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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

ORDER:

**(1) RESETTING HEARING ON
MOTION TO AMEND ORDER
GRANTING RECEIVER’S MOTION
FOR APPROVAL OF SALE OF 737
WINDEMERE COURT PROPERTY;
AND**

**(2) MODIFYING HEARING TO BE
VIA VIDEOCONFERENCE**

[ECF NO. 440]

On August 28, 2020, Receiver Krista L. Freitag (the “Receiver”) filed a Motion to Amend Order Granting Receiver’s Motion for Approval of Sale of 737 Windemere Court Property (the “Motion to Amend”). ECF No. 440. In particular, the Receiver requests that the Court’s Order Granting Receiver’s Motion for Approval of Sale of 737 Windemere Court Property (ECF No. 434) be amended to provide that the sale of the property is free and clear of a disputed Deed of Trust recorded against the property by third-party creditor Charles Riharb, and to approve the Receiver’s proposal to set aside \$1,105,000 in

1 receivership funds pending resolution of the dispute. ECF No. 440 at 8-9. The Court set
2 the Motion to Amend for hearing on the previously set hearing date and time of September
3 18, 2020 at 2:00 p.m., and set a deadline of September 11, 2020 for oppositions to be filed
4 and a deadline of September 17, 2020 for the reply. ECF No. 441.

5 On September 11, 2020, Mr. Riharb filed a limited opposition to the Motion to
6 Amend, disputing some of the background facts stated by the Receiver in the Motion to
7 Amend, and requesting that his lien on the Windemere Court Property attach in the same
8 validity and priority to the net sale proceeds as it had with respect to the property. ECF No.
9 452. Mr. Riharb also separately filed an evidentiary objection to a portion of the Receiver's
10 declaration. ECF No. 453. The Court anticipates the Receiver will file a reply by the
11 September 17, 2020 deadline.

12 On September 14, 2020, the Court took the three other property sale motions
13 scheduled to be heard at the September 18, 2020 hearing (ECF Nos. 406, 408, 421) under
14 submission, finding them suitable for determination on the papers without oral argument.
15 ECF No. 455. However, in light of the dispute regarding the Motion to Amend, the Court
16 has determined a hearing on that motion remains necessary.

17 Due to a conflict on the Court's calendar, the September 18, 2020 hearing on the
18 Motion to Amend is **VACATED** and **RESET** for **September 21, 2020** at **4:00 p.m.**
19 Further, due to the current COVID-19 public emergency,¹ the Court **MODIFIES** the
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22 ¹ On March 23, 2020, Chief Judge Larry A. Burns amended his original Order in response
23 to the COVID-19 public emergency, which, among other things, excuses personal
24 appearance of counsel and parties at civil court proceedings and notes that judges retain
25 discretion to hold civil proceedings telephonically. *See* CJO #18-A at ¶ 4B. His original
26 order, CJO #18, is available on the Court website at
27 <https://www.casd.uscourts.gov/assets/pdf/rules/Order%20of%20the%20Chief%20Judge%2018.pdf>. His amended order, CJO #18-A, which amends paragraph four of CJO #18, is
28 available on the Court website at
<https://www.casd.uscourts.gov/assets/pdf/rules/Order%20of%20the%20Chief%20Judge%2018-a.pdf>. These orders were extended until mid-September by CJO #34, which is
available on the Court website at

1 motion hearing to be via **videoconference** for the parties to the disputed Motion to Amend.
2 **The Court will use its courtroom technology to ensure the motion hearing will still**
3 **take place on the record.** To facilitate this modification, the Court hereby **ORDERS** as
4 follows:

5 1. The Court will use its official Zoom videoconferencing account to hold the
6 motion hearing on the Motion to Amend. **If you are unfamiliar with Zoom:** Zoom is
7 available on computers through a download on the Zoom website
8 (<https://zoom.us/meetings>) or on mobile devices through the installation of a free app.²
9 Joining a Zoom conference does not require creating a Zoom account, but it does require
10 downloading the .exe file (if using a computer) or the app (if using a mobile device).
11 Participants are encouraged to create an account, install Zoom and familiarize themselves
12 with Zoom in advance of the hearing.³ There is a free option for creating a Zoom account.

13 2. On September 17, 2020, the Court will send the Zoom invitation to counsel
14 for the Receiver, Edward Fates, and Mr. Riharb's counsel, Mark Cramer and Russel Allyn,
15 at their email addresses of record. No later than **September 18, 2020**, counsel for the
16 Receiver and Mr. Riharb shall send an email to the Court at
17 efile_goddard@casd.uscourts.gov identifying any additional participants they expect to
18 join. Counsel may forward the invitation to additional participants as they see fit, but must
19 inform the Court that they have done so. Counsel for any other **party** may also request the
20 Zoom invitation from the Court at the email address above, and must identify the expected
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23 [https://www.casd.uscourts.gov/assets/pdf/rules/Order%20of%20the%20Chief%20Judge](https://www.casd.uscourts.gov/assets/pdf/rules/Order%20of%20the%20Chief%20Judge%2034.pdf)
24 [%2034.pdf](https://www.casd.uscourts.gov/assets/pdf/rules/Order%20of%20the%20Chief%20Judge%2034.pdf).

25 ² If possible, participants are encouraged to use laptops or desktop computers for the
26 video conference, rather than mobile devices.

27 ³ For help getting started with Zoom, visit: [https://support.zoom.us/hc/en-](https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started)
28 [us/categories/200101697-Getting-Started](https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started)

1 participants for that party.

2 3. Because Zoom may quickly deplete the battery of a participant’s device, each
3 participant should ensure that their device is plugged in or that a charging cable is readily
4 available during the videoconference. Again, if possible, participants are encouraged to use
5 laptops or desktop computers for the videoconference, as mobile devices often offer
6 inferior performance. Participants shall attend the hearing by following the ZoomGov
7 Meeting hyperlink in the invitation. **Participants who do not have Zoom already**
8 **installed on their device when they click on the ZoomGov Meeting hyperlink will be**
9 **prompted to download and install Zoom before proceeding.** Zoom may then prompt
10 participants to enter the password included in the invitation.

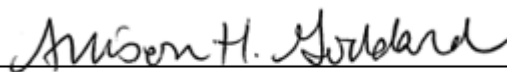
11 4. Each participant should plan to join the Zoom videoconference **at least five**
12 **minutes before** the start of the hearing to ensure that the hearing begins promptly.

13 5. The Court will publish teleconference line information on the docket and on
14 its public calendar for all non-parties and members of the public to use to listen to the
15 hearing. Counsel for any **non-party** (other than Mr. Riharb) who wish to be heard
16 telephonically must make a request to that effect to the Court at
17 efile_goddard@casd.uscourts.gov no later than **September 18, 2020** at **noon.**

18 6. Counsel for the Receiver is **ORDERED** to give notice of this Order to counsel
19 for Mr. Riharb no later than **September 15, 2020.**

20 **IT IS SO ORDERED.**

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22 Dated: September 14, 2020

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24 _____
25 Honorable Allison H. Goddard
26 United States Magistrate Judge
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