

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

WESTMOORE MANAGEMENT,  
LLC; WESTMOORE INVESTMENT,  
LP.; WESTMOORE CAPITAL  
MANAGEMENT, INC.;  
WESTMOORE CAPITAL, LLC; and  
MATTHEW R. JENNINGS,

Defendants.

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

**ORDER GRANTING RECEIVER'S  
MOTION FOR (1) APPROVAL OF  
FINAL REPORT AND ACCOUNT,  
(2) APPROVAL OF FINAL  
COMPENSATION OF THE  
RECEIVER AND HIS ATTORNEYS  
AND ACCOUNTANTS,  
(3) AUTHORITY TO DISBURSE  
REMAINING FUNDS ON A PRO  
RATA BASIS, (4) DISCHARGE OF  
THE RECEIVER, AND  
(5) EXONERATION OF THE  
RECEIVER'S BOND**

Date: August 5, 2019  
Time: 10:00 a.m.  
Place: Courtroom 10D  
411 West Fourth Street  
Santa Ana, California

On August 5, 2019, the Court heard and considered the *Receiver's Final Report and Account and Motion for (1) Approval of Final Report and Account, (2) Approval of Final Compensation of the Receiver and His Attorneys and Accountants, (3) Authority to Disburse Remaining Funds on a Pro Rata Basis, (4) Discharge of the Receiver, and (5) Exoneration of the Receiver's Bond* (the

1 “Final Report”) filed by David A. Gill, Receiver, the Honorable Andrew J. Gilford,  
2 United States District Court Judge, presiding. Appearances were as noted on the  
3 record at the hearing.

4 The Court having considered the Final Report (*docket no. 283*), the  
5 declarations of David A. Gill, John N. Tedford, IV, and Susan P. Tomlinson (*docket*  
6 *nos. 284-286*), and the Receiver’s separate notice of the Final Report (*docket no.*  
7 *287*), and having heard the statements of counsel at the hearing, for good cause  
8 appearing, it is

9 **ORDERED THAT:**

10 1. The Final Report is approved.

11 2. The receivership imposed by this Court’s *Judgment of Permanent*  
12 *Injunction, Appointment of Permanent Receiver, and Imposing Other Relief As to*  
13 *Defendants Westmoore Management, LLC; Westmoore Investment, L.P.; Westmoore*  
14 *Capital Management, Inc.; and Westmoore Capital, LLC*, entered on August 12,  
15 2011, is hereby terminated.

16 3. David A. Gill (the “Receiver”) is hereby discharged from all further  
17 duties, liabilities and responsibilities as the court-appointed receiver in this action.

18 4. On a final basis, for services rendered during this case, the Receiver is  
19 awarded \$211,296.00 of fees and \$4,074.25 of costs. This includes \$9,957.00 of fees  
20 and \$84.41 of costs incurred from November 1, 2018, through the close of the case.

21 5. On a final basis, for services rendered during this case, Danning, Gill,  
22 Diamond & Kollitz, LLP (“DGDK”), is awarded \$1,354,408.50 of fees and  
23 \$30,055.79 of costs. This includes \$90,450.00 of fees and \$2,038.27 of costs  
24 incurred from November 1, 2018, through the close of the case.

25 6. On a final basis, for services rendered during this case, and pursuant to  
26 the terms of the engagement agreement approved by this Court’s order entered on  
27 August 6, 2012 (*docket no. 129*), Castillo Snyder, PC, is awarded \$752,109.44 of  
28 fees and \$62,818.16 of costs.

1           7.       On a final basis, for services rendered during this case, Crowe Horwath  
2 LLP (“Crowe”), is awarded \$565,349.50 of fees and \$932.28 of costs. This includes  
3 \$21,283.50 of fees and \$25.27 of costs incurred from November 1, 2018, through the  
4 close of the case.

5           8.       On a final basis, for services rendered during this case as the Receiver’s  
6 forensic analyst, investigator and expert witness, PCG Consulting, PC, is awarded  
7 \$482,588.95 of fees and \$356.00 of costs.

8           9.       The Receiver is hereby authorized to distribute remaining funds in the  
9 receivership estate to the Receiver, DGDK and Crowe, on a pro rata basis.

10          10.       The Court finds that all the Receiver’s acts and transactions during his  
11 administration of the receivership estate, including the actions of his employees and  
12 agents, were right and proper and in the best interests of the receivership estate and  
13 the parties to this action. All such acts and transactions are ratified, confirmed and  
14 approved.

15          11.       The Receiver and the receivership estate are hereby released from any  
16 and all liability for any and all claims, demands or causes of action that may have  
17 directly or indirectly arisen from the receivership estate prior to, during, or after the  
18 receivership period.

19          12.       The Court hereby determines that the Receiver has no further duty or  
20 obligation to prepare or file further tax returns, or pay further taxes, on behalf of the  
21 receivership estate.

22          13.       The Receiver is authorized to abandon remaining assets of the  
23 receivership estate, and any and all such assets shall be deemed abandoned upon  
24 entry of this order.

25          14.       Any bond posted by the Receiver is hereby released from liabilities and  
26 the sureties thereon are hereby exonerated.

27 ///

28 ///

1           15. The Court hereby reserves exclusive jurisdiction over any and all claims  
2 that may be asserted against the Receiver and his professionals and employees for  
3 their services, and all issues that were part of the subject matter of the receivership  
4 estate.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: August 5, 2019



---

ANDREW J. GUILFORD  
UNITED STATES DISTRICT JUDGE