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12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,)	Civil Action No. 3:16-cv-2213-JCS
)	
Plaintiff,)	[PROPOSED] ORDER APPROVING
)	THE FORM AND MANNER OF
v.)	NOTICE TO CLAIMANTS AND
)	ESTABLISHING A CLAIMS BAR
CVP SBIC, L.P.)	DATE
)	
Defendant.)	Hearing Date: Friday, February 3, 2017
)	Hearing Time: 9:30 a.m. VACATED

16 Upon full consideration of the Motion of the U. S. Small Business Administration as
 17 Receiver (“Receiver”) for CVP SBIC, L.P. (“CVP”) for Entry of an Order Approving the Form
 18 and Manner of Notice to Claimants and Establishing a Claims Bar Date, and this Court being
 19 duly advised as to the merits,

20 **IT IS HEREBY ORDERED THAT:**

- 21 1. The Receiver’s Motion for Entry of an Order Approving the Form and Manner of
- 22 Notice to Claimants and Establishing a Claims Bar Date is GRANTED;
- 23 2. Following the entry of this Order, the Receiver is Ordered to send notices,

1 substantially in the form set forth as Exhibit A hereto, via first-class mail, postage prepaid, to
2 those persons or entities, other than the U. S. Small Business Administration (“SBA”), which the
3 Receiver has reason to believe are creditors, agents, former directors or officers, employees,
4 participant investors or lenders with CVP portfolio concerns or limited partners of CVP, and to
5 any other persons or entities who have, during the term of the receivership, asserted a claim (of
6 whatever kind or merit) against CVP, the Receivership estate, or assets or funds in the possession
7 of the Receiver;

8 3. The Receiver is further ORDERED to publish notice, substantially in the form set
9 forth in Exhibit A hereto, once each week for two weeks in the San Francisco Chronicle and the
10 Mercury News, newspapers of general circulation.

11 4. This Court further ORDERS and finds that notice provided in the form and manner
12 described in Paragraphs 2 and 3 of this Order is reasonable notice, under the circumstances, to
13 persons or entities who may have claims against CVP, the Receivership Estate, or assets or funds
14 in the possession of the Receiver;

15 5. All persons or entities having claims against CVP, the Receivership Estate, or
16 assets or funds in the possession of the Receiver, other than the U.S. Small Business
17 Administration and parties contracted or retained by the U.S. Small Business Administration as
18 Receiver, are ORDERED to file such claims in writing and in the form prescribed in paragraph 6
19 of this Order with the receiver, c/o James Adams, Principal Agent for SBA as Receiver of CVP
20 SBIC, L.P., 1100 G Street, N.W., 11th Floor, Washington, D.C. 20005, within 30 days of the last
21 day of notice by publication, which date will be stated in the mailed and published notices;

22 6. In setting forth a claim against CVP, the Receivership estate, or assets or funds in
23 the possession of the Receiver, all persons and entities are ORDERED to state in writing: (1) the
24 full name, address and telephone number of the claimant; (2) the amount of the claim, (3) the
25 specific grounds for each claim, and (4) the date on which the obligation was allegedly incurred
26 by CVP. All such persons or entities are further ORDERED to provide, at the time of filing such
27 written claims, (5) any and all documents or other materials which the claimant believes supports
28 the claim or might assist the Receiver in evaluating the claim;

1 7. In the event that the Receiver recommends denial of any claim(s), it is ORDERED
2 that the Receiver is authorized and directed to move for summary disposition of said claim(s)
3 and to furnish a copy of the moving papers to the claimant(s); in such case the claimant(s) may
4 respond within 30 days, serving a copy of its response on the Receiver, and the Court will
5 resolve said claim(s) expeditiously through a summary procedure that the Court will determine at
6 that time; and

7 8. To give effect to the claims bar date established in Paragraph 5 of this Order, by
8 which date claims must be filed or shall forever be barred, it is further ORDERED that any
9 person or entities, other than the U.S. Small Business Administration and parties contracted or
10 retained by the U.S. Small Business Administration as Receiver, which fail to file a claim against
11 CVP, the Estate, or assets or funds in the possession of the Receiver, in the form and by the time
12 and date required by this Order, shall be forever barred and permanently enjoined from asserting,
13 pursuing or prosecuting any such claims, of any kind or nature, whether now known or unknown,
14 against CVP, its Receiver, their successors or assigns, or against assets or funds in the possession
15 of the Receiver.

16 9. This case is now administratively closed. The Receiver may move to re-open the
17 case at a later time, if necessary, for further proceedings.

18
19 **SO ORDERED**, this 1st day of Feb., 2017.

20
21
22
23 Hon. Jose
24 Chief Mag



1 **EXHIBIT A**

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3 NOTICE TO ALL CREDITORS OR CLAIMANTS OF CVP SBIC, L.P.

4 By Order of the United States District Court for the Northern District of California, San
5 Francisco Division, entered Feb. 1, 2017, all persons or entities who wish to assert a
6 claim against CVP SBIC, L.P. (“CVP”) must do so by filing a written claim with the Receiver on
7 or before Day, Month, Date, 2017. All previously submitted claims against CVP or its Receiver
8 must be resubmitted in accordance with this Notice.

9 CVP is a Delaware Limited Partnership, and a Small Business Investment Company (“SBIC”)
10 licensed by the U.S. Small Business Administration (“SBA”). CVP has been in receivership
11 since June 27, 2016 by Order of the Court identified above, entered in Civil Action No. 3:16-cv-
12 2213-JCS, captioned United States v. CVP SBIC, L.P. SBA is CVP’s court-appointed Receiver.

13 Any person or entity asserting a claim against CVP or its assets or funds in the hands of the
14 Receiver, must do so in writing, and forward such claim to:

15 SBA, Receiver for CVP SBIC, L.P.
16 c/o James Adams, Principal Agent for the Receiver
17 1100 G Street, N. W., 11th Floor
18 Washington, D. C. 20005
19 Attn: Stephanie Sheridan, Administrative Agent for the Receiver
20 (202) 272-3617

21 Claims must be received no later than 5:00 p.m. E.S.T., Day, Month, Date, 2017.

22 Your claim must state: (1) the full name, address, e-mail address, and telephone number of the
23 claimant; (2) the amount of the claim; (3) the specific grounds for each claim; (4) the date on
24 which the obligation was allegedly incurred by CVP or the Receiver; and (5) you must attach all
25 other documents or materials which support the claim, or which the Receiver might require in
26 evaluating the claim. If you fail to provide any of the specific information, your claim will be
27 deemed incomplete and untimely.

28 Failure to present a complete and timely claim to the Receiver on or before Day, Month, Date,
2017, will result in your claim being forever barred, and you will not thereafter be able to make a
claim against CVP, or any other assets or funds in the possession of the Receiver.

U. S. SMALL BUSINESS ADMINISTRATION
As Receiver for CVP SBIC, L.P.