

SEC v. APS, Inc., et al., 2014-cv-00309
(United States District Court, District of Utah)

Minute Orders Entered 5/21/2014

Full docket text for document 77

Minute Entry for proceedings held before Judge Robert J. Shelby: Motion Hearing held on 5/21/2014. The court GRANTS [56] Ex Parte (Not Sealed) MOTION to Expedite Consideration of Motion for Clarification Regarding Order Appointing Receiver, Freezing Assets, and Other Relief and [63] MOTION to Appoint Counsel to Receiver for Insurance Coverage Issues. Oral argument is heard re: [54] MOTION Clarification Regarding Order Appointing Receiver, Freezing Assets, and Other Relief. The court also GRANTS this motion. Mr. Mark Gaylord will submit a proposed order, reflecting the changes, made by the court. After a brief recess, the court addresses docket entry [65] MOTION to Release Profits of American Pension Services, Inc. for Payment of Attorney Fees filed by Defendant Curtis L. DeYoung. The court anticipates receiving further documentation from Mr. DeYoung, concerning this motion. On 6/27/2014 at 3:30 p.m., the court will hear [38] MOTION for Preliminary Injunction filed by Plaintiff Securities and Exchange Commission and [66] MOTION to Dissolve Temporary Restraining Order and Suspend or Dissolve Order Appointing Receiver filed by Defendant Curtis L. DeYoung. The parties shall submit any deposition testimony or declarations they wish have considered in advance of the hearing and produce witnesses for cross-examination. The court enters an Order extending [8] Temporary Restraining Order. For the reasons discussed on the record during the telephone conference on 5/20/2014 and at the hearing today, including the mutual consent and stipulation of the parties, the court finds that there is good cause to extend the duration of the Temporary Restraining Order entered in this case on 4/24/2014, through and including 6/27/2014. Accordingly, the court orders that the Temporary Restraining Order [8] shall remain in full force and effect through 6/27/2014, subject to further order of the court.

So ordered by Judge Robert J. Shelby on 5/21/2014. Attorney for Plaintiff: Daniel Wadley, Paul Feindt; Attorney for Defendant: Paul Moxley; Attorney for Receiver: Mark Gaylord. Court Reporter: Ray Fenlon. Court Address: NEW COURTHOUSE - 351 South West Temple, Salt Lake City, Utah(mjm)

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DOCKET TEXT ORDER EXTENDING [8] Temporary Restraining Order For the reasons stated on the record at the telephone status conference held 5/20/2014 AND at the hearing today, 5/21/2014, including the mutual consent and stipulation of the parties, the court finds that there is good cause to extend the duration of the Temporary Restraining Order entered in this case on 4/24/2014, through and including 6/27/2014. Accordingly, the court orders that the Temporary Restraining Order [8] shall remain in full force and effect through 6/27/2014, subject to further order of the court.

So ordered by Judge Robert J. Shelby on 5/21/2014. (docket text only - no attached document). Signed by Judge Robert J. Shelby on 5/21/2014. (mjm)