

1 ALAN H. MARTIN, Cal. Bar No. 132301
2 ROBERT S. BEALL, Cal. Bar No. 132016
3 NORMA V. GARCIA, Cal. Bar No. 223512
4 MICHAEL A. WALLIN, Cal. Bar No. 240344
5 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
6 650 Town Center Drive, 4th Floor
7 Costa Mesa, California 92626-1993
8 Telephone: 714-513-5100
9 Facsimile: 714-513-5130
10 amartin@sheppardmullin.com
11 rbeall@sheppardmullin.com
12 ngarcia@sheppardmullin.com

13 Attorneys for Receiver
14 THOMAS A. SEAMAN

PS END
FILED
CLERK U.S. DISTRICT COURT
JUN 13 2007
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

NOTE CHANGES MADE BY THE COURT

15 UNITED STATES DISTRICT COURT

16 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

17 SECURITIES AND EXCHANGE
18 COMMISSION,

19 Plaintiff,

20 v.

21 LAMBERT VANDER TUIG (a/k/a/
22 LAMBERT VANDER TAG a/k/a
23 DEAN I. VANDER TAG), THE
24 CAROLINA DEVELOPMENT
25 COMPANY, INC. (a/k/a THE
26 CAROLINA COMPANY AT
27 PINEHURST, INC.), AND
28 JONATHAN CARMAN,

Defendants.

Case No. SACV06-172AHS(MLGx)

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE
HEARINGS ON EACH OF THE
FOLLOWING FROM JUNE 18, 2007
TO JULY 30, 2007 AT 10:00 A.M.**
(1) MOTION FOR ORDER
FINDING THAT ASSETS TURNED
OVER BY VANDER TUIG
BELONG TO ESTATE;
(2) MOTION FOR AN ORDER TO
DISGORGE ILL-GOTTEN GAINS
FROM CERTAIN SALES AGENTS;
(3) MOTION FOR CONTEMPT
AND SANCTIONS (VANDER
TUIG);
~~(4) MOTION FOR CONTEMPT
AND SANCTIONS (CARMAN);~~
(5) MOTION FOR APPROVAL OF
PLAN OF PARTIAL
DISTRIBUTION, ESTABLISHING
A BAR DATE FOR THE FILING
OF CLAIMS AND DEADLINE FOR
PROPERTY ELECTION; and

ORIGINAL

DOCKETED ON CM
JUN 14 2007
BY *[Signature]* 178

256

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(5) MOTION FOR AN ORDER OF DISMISSAL UNDER RULE 12(b)(2)

~~Original Hearing
Dates: June 4, June 11, and
June 25, 2007~~

~~New Proposed~~
Hearing Date: July 30, 2007
Time: 10:00 a.m.
Ctrm: 10A
Location: 411 W. Fourth Street
Santa Ana, CA 92701

IT IS HEREBY STIPULATED, by the Receiver Thomas A. Seaman, (the "Receiver"), the Securities and Exchange Commission ("SEC"), Lambert Vander Tuig, Jonathan Carman, Jill Kraus, Harold O'Laughlin ("O'Laughlin"), and a group of investors represented by Alan I. White ("Investor Group") by and through their respective attorneys of record as follows:

1. The Receiver filed a Motion For Order Finding That Assets Turned Over By Vander Tuig Belong To The Estate (the "Turnover Motion") on or about May 1, 2007, for hearing on June 4, 2007 at 10:00 a.m. at the above-entitled Court.

2. The Receiver filed a Motion For An Order To Disgorge Ill-Gotten Gains From Certain Sales Agents (the "Disgorgement Motion") on or about May 8, 2007, for hearing on June 4, 2007 at 10:00 a.m. at the above-entitled Court.

3. The Receiver filed a Motion For Contempt And Sanctions against Lambert Vander Tuig (the "Vander Tuig Contempt Motion") on or about May 16, 2007, for hearing on June 11, 2007 at 10:00 a.m. at the above-entitled Court.

1 4. The Receiver filed a Motion For Contempt And Sanctions
2 against Jonathan Carman (the "Carman Contempt Motion") on or about May 18,
3 2007, for hearing on June 11, 2007 at 10:00 a.m. at the above-entitled Court.

4
5 5. The SEC filed a Motion For Approval Of Plan And Partial
6 Distribution, Establishing A Bar Date For The Filing Of Claims And Deadline For
7 Property Election (the "Plan of Distribution Motion") on or about May 14, 2007, for
8 hearing on June 11, 2007 at 10:00 a.m. at the above-entitled Court.

9
10 6. O'Laughlin filed a Motion For An Order Of Dismissal Under
11 Rule 12(b)(2) (the "O'Laughlin Motion") on or about May 21, 2007, for hearing on
12 June 25, 2007 at 10:00 a.m. at the above-entitled Court.

13
14 7. The Court, on its own motion, continued the Turnover Motion,
15 the Disgorgement Motion, the Vander Tuig Contempt Motion, the Carman
16 Contempt Motion, and the Plan of Distribution Motion until June 18, 2007 at
17 10:00 a.m.

18
19 8. The Receiver, the SEC, Vander Tuig, Carman, Kraus,
20 O'Laughlin, and the Investor Group have agreed to continue the hearing date on the
21 Turnover Motion, the Disgorgement Motion, the Vander Tuig Contempt Motion, the
22 Carman Contempt Motion, the Plan of Distribution Motion, and the O'Laughlin
23 Motion to July 30, 2007 at 10:00 a.m. in the above-entitled Court, to accommodate
24 the schedules of the various parties and attorneys. As such, the hearings on the
25 Turnover Motion, the Disgorgement Motion, the Vander Tuig Contempt Motion, the
26 Carman Contempt Motion, the Plan of Distribution Motion, and the O'Laughlin
27 Motion will be heard on July 30, 2007 at 10:00 a.m., or as soon thereafter as counsel
28 may be heard.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9. The Receiver, the SEC, Vander Tuig, Carman, Kraus, O'Laughlin, and the Investor Group have also agreed that all deadlines for filing responsive pleadings to the motions shall be governed by the continued hearing date. As such, all deadlines for filing responsive pleadings to the motions shall be governed by the continued hearing date.

IT IS SO ORDERED, except that the Receiver's Motion For Contempt and Sanctions Against Jonathan Carman was previously continued to July 30, 2007, by stipulation and order filed June 1, 2007.

Dated: JUN 13 2007,

Alicemarie H. Stotler

HONORABLE ALICEMARIE H. STOTLER
UNITED STATES DISTRICT JUDGE

1 Respectfully submitted by,

2

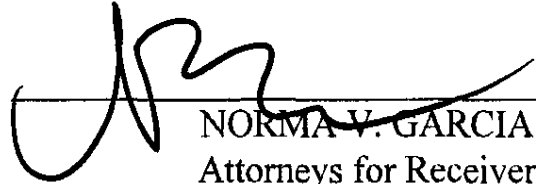
3 DATED: June __, 2007

4

SHEPPARD MULLIN RICHTER & HAMPTON LLP

5

6 By



NORMA V. GARCIA
Attorneys for Receiver
THOMAS A. SEAMAN

7

8

9 DATED: June 6, 2007

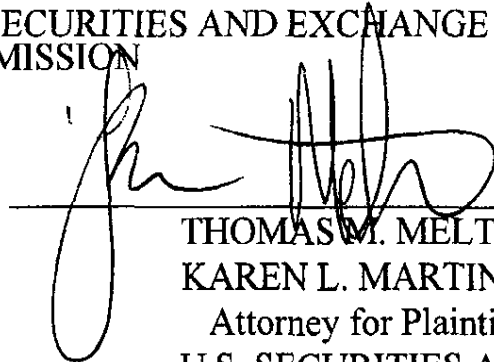
10

U.S. SECURITIES AND EXCHANGE
COMMISSION

11

12

13 By



THOMAS M. MELTON
KAREN L. MARTINEZ
Attorney for Plaintiff
U.S. SECURITIES AND
EXCHANGE COMMISSION

14

15

16

17

18

DATED: June __, 2007

19

LAW OFFICES OF MATTHEW R. RUTHERFORD

20

21

22 By

MATTHEW R. RUTHERFORD
Attorney for Defendant
JONATHAN CARMAN

23

24

25

26

27

28

1 Respectfully submitted by,

2
3 DATED: June __, 2007

SHEPPARD MULLIN RICHTER & HAMPTON LLP

4
5
6 By _____
7 NORMA V. GARCIA
8 Attorneys for Receiver
THOMAS A. SEAMAN


9 DATED: June __, 2007

10 U.S. SECURITIES AND EXCHANGE
11 COMMISSION

12
13 By _____
14 THOMAS M. MELTON
15 KAREN L. MARTINEZ
16 Attorney for Plaintiff
U.S. SECURITIES AND
EXCHANGE COMMISSION

17
18 DATED: June 11, 2007

19 LAW OFFICES OF MATTHEW R. RUTHERFORD

20
21 By  _____
22 MATTHEW R. RUTHERFORD
23 Attorney for Defendant
24 JONATHAN CARMAN
25
26
27
28

1 DATED: June 11, 2007

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DICKSTEIN SHAPIRO LLP

By Nicole Wuth DeBello
NICOLE P. DE BELLO
Attorneys for Defendant
LAMBERT VANDER TUIG

DATED: June __, 2007

LAW OFFICES OF STEVEN M. GOLDSOBEL

By _____
STEVEN M. GOLDSOBEL
Attorney for Defendant
LAMBERT VANDER TUIG

DATED: June __, 2007

THE WALL LAW OFFICE

By _____
WILLIAM J. WALL
Attorney for Defendant
JILL KRAUS

DATED: June __, 2007

BOHM, MATSEN, KEGEL & AGUILERA, LLP

By _____
JAMES D. LAM
Attorney for Third Party
HAROLD O'LAUGHLIN

1 DATED: June __, 2007

2 DICKSTEIN SHAPIRO LLP

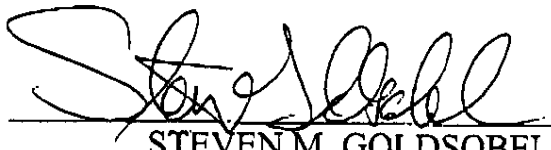
3
4 By

5 _____
6 NICOLE P. DE BELLO
7 Attorneys for Dcfendant
8 LAMBERT VANDER TUIG

9 DATED: June 8, 2007

10 LAW OFFICES OF STEVEN M. GOLDSOBEL

11 By

12 

13 _____
14 STEVEN M. GOLDSOBEL
15 Attorney for Defendant
16 LAMBERT VANDER TUIG

17 DATED: June __, 2007

18 THE WALL LAW OFFICE

19 By

20 _____
21 WILLIAM J. WALL
22 Attorney for Defendant
23 JILL KRAUS

24 DATED: June __, 2007

25 BOHM, MATSEN, KEGEL & AGUILERA, LLP

26 By

27 _____
28 JAMES D. LAM
Attorney for Third Party
HAROLD O'LAUGHLIN

1 DATED: June __, 2007

2 DICKSTEIN SHAPIRO LLP

3
4 By _____

5 NICOLE P. DE BELLO
6 Attorneys for Defendant
7 LAMBERT VANDER TUIG

8 DATED: June __, 2007

9 LAW OFFICES OF STEVEN M. GOLDSOBEL

10
11 By _____

12 STEVEN M. GOLDSOBEL
13 Attorney for Defendant
14 LAMBERT VANDER TUIG

15 DATED: June 6, 2007

16 THE WALL LAW OFFICE

17
18 By  _____

19 WILLIAM J. WALL
20 Attorney for Defendant
21 JILL KRAUS

22 DATED: June __, 2007

23 BOHM, MATSEN, KEGEL & AGUILERA, LLP

24
25 By _____

26 JAMES D. LAM
27 Attorney for Third Party
28 HAROLD O'LAUGHLIN

1 DATED: June __, 2007

2 DICKSTEIN SHAPIRO LLP

3
4 By _____

5 NICOLE P. DE BELLO
6 Attorneys for Defendant
7 LAMBERT VANDER TUIG

8 DATED: June __, 2007

9 LAW OFFICES OF STEVEN M. GOLDSOBEL

10
11 By _____

12 STEVEN M. GOLDSOBEL
13 Attorney for Defendant
14 LAMBERT VANDER TUIG

15 DATED: June __, 2007

16 THE WALL LAW OFFICE

17
18 By _____

19 WILLIAM J. WALL
20 Attorney for Defendant
21 JILL KRAUS

22 DATED: June 8, 2007

23 BOHM, MATSEN, KEGEL & AGUILERA, LLP

24
25 By  _____

26 JAMES D. LAM
27 Attorney for Third Party
28 HAROLD O'LAUGHLIN

1 DATED: June 11, 2007

2 LAW OFFICES OF ALAN I. WHITE

3
4 By



5 ALAN I. WHITE
6 Attorney for Third Parties
7 INVESTOR GROUP

- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, employed in the County of Orange, over the age of eighteen years and not a party to the within entitled action or proceeding. My business address is 650 Town Center Drive, 4th Floor, Costa Mesa, California 92626-1993.

On **June 12, 2007**, I served the following document described as: **STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARINGS ON EACH OF THE FOLLOWING: (1) MOTION FOR ORDER FINDING THAT ASSETS TURNED OVER BY VANDER TUIG BELONG TO ESTATE; (2) MOTION FOR AN ORDER TO DISGORGE ILL-GOTTEN GAINS FROM CERTAIN SALES AGENTS; (3) MOTION FOR CONTEMPT AND SANCTIONS (VANDER TUIG); (4) MOTION FOR CONTEMPT AND SANCTIONS (CARMAN); (5) MOTION FOR APPROVAL OF PLAN OF PARTIAL DISTRIBUTION, ESTABLISHING A BAR DATE FOR THE FILING OF CLAIMS AND DEADLINE FOR PROPERTY ELECTION; and (6) MOTION FOR AN ORDER OF DISMISSAL UNDER RULE 12(b)(2)** on the interested party(ies) in this action by placing true copies/ originals thereof enclosed in sealed envelopes and/or packages addressed as follows:

SEE ATTACHED SERVICE LIST

- BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was 714-513-5130. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The sending facsimile machine (or the machine used to forward the facsimile) issued a transmission report confirming that the transmission was complete and without error. Pursuant to Rule 2.306(g)(4), a copy of that report is attached to this declaration.
- BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **June 12, 2007**, at Costa Mesa, California.

Margaret M. Thomas

SERVICE LIST**SACV06-172AHS(MLGx)**

1		
2		
3	Thomas M. Melton, Esq. Karen L. Martinez, Esq. Cheryl M. Mori, Esq. Securities and Exchange Commission 15 West South Temple, Suite 1800 Salt Lake City, Utah 84101 Telephone: (801) 524-5796 Facsimile: (801) 524-3558	Attorney for Plaintiff Securities and Exchange Commission
4		
5		
6		
7	Karen Matteson, Esq. Securities and Exchange Commission 5670 Wilshire Boulevard, 11 th Floor Los Angeles, California 90036-3648 Telephone: (323) 965-3840 Facsimile: (323) 965-3908	Attorney for Plaintiff Securities and Exchange Commission
8		
9		
10		
11	Matthew R. Rutherford, Esq. Law Offices of Matthew R. Rutherford, APC 110 West C Street, Suite 2000 San Diego, California 92101 Telephone: (619) 525-1677 Facsimile: (619) 687-5257	Attorney for Defendant Jonathan Carman
12		
13		
14	Ira Lee Sorkin, Esq. Daniel J. Horwitz, Esq. Nicole P. De Bello, Esq. Dickstein Shapiro LLP 1177 Avenue of the Americas New York, New York 10036-2714 Telephone: (212) 835-1400 Facsimile: (212) 997-9880	Attorney for Defendant Lambert Vander Tuig
15		
16		
17		
18	Steven M. Goldsobel, Esq. 1900 Avenue of Stars, Suite 1800 Los Angeles, California 90067 Telephone: (310) 552-4848 Facsimile: (310) 552-9291 steve@sgoldsobel.com	Attorney for Defendant Lambert Vander Tuig (California Local Counsel)
19		
20		
21	James Bastian, Esq. Marshack, Shulman, Hodges & Bastian 26632 Town Center Drive, Suite 300 Foothill Ranch, California 92610 Telephone: (949) 340-3400 Facsimile: (949) 340-3000	Attorney for Certain Investors
22		
23		
24	William J. Wall, Esq. Best Best & Krieger 3750 University Avenue, Suite 400 P.O. Box 1028 Riverside, California 92502 Telephone: (951) 686-1450 Facsimile: (951) 686-3083	Attorney for Defendant Jill Kraus
25		
26		
27		
28		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

James D. Lam, Esq. Bohm, Matsen, Kegel & Aguilera, LLP 695 Town Center Drive, Suite 700 Costa Mesa, California Telephone: (714) 384-6500 Facsimile: (714) 384-6501 jlam@bfka-law.com	Attorney for Third Party Harold O'Laughlin
Alan I. White, Esq. Law Offices of Alan I. White 20281 SW Birch Street, Suite 100 Newport Beach, California 92660 Telephone: (949) 752-9001 Facsimile: (949) 752-9007 alwhitelaw@gmail.com	Attorney for Third Parties, Investor Group

NOTICE PARTY SERVICE LIST

Case No. SA CV06-172-AHS(MLGx) Case Title SEC v. LAMBERT VANDER TUIG, et al.

Title of Document STIPULATION AND ORDER CONTINUING JUNE 18, 2007 MOTIONS

Atty Sttlmnt Officer Panel Coordinator
BAP (Bankruptcy Appellate Panel)
Beck, Michael J (Clerk, MDL Panel)
BOP (Bureau of Prisons)
CA St Pub Defender (Calif. State PD)
CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
Case Asgmt Admin (Case Assignment Administrator)
Catterson, Cathy (9 th Circuit Court of Appeal)
Chief Deputy Admin
Chief Deputy Ops
Clerk of Court
Death Penalty H/C (Law Clerks)
Dep In Chg E Div
Dep In Chg So Div
Federal Public Defender
Fiscal Section
Intake Section, Criminal LA
Intake Section, Criminal SA
Intake Supervisor, Civil
Interpreter Section
PIA Clerk - Los Angeles (PIALA)
PIA Clerk - Riverside (PIAED)
PIA Clerk - Santa Ana (PIASA)
PSA - Los Angeles (PSALA)
PSA - Riverside (PSAED)
PSA - Santa Ana (PSASA)
Schnack, Randall (CJA Supervising Attorney)

Statistics Clerk
US Attorneys Office - Civil Division -L.A.
US Attorneys Office - Civil Division - S.A.
US Attorneys Office - Criminal Division -L.A.
US Attorneys Office - Criminal Division -S.A.
US Bankruptcy Court
US Marshal Service - Los Angeles (USMLA)
US Marshal Service - Riverside (USMED)
US Marshal Service -Santa Ana (USMSA)
US Probation Office (USPO)
US Trustee's Office
Warden, San Quentin State Prison, CA

<input checked="" type="checkbox"/>	ADD NEW NOTICE PARTY (if sending by fax, mailing address must also be provided)
Name: James O. Ehinger	
Firm: Jennings, Strouss & Salmon	
Address (include suite or floor): 11th Floor	
201 E. Washington Street	
Phoenix, AZ 85004	
*E-mail:	
*Fax No.:	

* For CIVIL cases only

JUDGE / MAGISTRATE JUDGE (list below):

Initials of Deputy Clerk enm

NOTICE PARTY SERVICE LIST

Case No. SA CV06-172-AHS(MLGx) **Case Title** SEC v. LAMBERT VANDER TUIG, et al.

Title of Document STIPULATION AND ORDER CONTINUING JUNE 18, 2007 MOTIONS

Atty Sttlmnt Officer Panel Coordinator
BAP (Bankruptcy Appellate Panel)
Beck, Michael J (Clerk, MDL Panel)
BOP (Bureau of Prisons)
CA St Pub Defender (Calif. State PD)
CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
Case Asgmt Admin (Case Assignment Administrator)
Catterson, Cathy (9 th Circuit Court of Appeal)
Chief Deputy Admin
Chief Deputy Ops
Clerk of Court
Death Penalty H/C (Law Clerks)
Dep In Chg E Div
Dep In Chg So Div
Federal Public Defender
Fiscal Section
Intake Section, Criminal LA
Intake Section, Criminal SA
Intake Supervisor, Civil
Interpreter Section
PIA Clerk - Los Angeles (PIALA)
PIA Clerk - Riverside (PIAED)
PIA Clerk - Santa Ana (PIASA)
PSA - Los Angeles (PSALA)
PSA - Riverside (PSAED)
PSA - Santa Ana (PSASA)
Schnack, Randall (CJA Supervising Attorney)

Statistics Clerk
US Attorneys Office - Civil Division -L.A.
US Attorneys Office - Civil Division - S.A.
US Attorneys Office - Criminal Division -L.A.
US Attorneys Office - Criminal Division -S.A.
US Bankruptcy Court
US Marshal Service - Los Angeles (USMLA)
US Marshal Service - Riverside (USMED)
US Marshal Service -Santa Ana (USMSA)
US Probation Office (USPO)
US Trustee's Office
Warden, San Quentin State Prison, CA

<input checked="" type="checkbox"/>	ADD NEW NOTICE PARTY (if sending by fax, mailing address must also be provided)
Name: Alan I. White	
Firm: Law Offices of Alan I. White	
Address (include suite or floor):	
20281 SW Birch Street, Suite 100	
Newport Beach, CA 92660	
*E-mail:	
*Fax No.: 949-752-9007	
* For CIVIL cases only	

JUDGE / MAGISTRATE JUDGE (list below):

Initials of Deputy Clerk enm