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14 DAVID P. STAPLETON

15 UNITED STATES DISTRICT COURT  
16 EASTERN DISTRICT OF CALIFORNIA

17 SECURITIES AND EXCHANGE  
18 COMMISSION,

19 Plaintiff,

20 v.

21 BIC REAL ESTATE DEVELOPMENT  
22 CORPORATION and DANIEL R.  
23 NASE, individually and d/b/a  
24 BAKERSFIELD INVESTMENT CLUB,

25 Defendants,

26 BIC SOLO 401K TRUST and  
27 MARGARITA NASE,

28 Relief Defendants.

Case No. 1:16-cv-00344-NONE-JLT

SUPPLEMENTAL BRIEF IN SUPPORT  
OF MOTION OF RECEIVER,  
DAVID P. STAPLETON, FOR ORDER:  
(1) APPROVING FINAL REPORT AND  
ACCOUNTING; (2) AUTHORIZING  
PAYMENT OF FINAL FEE  
APPLICATION OF RECEIVER AND  
PROFESSIONALS; (3) AUTHORIZING  
FINAL DISTRIBUTION ON  
ALLOWED CLAIMS;  
(4) AUTHORIZING SUBMISSION OF  
APPROPRIATE TAX RETURNS;  
(5) AUTHORIZING ABANDONMENT  
OR DESTRUCTION OF RECORDS;  
AND (6) CLOSING RECEIVERSHIP  
CASE AND DISCHARGING  
RECEIVER

Date: July 1, 2020  
Time: 8:30 a.m.  
Ctrm: 4, 7th Floor

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

2           **PLEASE TAKE NOTICE THAT**, in accordance with this Court's June 26,  
3 2020 Minute Order [ECF No. 448], David P. Stapleton (the "Receiver"), the Court-  
4 appointed permanent receiver in the above-entitled matter hereby provides the  
5 following Supplemental Brief in support of his pending Motion Order  
6 (1) Approving Final Report and Accounting; (2) Authorizing Payment of Final Fee  
7 Application of Receiver and Professionals; (3) Authorizing Final Distribution on  
8 Allowed Claims; (4) Authorizing Submission of Appropriate Tax Returns;  
9 (5) Authorizing Abandonment or Destruction of Records; and (6) Closing  
10 Receivership Case and Discharging Receiver (the "Wind-Down Motion") [ECF  
11 Nos. 446, *et seq.*].

12           In accordance with this Court's May 6, 2016 Supplemental Order in Aid of  
13 Receivership (the "Order in Aid") [ECF No. 58], the Receiver has posted copies of  
14 filings in this matter to the website established for the instant receivership,  
15 [www.bicreceivership.com](http://www.bicreceivership.com). In addition, and in accordance with the terms of the  
16 Order in Aid, the Receiver has provided notification to investors and other interested  
17 parties of certain critical filings or developments via electronic mail. The most  
18 recent filing for which the Receiver provided such email notification was the Wind-  
19 Down Motion.

20           The Receiver's email regarding the Wind-Down Motion provided as follows:

21  
22                           **Dear Investor or Interested Party,**

23           The Receiver has filed his Motion for Order: (1) Approving Final  
24 Report and Accounting; (2) Authorizing Payment of Final Fee  
25 Applications of Receiver and Professionals; (3) Authorizing Final  
26 Distribution on Allowed Claims; (4) Authorizing Submission of  
27 Appropriate Tax Returns; (5) Authorizing Abandonment or  
28 Destruction of Records; and (6) Closing Receivership Case and  
Discharging Receiver (the "Motion"). Copies of the Motion and all

1 associated pleadings and documents may be viewed and  
2 downloaded from the Receiver's website at  
3 <http://bicareceivership.com/notice-of-motion/>.

4 In the event that the Motion is granted, the Receiver anticipates  
5 making a final, pro rata distribution on all previously allowed, non-  
6 subordinated claims. If your claim was previously allowed, you  
7 need not take any action. However, if you have questions, please  
8 feel free to contact the Receiver's office at (213) 235-0600 or  
9 [claims@stapletoninc.com](mailto:claims@stapletoninc.com).

10 As of the date of this Supplemental Brief, the Receiver has not been notified  
11 by any interested party of any objection or opposition to the relief requested in the  
12 Wind-Down Motion. Likewise, no other party to the above-entitled action has filed  
13 an Objection or Opposition to the Wind-Down Motion. On June 15, 2020, the  
14 plaintiff Securities and Exchange Commission filed a Response to the Motion [ECF  
15 No. 447] wherein it indicated its support for the Receiver's Wind-Down Motion.

16 The Receiver has met and conferred with the plaintiff Securities and  
17 Exchange Commission, which has indicated it approves the content of this  
18 Supplemental Brief.

19  
20 Dated: June 29, 2020

21 ALLEN MATKINS LECK GAMBLE  
22 MALLORY & NATSIS LLP  
23 DAVID R. ZARO  
24 JOSHUA A. DEL CASTILLO  
25 NORMAN M. ASPIS

26 By:           /s/          Joshua A. del Castillo            
27 JOSHUA A. DEL CASTILLO  
28 Attorneys for Receiver  
DAVID P. STAPLETON

**PROOF OF SERVICE**

*Securities and Exchange Commission v. BIC Real Estate Development Corporation and Daniel R. Nase, et al.*  
USDC, Eastern District of California – Case No. 1:16-cv-00344-NONE-JLT

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 865 S. Figueroa Street, Suite 2800, Los Angeles, California 90017-2543.

On **June 29, 2020**, I caused to be served the document entitled: **SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION OF RECEIVER, DAVID P. STAPLETON, FOR ORDER: (1) APPROVING FINAL REPORT AND ACCOUNTING; (2) AUTHORIZING PAYMENT OF FINAL FEE APPLICATION OF RECEIVER AND PROFESSIONALS; (3) AUTHORIZING FINAL DISTRIBUTION ON ALLOWED CLAIMS; (4) AUTHORIZING SUBMISSION OF APPROPRIATE TAX RETURNS; (5) AUTHORIZING ABANDONMENT OR DESTRUCTION OF RECORDS; AND (6) CLOSING RECEIVERSHIP CASE AND DISCHARGING RECEIVER** on all the parties to this action addressed as stated on the attached service list.

**OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

**OVERNIGHT DELIVERY:** I deposited in a box or other facility regularly maintained by Fedex, or delivered to a courier or drive authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in sealed envelope(s) or package(s) designed by the express service carrier, with fees for overnight delivery paid or provided for.

**HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

**ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

**E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

**FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

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I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on **June 29, 2020** at Los Angeles, California.

/s/ Martha Diaz  
Martha Diaz

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**SERVICE LIST**

*Securities and Exchange Commission v. BIC Real Estate Development Corporation and Daniel R. Nase, et al.*  
USDC, Eastern District of California – Case No. 1:16-cv-00344-NONE-JLT

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Franchise Tax Board (FTB) **VIA U.S. MAIL**  
P.O. Box 2952  
Sacramento, CA 95812-2952

Internal Revenue Service **VIA U.S. MAIL**  
880 Front Street  
San Diego, CA 92101-8869