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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

GINA CHAMPION-CAIN AND ANI
DEVELOPMENT, LLC,

Defendants, and

AMERICAN NATIONAL
INVESTMENTS, INC.,

Relief Defendant.

Case No.: 3:19-cv-1628-LAB-AHG

NOTICE AND ORDER:

**(1) SETTING DEADLINE TO
CLARIFY JOINT MOTION FOR
APPROVAL OF SALE OF
PERSONAL PROPERTY INTEREST
IN PULLMAN LOFTS PHASE I,
LLC; and**

**(2) SETTING DEADLINE TO FILE
OPPOSITION**

[ECF No. 229]

1 Before the Court is the Joint Motion for Approval of Sale of Personal Property
2 Interest in Pullman Lofts Phase I, LLC (the “Pullman Lofts Motion”), filed on January
3 29, 2020 by Plaintiff Securities and Exchange Commission (“SEC”), Defendant Gina
4 Champion-Cain, and Krista Freitag, Court-appointed permanent receiver for Defendant
5 ANI Development, LLC and Relief Defendant American National Investments, Inc.
6 (“Receiver”). ECF No. 229.

7 No opposition has been filed to the Pullman Lofts Motion. Therefore, ordinarily,
8 the Court would consider granting the motion outright without a hearing. However, the
9 Court requires clarification from the parties to the Pullman Lofts Motion as to the basis
10 for their contention that the intended Seller, “GCC Pullman Lofts Phase I, LLC . . . is one
11 of the entities included in the receivership pursuant to the Order; Granting the Parties’
12 Joint Motion and Stipulated Request by All Parties for a Preliminary Injunction Order
13 and Order (1) Freezing Assets; (2) Requiring Accountings; (3) Prohibiting the
14 Destruction of Documents; and (4) Appointing a Permanent Receiver.” *Id.* at 2 (citing
15 ECF No. 6, the “Appointment Order.”). The Appointment Order does not list intended
16 Seller GCC Pullman Lofts Phase I, LLC in its enumerated list of receivership entities
17 under Paragraph IV, nor does the Pullman Lofts Motion explain why the Seller otherwise
18 qualifies as a receivership entity under the terms of the Appointment Order. *See* ECF No.
19 6 at 4-7. The Court recognizes that the Appointment Order does not limit the scope of
20 Paragraph IV to the enumerated entities;¹ however, the Court requires clarification before
21 determining that the Pullman Lofts Motion concerns property within the reach of the
22 Court’s equitable jurisdiction.

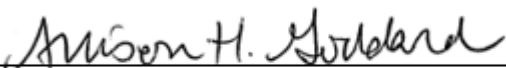
23 Accordingly, the parties to the Pullman Lofts Motion are **ORDERED** to file a
24 clarification on the record no later than **February 28, 2020**. Pending that clarification, the
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27 ¹ The Court notes that Pullman Lofts Phase I, LLC, referred to as the “Project Owner” in
28 the Pullman Lofts Motion, is an enumerated receivership entity in the Appointment
Order, as is a similarly-named entity, “GCC I, LLC.” ECF No. 6 at 5, 6.

1 Court's tentative ruling is to grant the Pullman Lofts Motion. Additionally, any interested
2 non-party who opposes the motion must notify the Court of such opposition and the
3 reasons therefor by the same deadline of **February 28, 2020**.

4 **IT IS SO ORDERED.**

5 Dated: February 21, 2020

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8 Honorable Allison H. Goddard
9 United States Magistrate Judge
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