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4 Securities and Exchange Commission
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6
7 **UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

9 SECURITIES AND EXCHANGE
10 COMMISSION,

11 Plaintiff/Judgment-Creditor,

12 v.

13 BIC REAL ESTATE DEVELOPMENT
14 CORP. and DANIEL R. NASE,
15 individually and d/b/a BAKERSFIELD
16 INVESTMENT CLUB,

17 Defendants/Judgment-Debtors,

18 BIC SOLO 401K TRUST and
19 MARGARITA NASE,

20 Relief Defendants.

Case No.: 1:16-cv-00344-LJO-JLT

**STIPULATION AND PROPOSED
ORDER DIRECTING THE
TURNOVER OF FROZEN
CAPITAL ONE LINE OF CREDIT
FUNDS**

21 Upon consideration of Plaintiff/Judgment-Creditor Securities and Exchange
22 Commission ("SEC") Motion for an Order Directing the Turnover of Frozen
23 Capital One Line of Credit Funds (the "Motion" [Doc. 429]) and Receiver David
24 P. Stapleton's (the "Receiver") Statement of Support for the Motion (the
25 "Receiver's Statement" [Doc. 431]), and pursuant to the stipulation by and
26 between the SEC and Defendant Daniel R. Nase ("Mr. Nase"), as evidenced by the
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1 endorsement of their respective counsel of record below, and with this Court's
2 approval, it is hereby STIPULATED, AGREED, and ORDERED as follows:

3
4 1. The SEC's Motion is GRANTED pursuant to the terms set forth
5 herein;

6
7 2. The SEC, as a judgment-creditor of Mr. Nase, is entitled to collect the
8 entirety of the Capital One line of credit funds issued to Mr. Nase, including the
9 \$43,962.29 in credit line proceeds issued from Mr. Nase's Capital One credit
10 account ending in x-1764, presently being held in Vick Law Group's (Mr. Nase's
11 counsel of record) trust account(s), together with all interest accrued thereon
12 (collectively, the "Mr. Nase Funds"). However, pursuant to an agreement between
13 the SEC and Mr. Nase, \$1,000 of the Mr. Nase Funds may be retained by Mr. Nase
14 and applied to his attorneys' fees obligations owed to the Vick Law Group (the
15 "Carveout").
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19 3. Vick Law Group, counsel of record for Defendant Mr. Nase, is
20 directed to pay all of the Mr. Nase Funds, including all interest accrued thereon,
21 less the \$1,000 Carveout, by check payable to the "United States Securities and
22 Exchange Commission" and mail or deliver the check(s) to the following address:
23 Enterprise Services Center, Accounts Receivable Branch, 6500 South MacArthur
24 Boulevard, Oklahoma City, OK 73169. Such payment shall be made within five
25 (5) business days of the entry of this order, and accompanied by a cover letter
26
27 copied to the Commission's counsel of record that identifies the caption and action
28

1 number of this case, the name of this Court, and indicates that the funds are being
2 paid pursuant to the Final Judgment entered in this matter on May 17, 2017 (Doc.
3 225).
4

5 4. The Court reserves jurisdiction to enforce this order.
6

7 SO STIPULATED.

8 Dated: August 6, 2019.

9 /s/ Shuman Sohrn
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15 /s/ Scott Vick
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21 Telephone: (213) 784-6227
22 *Counsel for Daniel R. Nase*

23 **ORDER**

21 The above Stipulation is APPROVED.
22

23 IT IS SO ORDERED.

24 Dated: August 6, 2019

25 /s/ Lawrence J. O'Neill
26 UNITED STATES CHIEF DISTRICT JUDGE
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