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

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11 **SECURITIES AND EXCHANGE**  
**COMMISSION,**

12 Plaintiff,

13 vs.

14 **WESTMOORE MANAGEMENT,**  
15 **LLC, et al.,**

16 Defendants.

Case No. 8:10-cv-00849-AG

**NOTICE OF MOTION OF DAVID**  
**A. GILL, RECEIVER, FOR**  
**AUTHORITY TO DESTROY**  
**BOOKS AND RECORDS**

Date: November 19, 2018

Time: 10:00 a.m.

Place: Courtroom 10D  
411 West Fourth Street  
Santa Ana, California

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19 **PLEASE TAKE NOTICE** that on November 19, 2018, at 10:00 a.m., in  
20 Courtroom 10D of the United States District Court for the Central District of  
21 California, located at 411 West Fourth Street, Santa Ana, California, David A. Gill,  
22 the permanent receiver (the “Receiver”) for certain entities generally referred to as  
23 “Westmoore,” will move the Court for an order authorizing the Receiver to destroy  
24 (a) Westmoore’s books and records (both paper records and electronically stored  
25 records), (b) work product generated by the Receiver’s forensic analyst and  
26 investigator, and (c) documents obtained by the Receiver’s counsel in response to  
27 subpoenas and discovery requests.  
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1 The motion is based on the following grounds: During this case, the Receiver  
2 recovered hundreds of thousands of documents belonging to or related to  
3 Westmoore. In addition, the Receiver’s professionals – especially his forensic  
4 analyst and investigator – printed out documents and generated substantial work  
5 product. The physical records and documents fill over 370 banker’s boxes. The  
6 electronic records are on two servers and numerous storage devices.

7 The boxes and electronic storage devices contain sensitive information about  
8 Westmoore’s investors and employees, including social security numbers, e-mail  
9 addresses and telephone numbers. Rather than abandon the physical and electronic  
10 records and risk that the data falls into the wrong hands, the Receiver is requesting  
11 authority to destroy them. The Receiver estimates that the cost of doing so will be  
12 approximately \$3,000, and believes that the cost of destruction is justified.

13 The motion is based on this notice, the motion and its accompanying  
14 Memorandum of Points and Authorities and declaration of David A. Gill, the papers  
15 and pleadings filed with the Court in this case, and such other papers and pleadings  
16 as may be properly presented to the Court at or before the hearing on the motion.

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

19 **PLEASE TAKE FURTHER NOTICE** that pursuant to an order of the Court,  
20 the Receiver is authorized to serve this notice of the motion by posting the notice on  
21 the Receiver’s website. Service of the notice is deemed complete upon the posting of  
22 the notice on the website. The Receiver is also serving a copy of this notice by mail  
23 on all parties in interest at their last known addresses.

24 **PLEASE TAKE FURTHER NOTICE** that Local Rule 7-9 requires that, not  
25 later than 21 days before the date designated for the hearing on the motion, any party  
26 who opposes the motion must file with the Court, and serve upon the Receiver, a  
27 written opposition together with all evidence upon which the party intends to rely  
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1 support of its opposition. Failure to timely comply with this requirement may be  
2 deemed by the Court to constitute consent to the granting of the motion.

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DATED: October 9, 2018

DANNING, GILL, DIAMOND &  
KOLLITZ, LLP

By:           /s/ John N. Tedford, IV            
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 action.  
3 I am employed in the County of Los Angeles, State of California. My business  
4 address is 1900 Avenue of the Stars, 11th Floor, Los Angeles, CA 90067-4402.

5 On October 9, 2018, I served true copies of the following document(s)  
6 described as **NOTICE OF MOTION OF DAVID A. GILL, RECEIVER, FOR**  
7 **AUTHORITY TO DESTROY BOOKS AND RECORDS** on the interested parties  
8 in this action as follows:

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

17 All Parties of Interest at their last known addresses. The service list consists  
18 of 841 names and/or addresses. The list is not attached to the document filed with  
19 the court to help preserve the privacy of the recipients, and can be provided to the  
20 court upon request.

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

26 I declare under penalty of perjury under the laws of the State of California that  
27 the foregoing is true and correct.

28 Executed on October 9, 2018, at Los Angeles, California.

\_\_\_\_\_  
/s/ Patricia Morris  
PATRICIA MORRIS