

BOUTIN JONES INC.

Chris Gibson, SBN 073353
Maralee Eriksen, SBN 208699
555 Capitol Mall, Suite 1500
Sacramento, California 95814-4603
Tel. (916) 321-4444

QUILLING, SELANDER, CUMMISKEY & LOWNDS, P.C.

Michael J. Quilling (Tex. Bar No. 16432300) – Admitted Pro Hac Vice
Brent J. Rodine (Tex. Bar No. 24048770) – Admitted Pro Hac Vice
2001 Bryan Street, Suite 1800
Dallas, Texas 75201
Telephone: (214) 871-2100
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Attorneys for Michael J. Quilling
Receiver of Defendants Secure Investment Services, Inc.,
American Financial Services, Inc., and Lyndon Group, Inc.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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

Defendants.

Case No. 2:07-cv-01724 GEB CMK

RECEIVER'S FIFTH MOTION FOR
ORDER TO DISALLOW "A" CLAIMS

Date: November 3, 2014
Time: 9:00 a.m.
Department: 10

TO: THE PARTIES AND ALL COUNSEL OF RECORD:

COMES NOW, Michael J. Quilling, in his capacity as Receiver ("Receiver"), and files his Fifth Motion for Order to Disallow "A" Claims. In support, the Receiver would respectfully show unto the Court as follows:

1. On October 29, 2007, the Court entered an Order [Doc. No. 73] establishing the claim procedures for this case. Among other things, the Court directed the Receiver to send claim forms to all persons or entities believed to be an investor with a potential claim against any of the corporate defendants. Pursuant to paragraph 8 of the Order, the Receiver requests that the Court disallow each of the following claims for the reasons set forth below.

1 2. By virtue of eight previously filed motions to allow and four previously filed
2 motions to adjust, the Receiver has requested that the Court approve 752 claims totaling
3 \$27,693,572.18, and subordinate the payment of an additional 20 claims totaling \$502,171.00
4 against the receivership estate. There are no additional claims, other than the claims which are
5 the subject of this motion, which have not been reviewed by the Receiver and the Receiver's
6 review of claims is complete.

7 3. By virtue of this motion, the Receiver requests that the Court disallow four claims
8 filed by Robert L. Koppel ("Koppel"). Attached as Exhibit 1 is a list of four claims filed by
9 Koppel in this case which total \$60,000.00.

10 **Claims To Be Disallowed**

11 4. Investor Koppel filed claim numbers SIA-00567 for \$10,000, SIA-00806 for
12 \$10,000, SIA-00807 for \$10,000, and SIA-00808 for \$30,000. Koppel was a person who
13 encouraged others to invest in the financial scam operated by the Defendants in this case and was
14 the subject of criminal proceedings before this Court (Case No. 2-07 CR00366-06) and on
15 November 4, 2013, Judgment was entered against him [Doc. 297 in the criminal case]. As a
16 result of his conduct, Koppel should not be allowed any claim in this case. Any distribution to
17 which he would be entitled by virtue of his claims should go to the victims/other holders of
18 allowed claims. The Receiver requests that the Court disallow each of the claims set forth in
19 Exhibit 1.

20 5. In the alternative, if the Court were to believe that his claims should be allowed,
21 the Receiver requests that he be allowed to pay any distribution on account of those claims to the
22 United States government as restitution.

23 WHEREFORE, PREMISES CONSIDERED, the Receiver prays that, upon final
24 consideration of this motion, the Court enter an order disallowing the investor "A" claims filed
25 as set out in Exhibit 1 and for such other and further relief, general or special, at law or in equity,
26 to which the Receiver may show himself justly entitled.
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1 Submitted this 25th day of September, 2014.

2
3 Respectfully submitted,

4 /s/ Michael J. Quilling

5 MICHAEL J. QUILLING (Tex. Bar No. 16432300)
6 BRENT J. RODINE (Tex. Bar No. 24048770)
7 QUILLING, SELANDER, CUMMISKEY
& LOWNDS, P.C.

8 Chris Gibson, SBN 073353
9 Maralee Eriksen, SBN 208699
10 BOUTIN JONES INC.
11 Attorneys for Receiver

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on the 25th day of September, 2014, a copy of this Motion was served
14 on all interested parties through the Court's electronic filing system. In addition, a copy of this
15 motion was served on the following other persons by First Class U.S. Mail:
16

17 Bazzle John Wilson
18 1291 Nunneley Road
Paradise, CA 95969

Ernest Jeremias
5022 17th Avenue, Apt. 1
Brooklyn, NY 11204

19 Richard H. Gray
20 301 Main Plaza, #349
New Braunfels, TX 78130

David Green & Monica Zukrow
1995 Wild Oak Lane
Chico, CA 95928

21
22 /s/ Maralee Eriksen

23 Maralee Eriksen
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2014, a copy of this motion was served on all interested parties through the Court's electronic filing system. In addition, a copy of this motion was served on the following investor whose Claims are the subject of the foregoing Receiver's Motion by U.S. Certified Mail, Return Receipt Requested:

Robert L. Koppel
5073 Frontier Lane
Roseville, CA 95747

/s/ Michael J. Quilling
Michael J. Quilling

4849-1354-5758, v. 1

Exhibit 1

Claims To Be Disallowed

<u>Claim#</u>	<u>Name</u>	<u>NetClaim</u>	<u>Disallow</u>
1 SIA-00567	Robert L. Koppel	\$ 10,000.00	\$0
2 SIA-00806	Robert L. Koppel	\$ 10,000.00	\$0
3 SIA-00807	Robert L. Koppel	\$ 10,000.00	\$0
4 SIA-00808	Robert L. Koppel	\$ 30,000.00	\$0
	4 claims for	<u>\$ 60,000.00</u>	

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9 Attorneys for Michael J. Quilling
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11 UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

13 SECURITIES AND EXCHANGE
COMMISSION,
14 Plaintiff,
15 v.
16 SECURE INVESTMENT SERVICES, INC.,
AMERICAN FINANCIAL SERVICES, INC.,
17 LYNDON GROUP, INC., DONALD F.
NEUHAUS, and KIMBERLY A. SNOWDEN,
18 Defendants.
19

Case No. 2:07-cv-01724 GEB CMK

NOTICE OF RECEIVER'S FIFTH
MOTION FOR ORDER TO
DISALLOW "A" CLAIMS

Date: November 3, 2014
Time: 9:00 a.m.
Department: 10

20 TO: THE PARTIES AND ALL COUNSEL OF RECORD:

21 On November 3, 2014, at 9:00 a.m., or as soon thereafter as the matter may be heard
22 before the Honorable Garland E. Burrell, Jr., at the U.S. District Court for the Eastern District of
23 California, 501 I Street, Sacramento, California, Michael J. Quilling, the Receiver appointed in
24 these proceedings ("Receiver"), will move this the Court to issue an order disallowing 4 investor
25 "A" Claims totaling \$60,000.00, pursuant to this Court's October 29, 2007 Order Granting
26 Stipulated Motion to Establish Claim Procedure and to Approve Claim Form [Doc. No. 73].

27 The motion will be based upon Receiver's Motion and points and authorities submitted
28 contemporaneously, the papers on file in this matter, and any testimony or argument received by

1 the Court during the hearing on the motion. A proposed order is also submitted
 2 contemporaneously with this motion.

3 Respectfully submitted,

4 BOUTIN JONES INC.

5
 6 Dated: September 25, 2014.

By /s/ Maralee Eriksen

Maralee Eriksen
 Attorneys for Receiver of Defendants
 Secure Investment Services, Inc.,
 American Financial Services, Inc., and
 Lyndon Group, Inc.

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on the 25th day of September, 2014, a copy of this Notice was served
 13 on all interested parties through the Court's electronic filing system. In addition, a copy of this
 Notice was served on the following other persons by First Class U.S. Mail:

14 Bazzle John Wilson
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19 /s/ Maralee Eriksen

20 Maralee Eriksen

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Receiver's Motion by U.S. Certified Mail, Return Receipt Requested:

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6 Roseville, CA 95747

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8 /s/ Michael J. Quilling
Michael J. Quilling

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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SECURITIES AND EXCHANGE
COMMISSION,

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

Defendants.

Case No. 2:07-cv-01724 GEB CMK

PROPOSED ORDER GRANTING
RECEIVER'S FIFTH MOTION FOR
ORDER TO DISALLOW "A" CLAIMS

Date: November 3, 2014
Time: 9:00 a.m.
Department: 10

On this day the Court considered the Receiver's Fifth Motion for Order to Disallow "A" Claims. Having carefully considered the Motion and the pleadings and papers on file in this case, the Court is of the opinion, and so finds, that the Motion should be granted. Accordingly,

It is ORDERED that the Receiver's Fifth Motion for Order to Disallow "A" Claims is hereby GRANTED, and the investor claims set forth on Exhibit 1 attached to the Receiver's Fifth Motion for Order to Disallow "A" Claims are disallowed.

SIGNED this ____ day of _____, 2014.

UNITED STATES DISTRICT JUDGE
HONORABLE GARLAND E. BURRELL, JR.

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 /s/ Maralee Eriksen
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4850-2731-5998, v. 1