Case 2	18-cv-05008-FMO-AFM	Document 62	Filed 12/07/18	Page 1 of 3	Page ID #:2315		
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8	Essex Capital Corpora	uon					
9	UNITED STATES DISTRICT COURT						
10	CENTRAL DISTRICT OF CALIFORNIA						
11	WESTERN DIVISION						
12							
13	Securities and Exchange	ge Commission	n, Case N	o. 2:18-cv-0	5008-FMO-AFM		
14	Pla	intiff,	DEFE	NDANTS' N	NOTICE OF		
15	V.		RESP	NT TO OBJ OND TO M RT AND	ECT AND ONITOR'S		
16 17	Ralph T. Iannelli and E Corporation,	Essex Capital		MMENDA	ΓIONS		
17	1	fendants.	Judge:	Hon. Fernan om: 6D	ido M. Olguin		
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TO THE HONORABLE COURT, ALL PARTIES AND THEIR 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 before its filing with the Court. Defendants anticipate filing their Objection and 11 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 "reserve[d] their rights to respond to the report to address any inaccuracies, 19 20 erroneous statements, or other matters in the report." (Dkt. No. 60-1 at 22 n.20.) 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 /// 28 ///

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1	Given the Monitor's acceptance that any order would be entered based, in					
2	part, on responses to the Report and his reliance on Defendants' consent to such an					
3	order, entry of any order appointing the receiver must come after Defendants (and					
4	the other interested parties who the Court permitted to intervene) have an					
5	opportunity to submit a response.					
6	Dated: December 7, 2018	STEVEN J. OLSON				
7		JORGE DENEVE O'MELVENY & MYERS LLP				
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9		By: <u>/s/ Jorge deNeve</u>				
10		Jorge deNeve Attorneys for Defendants				
11		Ralph T. Iannelli and Essex Capital Corporation				
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	- 3	3 - DEFS' NOT. OF INTENT TO OBJECT AND RESPOND TO MONITOR'S REPORT				