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 14 KRISTEN A. JANULEWICZ

15 UNITED STATES DISTRICT COURT
 16 SOUTHERN DISTRICT OF CALIFORNIA

17 SECURITIES AND EXCHANGE
 18 COMMISSION,

19 Plaintiff,

20 v.

21 TOTAL WEALTH MANAGEMENT,
 22 INC.; et al.,

23 Defendants.

Case No. 15-cv-226 BAS (DHB)

NOTICE OF MOTION AND MOTION
 OF RECEIVER, KRISTEN A.
 JANULEWICZ, FOR AUTHORITY TO
 PURSUE CLAIMS AGAINST
 PRIVATE PLACEMENT CAPITAL
 NOTES II, LLC AND ANTHONY
 ("TONY") HARTMAN

[Memorandum of Points and Authorities;
 Declaration of Kristen A. Janulewicz; and
 [Proposed] Order submitted concurrently
 herewith]

Date: December 14, 2015
 Time: Not Applicable
 Ctrm: 4B
 Judge: Hon. Cynthia Bashant

NO ORAL ARGUMENT UNLESS
 REQUESTED BY THE COURT

24 **TO ALL INTERESTED PARTIES:**

25 **PLEASE TAKE NOTICE THAT** on December 14, 2015, in Courtroom 4B
 26 of the above-captioned Court, located at 221 West Broadway, Suite 3030, San
 27 Diego, California 92101, Kristen A. Janulewicz (the "Receiver"), the Court-
 28 appointed permanent receiver for Defendant Total Wealth Management, Inc. and its

1 subsidiaries and affiliates, including, but not limited to Altus Capital Management,
2 LLC, will and hereby does move this Court for an Order authorizing her to
3 prosecute Fraud, Breach of Contract, Unjust Enrichment, Declaratory Relief, and
4 Fraudulent Transfer claims against Private Placement Capital Notes II, LLC and its
5 principal, Anthony ("Tony") Hartman. This Motion is based on the instant Notice
6 of Motion and Motion, the concurrently submitted Memorandum of Points and
7 Authorities, the Declaration of Kristen A. Janulewicz, and such further evidence as
8 may be presented at the hearing, if any, before the Court.

9 **NOTICE REGARDING OPPOSITIONS TO THIS MOTION**

10 **If you oppose the Motion, you must file a written opposition with the**
11 **above-captioned Court. All oppositions must be filed and served on the**
12 **undersigned, not later than fourteen (14) calendar days prior to the hearing**
13 **date for this Motion.**

14
15 Dated: November 9, 2015

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
DAVID R. ZARO
JOSHUA A. DEL CASTILLO
KENYON HARBISON

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18 By: /s/ Joshua A. del Castillo
19 JOSHUA A. DEL CASTILLO
20 Attorneys for Receiver
21 KRISTEN A. JANULEWICZ
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PROOF OF SERVICE

Securities and Exchange Commission v. Total Wealth Management, Inc., et al.
USDC, Southern District of California – Case No. 15-cv-226 BAS (DHB)

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 515 S. Figueroa Street, 9th Floor, Los Angeles, California 90071-3398.

A true and correct copy of the foregoing document(s) described below will be served in the manner indicated below:

NOTICE OF MOTION AND MOTION OF RECEIVER, KRISTEN A. JANULEWICZ, FOR AUTHORITY TO PURSUE CLAIMS AGAINST PRIVATE PLACEMENT CAPITAL NOTES II, LLC AND ANTHONY ("TONY") HARTMAN

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – the above-described document will be served by the Court via NEF. On **November 9, 2015**, I reviewed the CM/ECF Mailing Info For A Case for this case and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- **Vincent J. Brown**
vince@vjblaw.com,vjblaw@gmail.com
- **John Bulgozdy**
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- **Joshua Andrew del Castillo**
jdelcastillo@allenmatkins.com

2. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):** On **November 9, 2015**, I served the

1 following person(s) and/or entity(ies) in this case by placing a true and correct
2 copy thereof in a sealed envelope(s) addressed as indicated below. I am readily
3 familiar with this firm's practice of collection and processing correspondence
4 for mailing. Under that practice it is deposited with the U.S. postal service on
5 that same day in the ordinary course of business. I am aware that on motion
6 for party served, service is presumed invalid if postal cancellation date or
7 postage meter date is more than 1 (one) day after date of deposit for mailing in
8 affidavit.

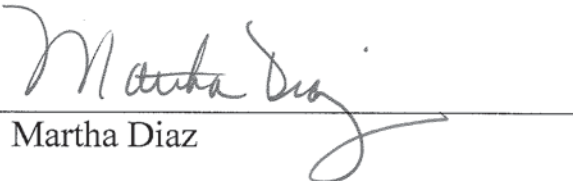
9 Mikel R. Bistrow, Esq.
10 Ballard Spahr LLP
11 655 W. Broadway, Suite 1600
12 San Diego, CA 92101

Via U.S. First Class Mail

13 Richard M. Kipperman
14 PO Box 3010
15 La Mesa, CA 91944-3010

Via U.S. First Class Mail

16 I declare that I am employed in the office of a member of the Bar of this Court
17 at whose direction the service was made. I declare under penalty of perjury under the
18 laws of the United States of America that the foregoing is true and correct. Executed
19 on **November 9, 2015** at Los Angeles, California.

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Martha Diaz