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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE  
COMMISSION,  
  
Plaintiff,  
  
v.  
  
AMERICAN NATIONAL  
INVESTMENTS, INC.,  
  
Defendants.  
  
AMERICAN NATIONAL  
INVESTMENTS, INC.,  
  
Relief Defendants.

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

**ORDER:**

- 1) APPROVING GLOBAL SETTLEMENT [Dkt. 795, 796], and**
- 2) ENTERING CHICAGO TITLE BAR ORDER**

The Court-appointed Receiver, Krista L. Freitag (the "Receiver"), and non-parties Chicago Title Company ("CTC") and Chicago Title Insurance Company ("CTIC" and, together with CTC, "Chicago Title"), have jointly moved ("Motion") the Court to approve the Settlement Agreement and Mutual Release ("Global Settlement"), a copy of which is attached as Exhibit A to the Receiver's declaration in support of the motion, (Dkt. 795-4), and enter a bar order in favor of Chicago Title (the "Chicago Title Bar Order"). Following notice and a hearing, and having considered the filings and heard the arguments of counsel, the Court

1 **GRANTS** the Motion.

2 Accordingly, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

3 1. The Motion is **GRANTED**, and the Global Settlement is **APPROVED**.

4 2. The Global Settlement was entered into amongst the following:

5 a. CTC and CTIC, inclusive of each's past, present and/or future  
6 parents, including but not limited to Fidelity National Financial,  
7 Inc., subsidiaries, affiliates, officers, directors, agents,  
8 employees, including but not limited to Adelle (Della)  
9 DuCharme, Betty Elixman, Thomas Schwiebert, and their heirs,  
10 executors, representatives, and/or trusts, if any, predecessors,  
11 successors, assigns, sureties, insurers, excess insurers,  
12 reinsurers, and any and all of their respective shareholders,  
13 owners, and/or partners, limited or general (collectively, the  
14 "Chicago Title Parties"); and

15 b. The Receiver for ANI Development, LLC, American National  
16 Investments, Inc., and their subsidiaries and affiliates, (the  
17 "Receivership Entities" or "ANI").

18 3. In August 2019, the Securities and Exchange Commission initiated  
19 this action against Gina Champion-Cain and the Receivership Entities, styled as  
20 *SEC v. Gina Champion-Cain, et al.*, Case No. 19-cv-1628-LAB-AHG, in  
21 connection with a fraudulent liquor license loan program (the "Program").

22 4. There is other currently pending litigation in the California Superior  
23 Court for San Diego County relating to the Program and styled as *Ovation Finance*  
24 *Holdings 2 LLC, Ovation Fund Management II, LLC, and Banc of California, N.A.*  
25 *v. Chicago Title Insurance Company, et al.*, Case No. 37-2020-00034947-CU-FR-  
26 CTL (the "Ovation/BoC Action"); *Banc of California, N.A. v. Laurie Peterson, et al.*,  
27 Case No. 37-2019-00060809 (the "BoC Action"); *CalPrivate Bank v. Chicago Title*  
28 *Company, et al.*, Case No. 37-2020-00039790-CU-FR-CTL ("CalPrivate Action I");

1 *CalPrivate Bank v. Kim H. Peterson, Trustee of the Peterson Family Trust* dated  
2 *April 14, 1992*, Case No. 37-2019-00058664-CU-BC-CTL (“CalPrivate Action II”);  
3 *Kim Funding, LLC, et al. v. Chicago Title Company, et al.*, Case No. 37-2019-  
4 00066633-CU-FR-CTL (the “Kim Funding Action”); *Krista Freitag, Court-*  
5 *appointed permanent receiver for ANI Development, LLC, American National*  
6 *Investments, Inc., and their subsidiaries and affiliates v. Chicago Title Company,*  
7 *et al.*, Case No. 37-2022-00000818-CU-FR-CTL (the “Receiver/CTC Action”);  
8 *Susan Heller Fenley Separate Property Trust, DTD 03/04/2010, et al. v. Chicago*  
9 *Title Company, et al.*, Case No. 37-2020-00022394 (the “Heller-Fenley Action”);  
10 and *Wakefield Capital LLC, Wakefield Investments, LLC, 2Budz Holdings, LLC,*  
11 *Doug and Kristine Heidrich, and Jeff and Heidi Orr v. Chicago Title Company, et*  
12 *al.*, Case No. 37-2020-00012568-CU-FR-CTL (the “Wakefield Action” and,  
13 together with the Ovation/BoC Action, the BoC Action, CalPrivate Action I,  
14 CalPrivate Action II, the Kim Funding Action, the Receiver/CTC Action, and the  
15 Heller-Fenley Action, the “State Court Actions”).

16 5. The Receiver has calculated the net money-in, net money-out  
17 (“MIMO”) for all investors in the Program and has determined ANI’s alleged MIMO  
18 net loss liability with respect to the following individuals and entities: the Shelley  
19 Lynn Tarditi Trust (the “Tarditi Claimant”); the Payson R. Stevens & Kamaljit Kaur  
20 Kapur Trust Dated March 28, 2014; Payson R. Stevens; and Kamalji K. Kapur  
21 (the “Stevens/Kapur Claimants”); the Susan Heller Fenley Property Trust, DTD  
22 03/04/2010 and the Susan Heller Fenley Inherited ROTH IRA (the “Heller-Fenley  
23 Claimants”); Wakefield Capital LLC; Wakefield Investments, LLC; 2Budz Holding  
24 LLC; Doug Heidrich; Kristine Heidrich; Living at the Next Level, LLC; Heidi Orr;  
25 and Jeffrey Orr (the “Wakefield-Related Claimants”); CalPrivate Bank (f/k/a San  
26 Diego Private Bank) and inclusive of C3 Bank (f/k/a First National Bank of  
27 Southern California) (the “CalPrivate Claimant” and, together with the Tarditi  
28 Claimant, the Stevens/Kapur Claimants, the Heller-Fenley Claimants, the

1 Wakefield-Related Claimants, the “Plaintiff Claimants”); the Babette Newman  
2 Trust, Anthony D. Radojevich, Eugene Shapiro, and Robert McArdle (collectively  
3 the “Non-Plaintiff Claimants” and, together with the Plaintiff Claimants, the  
4 “Claimants”).

5 6. The Receiver has brought suit against Kim H. Peterson, Kim Funding,  
6 LLC, the Peterson Family Trust dated 4/14/1992; the Peterson Family Trust dated  
7 9/29/1983; ABC Funding Strategies, LLC, ABC Funding Strategies Management,  
8 LLC, ANI License Fund, LLC, Kim Media, LLC, Kim Management, Inc., Kim  
9 Aviation, LLC, Aero Drive, LLC, Aero Drive Three, LLC, Baltimore Drive, LLC,  
10 George Palmer Corporation, and Kim Funding LLC Defined Benefit Pension in  
11 this Court in the currently pending matter styled as *Krista Freitag, Court-appointed*  
12 *permanent receiver for ANI Development, LLC, American National Investments,*  
13 *Inc., and their subsidiaries and affiliates v. Kim H. Peterson, et al.*, Case No. 21-  
14 cv-1620-LAB-AHG (the “Receiver/Peterson Action”).

15 7. CTC and CTIC have also brought crossclaims for equitable indemnity  
16 in the State Court Actions against Kim H. Peterson, Joseph Cohen, Kim Funding,  
17 LLC, ANI License Fund, LLC, ABC Funding Strategies, LLC, and ABC Funding  
18 Strategies Funding Management, LLC, as applicable (the “Peterson Crossclaims”  
19 and, together with the Receiver/Peterson Action, the “Peterson Actions”).

20 8. The notice of the Motion provided by the Receiver was reasonably  
21 calculated, under all the circumstances, to apprise interested parties of the relief  
22 sought in the Motion and afforded them an opportunity to present their objections  
23 and a reasonable time to make their appearance.

24 9. The Global Settlement is the product of good faith, arm’s-length,  
25 mediated negotiations involving experienced and competent counsel, is a  
26 reasonable and fair compromise of the Receivership Estate’s claims against the  
27 Chicago Title Parties, and is in the best interests of the Receivership Estate, taking  
28 into account the interests of all investors and creditors.

1           10. The litigation against the Chicago Title Parties involves considerable  
2 uncertainty, risk, delay and litigation costs, and would likely require a lengthy time  
3 to complete, including through all trials and appeals.

4           11. The Chicago Title Bar Order is an essential condition of the Global  
5 Settlement and, due to the fact that the Plaintiff Claimants' claims against the  
6 Chicago Title Parties substantially overlap with the Receivership Estate's claims  
7 against the Chicago Title Parties, continued litigation in the State Court Actions  
8 may otherwise threaten the Estate's assets due to Chicago Title's indemnity  
9 claims, and continued litigation in the State Court Actions may unduly delay  
10 distribution of the Estate's assets, it is necessary to protect Receivership Estate  
11 assets.

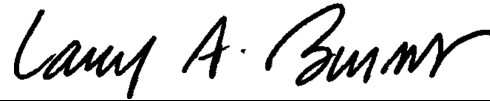
12           12. The Plaintiff Claimants who have opposed the Motion and objected to  
13 the Chicago Title Bar Order will receive 100% of their MIMO net losses through  
14 the Receivership as part of the Global Settlement.

15           13. The Court hereby permanently bars and enjoins all persons and  
16 entities whatsoever, including but not limited to the Claimants; Susan Heller  
17 Fenley; Shelley Lynn Tarditi; ROJ, LLC; John Milito; Wade Wakefield; Stacy  
18 Wakefield; Greg Glassberg; Joseph J. Cohen; ABC Funding Strategies, LLC; ABC  
19 Funding Strategies Management, LLC; Laurie Peterson; Kim H. Peterson; Kim  
20 Funding, LLC; the Peterson Family Trust dated 4/14/1992; the Peterson Family  
21 Trust dated 9/29/1983; Kim Media, LLC; Kim Management, Inc.; Kim Aviation,  
22 LLC; Aero Drive, LLC; Aero Drive Three, LLC; Baltimore Drive, LLC; George  
23 Palmer Corporation; Kim Funding LLC Defined Benefit Pension Plan; ANI License  
24 Fund, LLC; Gina Champion-Cain; Nossaman LLP; Marco Costales; the Receiver  
25 and the Receivership Entities; any and all persons or entities who have been, are,  
26 or will be subject to any fraudulent transfer claim brought by the Receiver; any  
27 and all persons or entities who previously received a settlement payment from  
28 CTC; and any and all persons or entities who have submitted investor claim forms

1 with the Receiver, or anyone else whomsoever that has a claim arising from the  
2 Program, from commencing, instituting, prosecuting, maintaining, or continuing,  
3 directly or indirectly, any lawsuit, action, cause of action, claim, crossclaim,  
4 third-party claim, demand, controversy, claim over, appeal (except for an appeal  
5 from this Court as it pertains to its approval of the Global Settlement) or other  
6 action, of whatsoever nature at common law, statutory, legal, or equitable, or  
7 otherwise, including but not limited to any claim seeking damages, indemnity,  
8 contribution, or otherwise, in any forum against the Chicago Title Parties related  
9 to or arising from, directly or indirectly any damages, injuries, or losses allegedly  
10 sustained by, or related directly or indirectly, to the subject matter of *SEC v.*  
11 *Champion-Cain*, the Receiver/CTC Action, the Receiver/Peterson Action, and/or  
12 the State Court Actions.

13 **IT IS SO ORDERED.**

14 Dated: November 23, 2022



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15 **Hon. Larry Alan Burns**  
16 United States District Judge  
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