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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION

11 SECURITIES AND EXCHANGE
12 COMMISSION

13 Plaintiffs

14 v.

15 SECURE INVESTMENT SERVICES, INC.,
16 AMERICAN FINANCIAL SERVICES, INC.,
LYNDON GROUP, INC., DONALD F.
NEUHAUS, and KIMBERLY SNOWDEN

17 Defendants.
18

CASE NO.: 2:07-cv-01724 GEB CMK

**NOTICE OF MOTION AND MOTION
OF GORDON HARVEY AND THE
HARVEY FAMILY TRUST FOR
LIMITED INTERVENTION AND
FOR RETURN OF FUNDS**

[Memorandum of Points and Authorities in
Support of Motion and Declarations of
Gordon Harvey and Robert Rowlett filed
concurrently herewith]

[Oral Argument Requested]

Date: March 9, 2009
Time: 9:00 a.m.
Judge: Garland E. Burrell, Jr.
Courtroom: 10

**NOTICE OF MOTION AND MOTION OF GORDON HARVEY AND THE HARVEY
FAMILY TRUST FOR LIMITED INTERVENTION AND FOR RETURN OF FUNDS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

25 PLEASE TAKE NOTICE that on March 9, 2009 at 9:00 a.m. or as soon thereafter as the matter
26 may be heard in courtroom 10 of the above titled court, located at 501 I Street, Sacramento, California
27 95814, Gordon Harvey and the Harvey Family Trust (“Harvey”) will and hereby does move the Court
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1 for limited intervention in the above captioned matter for purposes of bringing this Motion seeking an
2 order requesting the Receiver to return certain of the funds invested by Gordon Harvey and the Harvey
3 Family Trust with Defendant Secure Investment Services, Inc. ("SIS"). In the event this Motion is
4 opposed, Harvey is requesting oral argument be allowed.

5 Pursuant to Rule 24 of the Federal Rules of Civil Procedure, Harvey hereby moves to intervene
6 in this action for the limited purpose of obtaining the return of Harvey's final payment to Defendant
7 Secure Investment Services, Inc. ("SIS") in the amount of Two Hundred Thousand Dollars
8 (\$200,000.00) from the funds of SIS currently being held by the Court appointed receiver in this
9 matter, Michael Quilling, Esq. (the "Receiver"). Specifically, Harvey is requesting the Court to grant
10 an Order requiring the Receiver to return those funds paid by Harvey to SIS back to Harvey.
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12 Harvey's right to intervene is based on his claim to this property, which is part of the *res* of this
13 action between the SEC and the Defendants. When the Order of Asset Freeze was issued on
14 August 24, 2007, Harvey's funds were not yet the property of Defendant SIS but rather only
15 provisionally in SIS's bank account pursuant to California and Federal banking laws and thus, should
16 not be the property of the Receiver's Estate. In fact, the Receiver stipulated, at this Court's Docket
17 343, that another investor's check not finally paid to the Defendant's bank account prior to the Asset
18 Freeze order should be returned. This Court agreed and entered the stipulation. Mr. Harvey's check
19 was paid into Defendant's bank account at the same time or after that of the other investor, Elke
20 Katsuren, whose funds were returned by this Court pursuant to that Stipulation and the resulting Order.
21 Similar facts and similar law should reach similar results and Mr. Harvey's funds should be ordered
22 returned.
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25 In addition, Harvey timely exercised his contractual right to cancel and rescind his Purchase
26 Agreement with Defendant SIS entitling him to a full return of his funds invested on August 2007 and
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1 now being held by the Receiver. Harvey now moves this Court for an Order directing the Receiver to
2 return those funds to his possession.

3 This Motion for Limited Intervention and for Return of Funds is based upon this Notice of
4 Motion and Motion, the accompanying Memorandum of Points and Authorities in support of Motion,
5 the declarations of Gordon Harvey and Robert Rowlett and upon the records and pleadings on file
6 herein and upon such other matters as may be presented to the Court at the time of hearing.
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8 DATED: February 6, 2008

ROWLETT LAW GROUP

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11 /s/ Robert Rowlett
12 ROBERT D. ROWLETT
13 Attorneys for Intervenor Gordon Harvey and the
14 Harvey Family Trust
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