the Declaration of  
11 David A. Gill appended to the motion (the “Gill Declaration”) is in the best interests  
12 of Westmoore’s receivership estate, and should be approved. The Receiver, the De  
13 Teresas and Castillo Snyder also have executed a separate Waiver of Conflicts of  
14 Interest and Adverse Interests, a copy of which is attached as Exhibit “3” to the Gill  
15 Declaration.

16 The motion is based on this notice, the motion and its accompanying  
17 Memorandum of Points and Authorities, declarations of David A. Gill and Edward  
18 C. Snyder, and Request for Judicial Notice, the papers and pleadings filed with the  
19 Court in this case, and such other papers and pleadings as may be properly presented  
20 to the Court at or before the hearing on the motion.

21 **PLEASE TAKE FURTHER NOTICE** that a copy of the motion is available  
22 for download at the Receiver’s website: [www.westmoorereceivership.com](http://www.westmoorereceivership.com).

23 **PLEASE TAKE FURTHER NOTICE** that pursuant to an order of the Court,  
24 the Receiver is authorized to serve this notice of the motion by posting the notice on  
25 the Receiver’s website. Service of the notice is deemed complete upon the posting of  
26 the notice on the website.

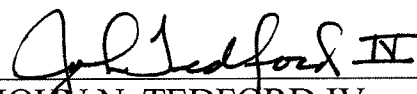
27 **PLEASE TAKE FURTHER NOTICE** that Local Rule 7-9 requires that, not  
28 later than twenty-one (21) days before the date designated for the hearing on the

1 motion, any party who opposes the motion file with the Court and serve upon the  
2 Receiver such opposing party's opposition to the motion together with all evidence  
3 upon which the party intends to rely in opposition to the motion. Failure to timely  
4 comply with this requirement may be deemed by the Court to constitute consent to  
5 the granting of the motion.

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DATED: July 2, 2012

DANNING, GILL, DIAMOND &  
KOLLITZ, LLP

By:   
JOHN N. TEDFORD IV  
Attorneys for David A. Gill, Receiver

1 **PROOF OF SERVICE**

2 At the time of service, I was over 18 years of age and **not a party to this**  
3 **action.** I am employed in the County of Los Angeles, State of California. My  
4 business address is 1900 Avenue of the Stars, 11th Floor, Los Angeles, CA 90067-  
5 4402.

6 On July 2, 2012, I served true copies of the following document(s) described as  
7 **NOTICE OF MOTION FOR ORDER AUTHORIZING RECEIVER TO**  
8 **EMPLOY CASTILLO SNYDER, A PROFESSIONAL CORPORATION, AS**  
9 **SPECIAL LITIGATION COUNSEL** on the interested parties in this action as  
10 follows:

11 **SEE ATTACHED LIST**

12 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package  
13 addressed to the persons at the addresses listed in the Service List and placed the  
14 envelope for collection and mailing, following our ordinary business practices. I am  
15 readily familiar with Danning, Gill, Diamond & Kollitz, LLP's practice for collecting  
16 and processing correspondence for mailing. On the same day that the  
17 correspondence is placed for collection and mailing, it is deposited in the ordinary  
18 course of business with the United States Postal Service, in a sealed envelope with  
19 postage fully prepaid.

20 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed  
21 the document(s) with the Clerk of the Court by using the CM/ECF system.  
22 Participants in the case who are registered CM/ECF users will be served by the  
23 CM/ECF system. Participants in the case who are not registered CM/ECF users will  
24 be served by mail or by other means permitted by the court rules.

25 I declare under penalty of perjury under the laws of the United States of  
26 America that the foregoing is true and correct and that I am employed in the office of  
27 a member of the bar of this Court at whose direction the service was made.

28 Executed on July 2, 2012, at Los Angeles, California.

29   
30 \_\_\_\_\_  
31 CINDY ORIPE

1 Edward Snyder, Esq.  
2 300 Convent St., Suite 1020  
3 San Antonio, TX 78205.

4 Parties requesting service of notices by mail

5 Eleanor M. Egan Living Trust  
6 ATTN: Eleanor Egan, Trustee  
7 1893 Parkview Circle  
8 Costa Mesa, CA 92627

9 Phyllis Fredericks  
10 3718 Oakview Court  
11 Fallbrook, CA 92028

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