

1 MICHAEL F. LYNCH (NV SBN 8555)
 Michael@LynchLawPractice.com
 2 **LYNCH LAW PRACTICE, PLLC**
 3613 S. Eastern Ave.
 3 Las Vegas, Nevada 89169
 Telephone: (702) 684-6000
 4 Facsimile: (702) 543-3279

5 CHRISTOPHER D. SULLIVAN (*Pro Hac Vice*)
 csullivan@diamondmccarthy.com
 6 LESLEY ANNE HAWES (*Pro Hac Vice*)
 lhawes@diamondmccarthy.com
 7 **DIAMOND MCCARTHY LLP**
 150 California Street, Suite 2200
 8 San Francisco, California 94111
 Telephone: 415.692-5200
 9 Facsimile: 415.263-9200

10 Attorneys for Receiver
 ROBB EVANS & ASSOCIATES LLC
 11

12 UNITED STATES DISTRICT COURT
 13 DISTRICT OF NEVADA

14 FEDERAL TRADE COMMISSION,
 15 Plaintiff,

16 v.

17 AWS, LLC, a Nevada limited liability
 company; ADAMS CONSULTING, LLC, a
 18 California limited liability company; FBA
 DISTRIBUTORS, LLC, a Massachusetts
 19 limited liability company; FBA STORES,
 LLC, a Nevada limited liability company;
 20 GLOBAL MARKETING SERVICES
 L.L.C., a Nevada limited liability
 company; INFO PROS, LLC, a Nevada limited liability
 21 company; ONLINE AUCTION LEARNING
 CENTER, INC., a Massachusetts
 22 corporation; ONLINE AUCTION
 LEARNING CENTER, INC., a Nevada
 23 corporation; CHRISTOPHER F. BOWSER,
 individually and as an officer of FBA
 24 DISTRIBUTORS, LLC, FBA STORES,
 LLC, INFO SOLUTIONS, LLC, ONLINE
 25 AUCTION LEARNING CENTER, INC. and
 26 ONLINE AUCTION LEARNING CENTER,
 INC.; ADAM S. BOWSER, individually and
 27 as an officer of AWS, LLC, FBA
 DISTRIBUTORS, LLC, FBA STORES,
 28 LLC, INFO SOLUTIONS, LLC, ONLINE

Case No.: 2:18-cv-00442-JCM-BNW

**STIPULATION FOR DISMISSAL WITH
 PREJUDICE OF BANK OF AMERICA,
 N.A.'S COMPLAINT-IN-INTERVENTION
 PURSUANT TO SETTLEMENT**

[F.R. CIV. P. 41(a)(1)(A)(ii)]

1 AUCTION LEARNING CENTER, INC. and
2 ONLINE AUCTION LEARNING CENTER,
3 INC.; JODY L. MARSHALL, individually
4 and as an officer of INFO PROS, LLC and
5 INFO SOLUTIONS, LLC; and JEFFERY A.
6 GOMEZ, a/k/a JEFF ADAMS or JEFF
7 ADAM, individually and as an officer of
8 ADAMS CONSULTING, LLC and
9 GLOBAL MARKETING SERVICES
10 L.L.C.,

11 Defendants.

12 This Stipulation for Dismissal of Bank of America’s Complaint-in-Intervention with
13 Prejudice Pursuant to Settlement (“Stipulation”) is made by and among the Federal Trade
14 Commission (“FTC”), plaintiff in the underlying action, Bank of America, N.A. (“Bank”), the
15 party filing the Complaint-in-Intervention, and Robb Evans & Associates LLC as Receiver
16 (“Receiver”) in reference to the following:

17 RECITALS

18 A. In September 2018, plaintiff Federal Trade Commission (“FTC”) filed a
19 Stipulation and Order Allowing Bank of America, N.A. to Intervene and File Complaint-in-
20 Intervention (“Intervention Stipulation”).

21 B. On September 27, 2018, the Court entered an order approving the Intervention
22 Stipulation and ordering the Bank’s Complaint-in-Intervention filed (Doc. No. 96).

23 C. On September 28, 2018, the Bank filed its Complaint-in-Intervention (Doc. No.
24 97).

25 D. On October 5, 2018, the Receiver and the Bank entered into a stipulation
26 extending the deadline for the Receiver to respond to the Complaint-in-Intervention which was
27 approved by the Court by Order entered October 11, 2018 (Doc. No. 108).

28 E. On November 5, 2018, the FTC filed an answer to the Bank’s Complaint-in-
Intervention (Doc. No. 109).

F. On November 20, 2018, the Receiver filed an answer to the Bank’s Complaint-in-
Intervention (Doc. No. 110).

1 G. The parties have informally exchanged information and authorities related to their
2 respective positions on the issues raised in the complaint-in-intervention and the Bank’s right to
3 recover funds turned over to the estate totaling over \$1.7 million based on, among other things,
4 outstanding amounts owed to the Bank by certain receivership defendants as alleged in the
5 Bank’s Complaint-in-Intervention.

6 H. The Receiver has entered into a Settlement Agreement and Release (“Settlement”)
7 with the Bank which the FTC has reviewed. The FTC has advised the parties that it has no
8 objection to the Receiver’s Settlement with the Bank.

9 I. The Settlement provides for the Bank’s Complaint-in-Intervention to be dismissed
10 with prejudice.

11 AGREEMENT

12 NOW, THEREFORE, the FTC, the Bank and the Receiver, as all of the parties to the
13 Bank’s Complaint-in-Intervention, hereby stipulate and agree that the Bank’s Complaint-in-
14 Intervention shall be and is hereby dismissed with prejudice, with each party to bear its own
15 costs, including attorneys’ fees, pursuant to F.R. Civ. P. 41(a)(1)(A)(ii).

16 Dated: June 21, 2019

FEDERAL TRADE COMMISSION
Claire Wack
Miry Kim
Gregory J. Evans

17
18
19
20 By: /s/ Claire Wack
Claire Wack
Maryland Attorney # 1312190275
21 (Admitted in the D. Nev. pursuant
To LR IA 11-3)
22 Miry Kim
Washington Bar # 31456
23 (Admitted in the D. Nev. pursuant
To LR IA 11-3)
24 Gregory J. Evans
DC Bar # 1033184
25 (Admitted in the D. Nev. pursuant
To LR IA 11-3)
26 FEDERAL TRADE COMMISSION
27 Attorneys for Federal Trade
28 Commission

[SIGNATURES CONTINUED ON NEXT PAGE]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June 21, 2019

HOLLAND & HART LLP

By: /s/ Lars K. Evensen
Lars K. Evensen, Esq.
Nevada Bar No. 8061
Robert J. Cassity, Esq.
Nevada Bar No. 9779
HOLLAND & HART LLP

WYNN & WYNN, P.C.
Thomas E. Pontes
(Admitted *Pro Hac Vice*)
John D. Bowen
(Admitted *Pro Hac Vice*)

Attorneys for Bank of America, N.A.

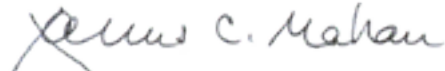
Dated: June 21, 2019

LYNCH LAW PRACTICE, PLLC
MICHAEL F. LYNCH

DIAMOND MCCARTHY LLP
CHRISTOPHER D. SULLIVAN
LESLEY ANNE HAWES

By: /s/ Lesley Anne Hawes
Lesley Anne Hawes
Admitted *Pro Hac Vice*
Attorneys for Receiver
Robb Evans & Associates, LLC

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: June 25, 2019

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2019, I caused the foregoing document to be served by the following means to the persons listed below:

CM/ECF electronic filing system:

Claire Wack cwack@ftc.gov

Gary Owen Caris gcaris@btlaw.com, slmoore@btlaw.com

Gregory J Evans gevans2@ftc.gov

John David Bowen j76bowen@gmail.com

LaTeigra C. Cahill lcc@randazza.com

Lars K. Evensen lkevensen@hollandhart.com, IntakeTeam@hollandhart.com,
sthompson@hollandhart.com

Michael F Lynch Michael@LynchLawPractice.com, lynchonline@gmail.com

Miry Kim mkim@ftc.gov

Robert J Cassity bcassity@hollandhart.com, Intaketeam@hollandhart.com,
vlarsen@hollandhart.com

Ronald D Green , Jr rdg@randazza.com, ecf@randazza.com

Suzette Marteny Moore smoore@smoorelaw.com

Served via United States mail, postage fully prepaid:

Thomas E. Pontes
90 New State Highway
Raynham, MA 02767

J James C. Bastian, Jr.
SHULMAN HODGES & BASTIAN LLP
100 Spectrum Center Drive, Suite 600
Irvine, CA 92618

By direct email (as opposed to through the ECF System)

Thomas E. Pontes, Esq. tpontes@wynnandwynn.com

J James C Bastian Jr. jbastian@shbllp.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 21, 2019.

/s/ Catherine Burrow

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28