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Attorneys for Court-Appointed 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.

**RECEIVER'S REQUEST FOR
SCHEDULING CONFERENCE RE
PROPOSED PLAN OF LIQUIDATION**

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

**Judge Robert J. Shelby
Magistrate Judge Dustin B. Pead**

Diane Thompson, court-appointed Receiver of American Pension Services, Inc. as well as any related entities owned, controlled, and/or under common control by or through American Pension Services, Inc., including but not limited to American Pension Services 401(k) Services, Inc. (“APS 401(k)”), LJP, LLC, Interim Funding LLC, First Silverado Properties, LLC, LIC Environmental, and Quicksilver Management, LLC (collectively “APS”), and all assets of Curtis

DeYoung (“DeYoung”) (APS and DeYoung shall collectively be referred to as “Receivership Defendants”), by and through her counsel of record Ballard Spahr LLP hereby requests that the Court set a Scheduling Conference as soon as reasonably possible for the purpose of addressing the recent submission of the Receiver’s Proposed Plan of Liquidation (the “Liquidation Plan”), submitted concurrently herewith to the Court on August 22, 2014.

At the scheduling conference, the Receiver intends to propose and request that the Court approve the manner of notice to be given to all interested parties, including all APS clients and creditors. In addition, the Receiver will request the Court to issue a scheduling order laying out the time frame upon which interested parties may file responses directly to the Receiver with regards to their support and/or opposition to the Plan. In that regard, the Receiver intends to propose the following timetable for approval of the Plan:

1. Thirty days after notice is given to all APS clients and creditors of the proposed Liquidation Plan (the method(s) of notice shall be deemed appropriate by the Court), APS clients shall submit a written response and/or objection to the proposed Liquidation Plan to the Receiver. A copy of the proposed APS Client/Creditor Response to Proposed Plan of Liquidation with instructions is attached hereto as Exhibit A.

2. Fifteen days after the receipt of all written responses and/or objections, the Receiver shall collect and categorize the comments of those who have submitted a written response and/or objection and present a Report of Written Responses to the Court for consideration.

3. Fifteen days after the Receiver submits the Report of Written Responses, the Receiver shall submit to the Court her response to the Report of Written Responses, if she deems necessary.

4. A hearing shall then be set to consider the Liquidation Plan, the Report of Written Responses, and the Receiver's Response on _____, 2014 at which time the Court may approve the Liquidation Plan and/or request additional information and/or changes to the Plan.

CONCLUSION

For the foregoing reasons, the Receiver requests that the Court set a scheduling conference to address the topics identified above as soon as reasonably possible.

DATED this 22nd day of August 2014.

/s/ Mark R. Gaylord
Mark R. Gaylord, Esq.
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BALLARD SPAHR LLP
Attorneys for Court-Appointed Receiver, Diane A. Thompson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct of copy of the foregoing **RECEIVER'S REQUEST FOR SCHEDULING CONFERENCE RE PROPOSED PLAN OF LIQUIDATION** was served to the following this 22nd day of August 2014, in the manner set forth below:

Through the CM/ECF System for the U.S. District Court

Hand Delivery

U.S. Mail, postage prepaid

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