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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 Securities and Exchange Commission,
14 Plaintiff,
15 v.
16 Ralph T. Iannelli and Essex Capital
17 Corporation,
18 Defendants.

Case No. 2:18-cv-05008-FMO-AFM

**DEFENDANTS' NOTICE OF
INTENT TO OBJECT AND
RESPOND TO MONITOR'S
REPORT AND
RECOMMENDATIONS**

Judge: Hon. Fernando M. Olguin
Courtroom: 6D

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1 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR**
2 **ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE THAT Defendants Ralph T. Iannelli and Essex
4 Capital Corporation (collectively, “Defendants”) intend to file an Objection and
5 Response to the Report of Preliminary Accounting of Defendant Essex Capital
6 Corporation and Recommendations of Court-Appointed Monitor Geoff Winkler
7 (the “Report”), filed by Plaintiff Securities and Exchange Commission (the “SEC”)
8 on December 6, 2018. Defendants have identified a number of inaccurate and
9 misleading statements in the Monitor’s Report, a draft of which was provided to the
10 SEC on or before November 30, 2018, but which was not provided to Defendants
11 before its filing with the Court. Defendants anticipate filing their Objection and
12 Response on or before December 14, 2018.

13 This Notice is necessitated by the Monitor’s previously-undisclosed request
14 that the Court immediately enter an Order appointing him as the receiver. The
15 request for immediate entry is inconsistent with the Monitor’s proposed order—the
16 only document shared by the Monitor with Defendants. The proposed order
17 provides that the order would be based, in part, on the report and “any response
18 thereto.” (Dkt. No. 60-3 at 1.) Defendants expressly told the Monitor that they
19 “reserve[d] their rights to respond to the report to address any inaccuracies,
20 erroneous statements, or other matters in the report.” (Dkt. No. 60-1 at 22 n.20.)

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