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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

**PROTECTIVE ORDER
REGARDING INVESTOR
CONTACT INFORMATION**

[ECF No. 146]

On November 18, 2019, the Court held a hearing in this matter on various issues related to its oversight of the receivership estate. ECF No. 119. During the hearing, the Court ordered that investors in the fraud allegedly perpetrated by Defendant Gina Champion-Cain and Defendant ANI Development, LLC, which forms the basis of this entire action, should have access to contact information for the other allegedly defrauded investors (“Defrauded Investors”). However, the Court recognized that some of the Defrauded Investors may have privacy concerns relating to the dissemination of their

1 contact information. Therefore, the Court ruled that the parties should confer and agree to
2 a protective order to govern the exchange of such information. The Court then
3 memorialized that ruling in a written Order (ECF No. 126), requiring the parties to
4 “jointly move for a protective order to protect the identity of investors known to the
5 SEC” and ordering that once the protective order is in place, “investors known to the SEC
6 shall be made known upon request to anyone subject to the protective order.” *Id.* ¶ 7.

7 On December 3, 2019, Plaintiff Securities and Exchange Commission, Defendant
8 Champion-Cain, and Court-appointed Permanent Receiver Krista Freitag complied with
9 the Court’s directive by filing a Joint Motion and Stipulated Request for Protective Order
10 Regarding Investor Contact Information. ECF No. 146. The Court hereby **GRANTS** the
11 Motion. Accordingly, **IT IS ORDERED** that:

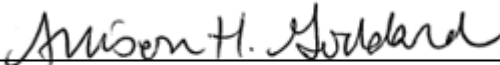
- 12 1. Contact information for Defrauded Investors shall include the Defrauded
13 Investors’ names, telephone numbers, and email addresses (“Confidential
14 Materials”).
- 15 2. Using the electronic notification procedure approved by the Court (Dkt. No.
16 126), Krista L. Freitag, the Receiver in this action, will post a notice on the
17 Receiver’s website and will send a blind carbon copy email to all Defrauded
18 Investors stating that there will be a fourteen (14) day period in which the
19 Defrauded Investors may contact the Receiver and/or the Securities and
20 Exchange Commission (“SEC”) and request that his/her contact information not
21 be disclosed in this action. At the conclusion of the fourteen (14) day period,
22 the Receiver and the SEC will have a list of Defrauded Investors who have
23 chosen to allow the disclosure of their contact information.
- 24 3. The Confidential Materials shall be disclosed only to the parties to this action,
25 other investors in the underlying alleged fraud, and their counsel.
- 26 4. In order to obtain access to the Confidential Materials, the requesting investor
27 and/or his or her counsel: (1) shall contact the SEC and/or the Receiver in this
28 matter; (2) will be provided a copy of this Protective Order; (3) and will agree

1 in writing to be bound by the terms of this Protective Order. A copy of the
2 written agreement to be bound by this Protective Order is attached hereto as
3 Exhibit A.

- 4 5. All persons who receive access to the Confidential Materials shall keep that
5 contact information confidential and shall not divulge the information contained
6 therein to any other person or entity.
- 7 6. Any individual or entity who seeks to divulge or use the Confidential Materials,
8 in a manner not allowed by this Protective Order, shall file a noticed motion
9 with this Court seeking relief.

10 **IT IS SO ORDERED.**

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12 Dated: February 5, 2020



13 _____
14 Honorable Allison H. Goddard

15 United States Magistrate Judge
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EXHIBIT A

CERTIFICATION RE CONFIDENTIAL MATERIALS

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5 I hereby acknowledge that I, _____[NAME],
6 _____ [POSITION AND EMPLOYER], am about to
7 receive Confidential Materials supplied in connection with the action entitled SEC v. Gina Champion-
8 Cain, et al., S.D. Cal. Case No. 3:19-cv-01628-LAB-AHG (the "Proceeding"). I certify that I understand
9 that the Confidential Materials are provided to me subject to the terms and restrictions of the Joint Motion
10 for Stipulated Protective Order and Protective Order filed in this Proceeding. I have been given a copy
11 of the Joint Motion for Stipulated Protective Order and Protective Order; I have read them, and I agree
12 to be bound by the terms.

13 I understand that the Confidential Materials, as defined in the Joint Motion for Stipulated
14 Protective Order and Protective Order, including any notes or other records that may be made regarding
15 any such materials, shall not be disclosed to anyone except as expressly permitted by the Joint Motion
16 for Stipulated Protective Order and Protective Order. I will not copy or use, except solely for the
17 purposes of this Proceeding, any Confidential Materials obtained pursuant to this Joint Motion for
18 Stipulated Protective Order and Protective Order, except as provided therein or otherwise ordered by
19 the Court in the Proceeding.

20 I further understand that I am to retain all copies of all Confidential Materials provided to me in
21 the Proceeding in a secure manner, and that all copies of such materials are to remain in my personal
22 custody until termination of the Proceeding, whereupon the copies of such materials will remain in my
23 personal custody, be destroyed, or returned to the individual(s) who provided me with such materials.

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27 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is
28 true and correct. Executed this _____ day of _____, 20__, at _____.

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DATED: _____

BY: _____

Signature

Title

Address

City, State, Zip Code

Telephone Number