

Robert G. Wing (4445) rgw@princeyeates.com
Jennifer R. Korb (9147) jrk@princeyeates.com
PRINCE, YEATES & GELDZAHLER
A Professional Corporation
15 West South Temple, Suite 1700
Salt Lake City, UT 84101
Telephone: (801) 524-1000
Facsimile: (801) 524-1099
Attorneys for Receiver Gil A. Miller

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

vs.

**JOHN SCOTT CLARK, IMPACT
CASH, LLC, a Utah Limited Liability
company and IMPACT PAYMENT
SYSTEMS, LLC a Nevada Limited
Liability Company,**

Defendants.

**MEMORANDUM DECISION AND
ORDER GRANTING RECEIVER'S
MOTION TO APPROVE
INVESTMENT ANALYSIS AND
FIRST DISTRIBUTION**

Civil No. 1:11cv46 DN

Judge David Nuffer

The Court has considered the Receiver's Motion to Approve Investment Analysis and to Approve the First Distribution (the "Motion"),¹ the memorandum in support thereof, and objections thereto.

¹ Docket no. 193, filed May 31, 2012.

The Plan of Distribution provides: “The holder of a Disputed Claim (from any class) may file an objection with the Court within 30 days of the date they receive notice of the Disputed Claim in the Investment Analysis, or such similar analysis provided to a Trade Creditor.”² The Receiver mailed the Motion to Approve Investment Analysis and to Approve the First Distribution to all claimants on June 1, 2012.³ The Receiver wished to make distribution by June 30, 2012.⁴ In order to allow the thirty-day objection period to expire, however, the court delayed its ruling until July 5, 2012. Three objections were filed.

By Stipulation,⁵ RedSnow has withdrawn its Opposition⁶ to the first distribution. RedSnow does not withdraw and reserves its objection to the Investment Analysis and the classification of RedSnow’s claims in the Investment Analysis and preserves all rights related thereto which will be adjudicated in later proceedings.

Objections filed by Arthur Wulf on behalf of various claimants⁷ and on behalf of TR Gourley⁸ have been overruled in separate orders.⁹

² Plan of Distribution at 10, Article V ¶ B, docket no. 184-1, filed May 11, 2012.

³ Certificate of Service Regarding Receiver’s Investment Analysis, docket no. 207, filed June 8, 2012.

⁴ Motion to Approve Investment Analysis and to Approve First Distribution at 2, docket no. 193, filed May 31, 2012

⁵ Stipulation Re Motion to Approve Investment Analysis and Approve First Distribution, docket no. 217, filed June 25, 2012.

⁶ Memorandum in Opposition to Receiver’s Motion to Approve Investment Analysis and Objection to Investment Analysis, docket no. 209, filed June 18, 2012.

⁷ Objections to Receiver List of Distributions to Be Paid, docket no. 205, filed June 8, 2012.

⁸ Objection to Receiver’s Motion to Approve Investment Analysis Related to TR Gourley’s Claims, docket no. 216, filed June 25, 2012.

Arthur Wulf, counsel for various claimants, filed a motion asking the court to order the Receiver to make distributions in care of the attorneys representing named claimants.¹⁰ In response, the court entered an order requiring that distributions to Mr. Wulf's clients be held until July 20, 2012.¹¹ Mr. Wulf has been given the opportunity to present declarations from his clients before July 20, 2012 that he represents them in their claims and that they desire that the funds be paid by a check sent to Mr. Wulf.¹²

ORDER

IT IS HEREBY ORDERED as follows:

1. The Motion is Granted;¹³
2. The Investment Analysis is approved; and
3. The Receiver is ordered to make a first distribution of funds consistent with the Plan of Distribution, the Investment Analysis, and the memorandum in support of the Motion, except that
4. The Receiver shall hold distributions to persons who are represented by Mr. Wulf until July 20, 2012. For those persons who submit declarations, the Receiver shall distribute the funds as instructed in the declarations. After July

⁹ Docket no 229 (various claimants), filed June 28, 2012; docket no. 230 (TR Gourley), filed July 3, 2012.

¹⁰ Motion to Pay Distributions to Attorney, docket no. 197, filed June 4, 2012.

¹¹ Docket Text Order, docket no. 221, filed June 27, 2012.

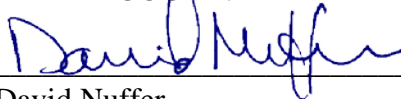
¹² *Id.*

¹³ Docket no. 193, filed May 31, 2012.

20, 2012, the distributions to those persons for whom no declaration has been filed shall be made directly to them.

Dated July 5, 2012.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge