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

11 SECURITIES AND EXCHANGE
COMMISSION, ,
12 Plaintiff,
13
14 vs.
15 WESTMOORE MANAGEMENT,
LLC; WESTMOORE INVESTMENT,
LP.; WESTMOORE CAPITAL
16 MANAGEMENT, INC.;
WESTMOORE CAPITAL, LLC; and
17 MATTHEW R. JENNINGS, ,
18 Defendants.

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

**NOTICE OF FILING OF
RECEIVER'S THIRD REPORT
AND ACCOUNT**

Date: November 19, 2012
Time: 10:00 a.m.
Place: Courtroom 10D
411 West Fourth Street
Santa Ana, California

19
20 **PLEASE TAKE NOTICE** that David A. Gill, as the permanent receiver (the
21 "Receiver") appointed in the above-captioned case, has filed his third report and
22 account (the "Report") covering the period from May 1, 2012, through October 31,
23 2012 (the "Current Period"). The full Report is available on the Receiver's website:
24 www.westmoorereceivership.com.

25 **PLEASE TAKE FURTHER NOTICE** that a hearing on the Report will be
26 held on November 19, 2012, at 10:00 a.m., in Courtroom 10D of the United States
27 District Court for the Central District of California.
28

1 Without limiting the significant detail set forth in the Report, the Receiver
2 advises that as of October 31, 2012, he was holding \$378,494.21 in cash, all of which
3 he believes to be unencumbered. During the Current Period, the largest receipts
4 consisted of (a) \$137,906.33 from the Receiver's Court-approved sale of a
5 condominium unit in Seattle, Washington, and (b) \$30,000 from the Receiver's
6 Court-approved sale of Westmoore's interest in residential real property in Tahoe
7 City, California. Pursuant to Court authority, the Receiver paid an aggregate of
8 \$301,466.65 on an interim basis to the Receiver and his professionals. The Receiver
9 is not at this juncture requesting approval and payment of fees or reimbursement of
10 expenses incurred by the Receiver and his professionals after the periods covered by
11 the Receiver's previous request,¹ but reserves the right to do so on requisite notice to
12 interested parties.

13 **PLEASE TAKE FURTHER NOTICE** that pursuant to an order of the Court,
14 the Receiver is authorized to serve this notice by posting the notice on the Receiver's
15 website. Service of the notice is deemed complete upon the posting of the notice on
16 the website.

17
18 DATED: November 15, 2012

DANNING, GILL, DIAMOND &
KOLLITZ, LLP

19
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21 By: /s/ John N. Tedford, IV

JOHN N. TEDFORD IV

Attorneys for David A. Gill, Receiver

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24 _____
25 ¹ Pursuant to prior Court authority: the Receiver has been compensated for fees
26 incurred by me through March 31, 2012; his general counsel has been compensated
27 80% of the fees incurred through March 31, 2012; and his forensic investigator and
analyst has been compensated fees incurred in that capacity through April 15, 2012.
The Receiver's tax accountant has not yet received any compensation for services
rendered in this case.

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 November 15, 2012, I served true copies of the following document(s) described
7 as **NOTICE OF FILING OF RECEIVER'S THIRD REPORT AND**
8 **ACCOUNT** on the interested parties in this action as follows:

9 **SEE ATTACHED SERVICE LIST**

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

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

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

26 Executed on November 15, 2012, at Los Angeles, California.

27 
28 PATRICIA MORRIS

1 Parties requesting service of notices by mail

2 Eleanor M. Egan Living Trust
3 ATTN: Eleanor Egan, Trustee
4 1893 Parkview Circle
5 Costa Mesa, CA 92627

6 Phyllis Fredericks
7 3718 Oakview Court
8 Fallbrook, CA 92028
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