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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION
12

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14 SECURITIES AND EXCHANGE COMMISSION,

15 Plaintiff,

16 v.

17 SECURE INVESTMENT SERVICES, INC.,
AMERICAN FINANCIAL SERVICES, INC.,
18 LYNDON GROUP, INC., and KIMBERLY A.
SNOWDEN,

19 Defendants.
20

Case No. 2:07-CV-1724-GEB-CMK

PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR SUMMARY
JUDGMENT AGAINST KIMBERLY
A. SNOWDEN

Date: March 9, 2009

Time: 9:00 a.m.

Judge: Garland E. Burrell, Jr.

Courtroom: 10

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22 **NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**

23 PLEASE TAKE NOTICE THAT Plaintiff Securities and Exchange Commission
24 ("Commission") will move the Court in the above-captioned proceeding on March 9, 2009, at
25 9:00 a.m. in courtroom 10 of the U.S. District Court for the Eastern District of California, 501 I
26 Street, Sacramento, California, for an order entering summary judgment against Defendant
27 Kimberly A. Snowden ("Snowden").
28

1 The Commission seeks summary judgment against Snowden pursuant to Federal Rule of
2 Civil Procedure 56. The Commission will demonstrate that there is no genuine issue of material
3 fact regarding Snowden's liability for violating Sections 5(a), 5(c), and 17(a) of the Securities
4 Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5
5 thereunder, as charged in the Commission's complaint. Snowden's liability is premised on her
6 participation in a fraudulent and unregistered offering of securities in the form of fractionalized
7 interests in life insurance policies. The Commission's evidence conclusively demonstrates that
8 Snowden defrauded investors with false and misleading statements, misused investor funds, and
9 offered and sold securities without required registration.

10 In addition, the Commission requests that the Court permanently enjoin Snowden from
11 future violations of the above-cited provisions and order her to pay disgorgement of her ill-gotten
12 gains in the amount of \$574,518.45, plus prejudgment interest thereon in the amount of
13 \$53,103.32, for a total of \$627,621.77. (The Commission's complaint seeks civil money
14 penalties against Snowden but the Commission is not seeking a ruling on that remedy with this
15 motion.)

16 The motion is based on the Commission's supporting memorandum of points and
17 authorities, statement of facts, request for judicial notice, and proposed judgment filed herewith;
18 the supporting Declaration of Thomas J. Eme and attached exhibits filed herewith; the supporting
19 Declaration of Milo H. Segner, Jr. and attached exhibits filed herewith; the Expert Report of
20 Milo H. Segner, Jr. and attached exhibits filed herewith; the pleadings on file; and such other
21 evidence and argument as the Court may entertain.

22 Dated: February 4, 2009

Respectfully submitted,

23 /s/ Thomas J. Eme

24 THOMAS J. EME

MARC J. FAGEL

25 JOHN S. YUN

LLOYD A. FARNHAM

26 Attorneys for Plaintiff

27 SECURITIES AND EXCHANGE COMMISSION