

1 DAVID R. ZARO (BAR NO. 124334)  
NORMAN M. ASPIS (BAR NO. 313466)  
2 ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
3 865 South Figueroa Street, Suite 2800  
Los Angeles, California 90017-2543  
4 Phone: (213) 622-5555  
Fax: (213) 620-8816  
5 E-Mail: dzaro@allenmatkins.com  
naspis@allenmatkins.com

6 EDWARD G. FATES (BAR NO. 227809)  
7 ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
8 One America Plaza  
600 West Broadway, 27th Floor  
9 San Diego, California 92101-0903  
Phone: (619) 233-1155  
10 Fax: (619) 233-1158  
E-Mail: tfates@allenmatkins.com

11 Attorneys for Receiver  
12 KRISTA FREITAG

13 UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA

15  
16 SECURITIES AND EXCHANGE  
COMMISSION,  
17 Plaintiff,  
18 v.  
19 GINA CHAMPION-CAIN and ANI  
20 DEVELOPMENT, LLC,  
21 Defendants,  
22 AMERICAN NATIONAL  
INVESTMENTS, INC.,  
23 Relief Defendant.  
24

Case No. 3:19-cv-01628-LAB-AHG

**RECEIVER'S NOTICE OF MOTION  
AND MOTION TO AMEND ORDER  
GRANTING RECEIVER'S MOTION  
FOR APPROVAL OF SALE OF 737  
WINDEMERE COURT PROPERTY**

Date: September 18, 2020  
Time: 2:00 p.m.  
Courtroom: TBD  
Mag. Judge: Hon. Allison H. Goddard

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **NOTICE IS HEREBY GIVEN** that on Friday, September 18, 2020, at  
3 2:00 p.m. in a Courtroom to be determined of the United States District Court,  
4 Southern District of California, located at 221 West Broadway, San Diego,  
5 California 92101, Krista Freitag ("Receiver"), the Court-appointed permanent  
6 receiver for Defendant ANI Development, LLC, Relief Defendant American  
7 National Investments, Inc., and their subsidiaries and affiliates ("Receivership  
8 Entities" ), will, and hereby does, move this Court for an order (a) amending the  
9 Order Granting Receiver's Motion for Approval of Sale of 737 Windemere Court  
10 Property ( Dkt. No. 434), (b) specifically providing that the sale of the Windemere  
11 Court Property is free and clear of Mr. Riharb's disputed Deed of Trust (with the  
12 Deed of Trust being removed from title to the property at closing of the sale), and (c)  
13 approving the Receiver's proposal to set aside and not distribute a total of \$1,105,000  
14 in receivership funds (\$599,000 upon closing the sale of the Windemere Court  
15 Property and \$506,000 upon closing of the anticipated sale of the 750 Yarmouth  
16 Court property, subject to further Court approval) pending resolution of Mr. Riharb's  
17 disputed Deed of Trust.

18 This Motion is based upon this notice, the accompanying Memorandum of  
19 Points and Authorities and Declaration of Krista L. Freitag, all pleadings and papers  
20 on file in this action, and upon such other matters as may be presented to the Court at  
21 the time of hearing.

22 Procedural Requirements: If you oppose the Motion, you are required to file  
23 your written opposition with the Office of the Clerk, United States District Court,  
24 Southern District of California, 333 West Broadway, Suite 420, San Diego,  
25 California 92101, and serve the same on the undersigned within 14 days of the date  
26 hereof. An opposing party's failure to file an opposition to any motion may be  
27 construed as consent to the granting of the motion pursuant to Civil Local  
28 Rule 7.1(f)(3)(c). The Court previously set a deadline of August 27, 2020 for the

1 Receiver to file sale-related motions for the September 18, 2020 at 2:00 p.m. hearing  
2 date. (Dkt. 407.) Because the Receiver (with permission from the Court) is filing  
3 this Motion one day after the August 27, 2020 deadline, she agrees to a shortened  
4 deadline to file her reply to any oppositions to the Motion (6 days instead of 7 days).

5  
6 Dated: August 28, 2020

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

7  
8 By:           s/Edward G. Fates          

9 DAVID R. ZARO  
10 EDWARD G. FATES  
11 NORMAN M. ASPIS  
12 Attorneys for Receiver  
13 KRISTA FREITAG  
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