

Mark R. Gaylord (#5073)
Melanie J. Vartabedian (#10148)
Scott S. Humphreys (*admitted pro hac vice*)
BALLARD SPAHR LLP
One Utah Center, Suite 800
201 South Main Street
Salt Lake City, Utah 84111-2221
Telephone: (801) 531-3000
Facsimile: (801) 531-3001
gaylord@ballardspahr.com
vartabedianm@ballardspahr.com
humphreys@ballardspahr.com

Attorneys for Receiver, Diane A. Thompson

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

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**AMERICAN PENSION SERVICES, INC.,
a Utah Corporation and CURTIS L.
DeYOUNG, an individual,**

Defendants.

CLAIMS BAR ORDER

Case No.: 2:14-CV-00309-RJS-DBP

Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

The Court has (1) reviewed and considered the Motion to Intervene (Dkt. 605); (2) reviewed and considered the Motion and Memorandum to Approve Settlement with First Utah Bank and for a Claims Bar Order (Dkt. 618); (3) ordered that notice be given to each person who could be affected by the Settlement Agreement and Claims Bar Order, permitting responses and/or objections prior to the fairness hearing, and advising of the date, time, and place of a fairness hearing on the motion and the right to appear and be heard at the fairness hearing

(“**Order of Notice**”) (Dkt. 621); (4) held a fairness hearing on December 2, 2015, at which the Court heard arguments regarding the Motion to Intervene and proposed Settlement Agreement and Claims Bar Order; (5) considered all responses and objections filed in accordance with the Order of Notice; and (6) entered Findings of Fact, Conclusions of Law, and Order on the Motion to Intervene and the Motion to Approve Settlement with First Utah Bank and for a Claims Bar Order, and being fully advised in the premises and good cause appearing, the Court enters the following Order:

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

American Pension Services, Inc., (“**APS**”), Curtis L. DeYoung, Michelle DeYoung and each person, trustee, entity, or other legal person who created a self-directed IRA or a 401(k) and other persons who are or were in active concert or participation with such persons, trustees, entity or agents who’s benefit an IRA was created where First Utah Bank was at any time the custodian and APS was the third-party administrator (collectively “**IRA Account Owners**”), are enjoined from bringing any lawsuit, action, claim, arbitration, or administrative proceeding of any kind, in any jurisdiction, whether arising under statute or common law, in contract or in tort, at law or in equity against First Utah Bank or its present or former directors, officers, employees, servants, attorneys, insurers or against Everest National Insurance Company, a Delaware corporation or its present or former officers and directors, employees, attorneys or agents.

IT IS FURTHER ORDERED that within ten business days of the entry of this Claims Bar Order, the Receiver shall provide written notice of this Claims Bar Order to all APS IRA

Account Owners, in the Receiver's database, and that the Claims Bar Order shall be posted on the Receiver's website <http://www.apsreceiver.com>.

IT IS FURTHER ORDERED that the Receiver, within fifteen days of the entry of this Order, shall file with the Court a Notice that she has complied with the above Order giving notice of this Claims Bar Order.

This Claims Bar Order is entered this 23rd day of December, 2015.

BY THE COURT

A handwritten signature in black ink, appearing to read 'RWS', is written over a horizontal line.

UNITED STATES DISTRICT COURT JUDGE
ROBERT W. SHELBY