

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH, CENTRAL DIVISION UNITED STATES OF AMERICA	
SECURITIES AND EXCHANGE COMMISSION,  Plaintiff,  vs.  AMERICAN PENSION SERVICES, INC., a Utah Corporation and CURTIS L. DeYOUNG, an individual,  Defendants.	<b>ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT CURTIS DeYOUNG'S MOTION RE: PAYMENT OF ATTORNEY FEES</b>  Case No: 2:14-cv-00309  Judge Robert J. Shelby

Based upon the motion of Defendant Curtis DeYoung (Dkt. 65), the court's ex-parte investigation of certain claims in Mr. DeYoung's motion, the documents submitted by Mr. Moxley *in-camera* in support of Mr. DeYoung's assertions, and good cause appearing, the court hereby finds and ORDERS the following:

1. The \$80,000 in funds deposited by Mr. DeYoung's supporters with the law firm of Durham, Jones & Pinegar are not the product of revenue from American Pension Services, Inc.;
2. The \$80,000 in funds deposited by Mr. DeYoung's supporters with the law firm of Durham, Jones & Pinegar do not represent amounts funneled by Mr. DeYoung to his supporters; and
3. The \$80,000 in funds deposited by Mr. DeYoung's supporters with the law firm of Durham, Jones & Pinegar instead represent the independent resources of Mr. DeYoung's supporters, which are not related to American Pension Services, Inc., or Mr. DeYoung.

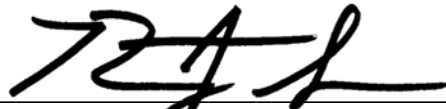
Based on the foregoing, which is supported by the representations of Mr. Paul Moxley and the documents submitted *in-camera* by Mr. Moxley after reasonable inquiry and investigation, as well as the documents submitted *in-camera* by Mr. Moxley, it is hereby ORDERED that Mr. DeYoung is entitled to utilize the \$80,000 deposited by his supported with the law firm of Durham, Jones & Pinegar for his legal defense expenses without violating the Freeze Order entered by this Court on April 24, 2014 (Dkt. 9), and without risk of clawback.

As noted during the hearing on this Motion, the court will not at this time direct the release of additional funds from the Receiver.

Accordingly, Mr. DeYoung's Motion (Dkt. 65) is GRANTED in part and DENIED in part. IT IS SO ORDERED.

DATED THIS 30<sup>th</sup> DAY OF May, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. J. Shelby', written over a horizontal line.

Honorable Robert J. Shelby  
United States District Judge