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

ROBERT P. MOSIER, solely in his capacity as Permanent Receiver in the matter of Securities and Exchange Commission vs. Capital Cove Bancorp LLC and Christopher M. Lee aka Rashid K. Khalfani, *U.S. Dist. Court, Central Dist. of CA, Case No.: CV15-00980-JLS (JCx)*,

Plaintiff,

v.

CHRISTOPHER M. LEE A/K/A RASHID K. KHALFANI, as Co-Trustee of the Tealuck Family Trust; PHILIP ANDREWS, as Co-Trustee of the Tealuck Family Trust; NOOJAEW CAWTE, as Co-Trustee of the Tealuck Family Trust; TEALUCK FAMILY TRUST; and NEPENTHE CAPITAL MANAGEMENT, INC.,

Defendants.

Case No. 8:15-cv-02110-JLS-JCx

JUDGMENT

1 On December 22, 2016, the Court granted partial summary judgment in favor
2 of Plaintiff Robert P. Mosier, in his capacity as the Court-appointed permanent
3 receiver over Capital Cove Bancorp LLC and its affiliates and subsidiaries (the
4 “Receiver”), on his first, second, and fifth claims for relief. (MSJ Order, Doc. 65.)
5 On January 11, 2017, the Court dismissed the Receiver’s remaining claims for relief.
6 (Dismissal Order, Doc. 70.) The Court hereby finds and orders as follows:

7 1. Judgment is granted in favor of the Receiver on his first claim for relief
8 seeking avoidance of an actual fraudulent transfer, and the transfer of the property
9 located at 228 Pomello Dr., Claremont California, and legally described as:

10 LOT 22 AND THE NORTH 7.00 FEET OF LOT 21 OF TRACT
11 35323, IN THE CITY OF CLAREMONT, COUNTY OF LOS
12 ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN
13 BOOK 1043, PAGE(S) 76 THROUGH 78, INCLUSIVE OF MAPS IN
14 THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY
15 EXCEPT THEREFROM ALL OIL, GAS MINERALS, AND OTHER
16 HYDROCARBON SUBSTANCES BELOW A DEPTH OF 500 FEET,
17 WITHOUT RIGHT OF SURFACE ENTRY, AS RESERVED IN
18 INSTRUMENT OF RECORD. EXCEPT THEREFROM ALL WATER
AND SUBSURFACE WATER RIGHT, BELOW A DEPTH OF 500
FEET, WITHOUT THE RIGHT OF SURFACE ENTRY, AS
DEDICATED OR RESERVED IN INSTRUMENT OF RECORD.
APN: 8671-016-055

19 (the “Pomello Property”) to Defendant Tealuck Family Trust is hereby avoided and
20 recovered for the benefit of the Receivership Estate.

21 2. Defendant Tealuck Family Trust, by and through co-trustees and
22 Defendants Rashid Khalfani and Noojaew Cawte, is ordered to turn over the Pomello
23 Property to the Receiver within 14 days of the date of entry of this Judgment.

24 3. Judgment is granted in favor of the Receiver on his second claim for
25 relief seeking avoidance and recovery of an actual fraudulent transfer, and the
26 transfer granting the deed of trust in favor of Defendant Nepenthe Capital
27 Management, Inc., (the “Nepenthe Deed of Trust”) against the Pomello Property in
28 the amount of \$1,000,000, which was recorded on August 30, 2013, as Instrument

1 No. 20131273851 in the official records of the County of Los Angeles (the
2 “Nepenthe Transfer”), is hereby avoided and recovered for the benefit of the
3 Receivership Estate.

4 5. Judgment is granted in favor of the Receiver on his fifth claim for relief
5 seeking avoidance and recovery of actual fraudulent transfers, and the Cash
6 Transfers to Defendant Tealuck Family Trust as defined in the Court’s order granting
7 partial summary judgment, (Doc. 65), in the total amount of \$240,682.25 are hereby
8 avoided and recovered for the benefit of the Receivership Estate.

9 6. Defendant Tealuck Family Trust, by and through co-trustees and
10 Defendants Rashid Khalfani and Noojaew Cawte, is ordered to pay the sum of
11 \$240,682.25 to the Receiver.

12 **IT IS SO ORDERED.**

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15 Dated: January 11, 2017



The Honorable Josephine L. Staton
United States District Judge