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 KRISTEN A. JANULEWICZ, RECEIVER

9 UNITED STATES DISTRICT COURT
 10 SOUTHERN DISTRICT OF CALIFORNIA

12 KRISTEN A. JANULEWICZ, RECEIVER,

13 Plaintiff,

14 v.

15 PRIVATE PLACEMENT CAPITAL NOTES
 II, LLC; ANTHONY (TONY) HARTMAN;
 16 and DOES 1 through 10, inclusive,

17 Defendants.

Case No. **'16CV0578 BEN DHB**

NOTICE OF RELATED CASE

18
 19 TO THE CLERK OF COURT:

20 Plaintiff Kristen A. Janulewicz (the "Receiver"), the Court-appointed
 21 permanent receiver for Total Wealth Management, Inc. ("Total Wealth"), and its
 22 subsidiaries and affiliates, including but not limited to Altus Capital Management,
 23 LLC (collectively, the "Receivership Entities"), hereby submits the following Notice
 24 of Related Case in conjunction with the filing of her complaint (the "PPCN
 25 Complaint") against Private Placement Capital Notes II, LLC ("PPCN") and
 26 Anthony (Tony) Hartman ("Hartman").

27 The Court is hereby advised that the PPCN Complaint and the claims alleged
 28 therein are directly related to the case indicated below, which was filed within the

1 past three (3) years prior to the filing of the PPCN Complaint, and which remains
2 pending in the United States District Court for the Southern District of California,
3 before District Judge Cynthia Bashant:

- 4 • *SEC v. Total Wealth Management, Inc., et al.*, United States District
5 Court, S.D. Cal., Case No. 15-cv-226 BAS (DHB), filed on February 4,
6 2015 (the "Related Case").

7 In the Related Case, the "(1) Preliminary Injunction, Appointment of a
8 Permanent Receiver, and Related Orders; and (2) Order Vacating Hearing on
9 Preliminary Injunction" (the "Appointment Order") (Docket No. 8), authorized the
10 Receiver to recover and marshal, for the benefit of creditors and investors in the
11 Receivership Entities, any and all assets which were owned, leased, occupied, or
12 otherwise controlled by the Receivership Entities, or that were otherwise purchased
13 with assets of the Receivership Entities. As alleged in the concurrently-filed PPCN
14 Complaint, the Entities invested in a variety of different investments, including
15 PPCN, into which at least \$24,000,000 was invested from approximately December
16 2007 to February 2014.

17 The PPCN Complaint reflects an effort by the Receiver to recover the
18 significant assets of the Receivership Entities that were invested in PPCN, pursuant
19 to her authority under the Appointment Order in the Related Case, and as
20 specifically authorized recently by Judge Bashant in the Related Case. (See Related
21 Case, Docket No. 74.)

22 Accordingly, the Receiver respectfully submits that Judge Bashant has
23 jurisdiction over the the PPCN Complaint and the claims alleged therein under 28
24 U.S.C. §§ 1345 and 1367(a), and the doctrines of ancillary and supplemental
25 jurisdiction, in that this action arises from a common nucleus of operative facts as,
26 and is substantially related to the original claims alleged in the Related Case.
27 Moreover, because Judge Bashant is familiar with the subject matters of the Related
28 Case and of the instant lawsuit, having recently approved its filing, the assignment

1 of this new, related lawsuit to Judge Bashant would save judicial effort and create
2 related economies of scale.

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4 Dated: March 7, 2016

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8 By: /s/ Kenyon Harbison

KENYON HARBISON
Attorneys for Plaintiff
KRISTEN A. JANULEWICZ,
RECEIVER

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