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7 Attorneys for Receiver
 8 GEOFF WINKLER

9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION

12 SECURITIES AND EXCHANGE
 13 COMMISSION,

14 Plaintiff,

15 vs.

16 RALPH T. IANNELLI and ESSEX
 CAPITAL CORP.,

17 Defendants.

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

**RECEIVER'S THIRTEENTH
 INTERIM REPORT AND PETITION
 FOR FURTHER INSTRUCTIONS**

Date: January 19, 2023
 Time: 10:00 a.m.
 Ctrm: 6D
 Judge: Hon. Fernando M. Olguin

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1 Geoff Winkler (the "Receiver"), the Court-appointed permanent receiver for
2 defendant Essex Capital Corporation ("Essex") and its subsidiaries and affiliates
3 (collectively, with Essex, the "Receivership Entities" or "Entities"), hereby submits
4 the following thirteenth interim report and petition for further instructions (the
5 "Report") for the period from July 1, 2022 through September 30, 2022 (the
6 "Reporting Period")¹, in accordance with Rule 66-6 of the Local Civil Rules of the
7 United States District Court for the Central District of California and the Court's
8 (a) *Order Regarding Preliminary Injunction and Appointment of a Permanent*
9 *Receiver* (the "Appointment Order") entered on December 21, 2018, ECF No. 66,
10 (b) *Order in Aid of Receivership* (the "Order in Aid") entered on February 1, 2019,
11 ECF No. 69, and (c) *Order Regarding Permanent Injunction* (the "Permanent
12 Injunction") entered on September 9, 2019, ECF No. 113.

13 **I. PRELIMINARY STATEMENT**

14 As reflected in the Receiver's previously submitted interim reports, the
15 Receiver has been met with substantial success in his efforts to identify, marshal,
16 and administer the available assets of the Receivership Entities (the "Receivership
17 Assets" or "Assets"). As set forth in this Report, the Receiver has continued to do so
18 throughout the Reporting Period. During the Reporting Period, in addition to
19 handling matters of ordinary estate administration for the receivership estate (the
20 "Estate"), the Receiver largely focused his resources on continuing his efforts to
21 recover Receivership Assets from profiting investors and other third parties in
22 possession of such Assets, including via the settlement or continuation of litigation
23 brought on behalf of the Receivership Entities.

24 Perhaps most critically, during the Reporting Period, the Receiver took the
25 following actions:

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27 ¹ While this Report generally covers the Reporting Period, it also addresses
28 developments prior and subsequent to the Reporting Period, to the extent they are
relevant to the subjects addressed herein.

- 1 • Formalized, and secured Court approval of, the settlement reached in the
2 Asset-recovery action styled *Winkler v. 915 Elm Avenue CVL, LLC* and
3 bearing Case No. 2:21-cv-00869-FMO-AFM (the "CVL Action"), in which
4 he originally sought to recover damages from 915 Elm Avenue CVL, LLC
5 ("CVL") on claims for breach of contract and unjust enrichment;
- 6 • Formalized, and secured Court approval of, the settlement reached in the
7 Asset-recovery action styled *Winkler v. Reyner, et al.* and bearing Case
8 No. 2:22-cv-00800-FMO-AFM (the "Reyner II Action") against William S.
9 Reyner, Jr. ("Reyner"), the manager of CVL, alleging causes of action
10 arising from and in connection with certain actions taken by Reyner as
11 member and manager of CVL;
- 12 • Commenced the prosecution of a new disgorgement action and continued
13 the prosecution of six pending disgorgement actions against alleged profiting
14 investors, altogether seeking to recover, at face value, over \$5.5 million in
15 fictitious profits received by those investors (with one of those disgorgement
16 actions having since been settled and dismissed subsequent to the Reporting
17 Period and the Receiver reaching settlements in principle in two more
18 disgorgement actions);
- 19 • Worked steadfastly with his tax professionals in connection with his
20 distribution to investors and other creditors of the Receivership Entities
21 whose claims for reimbursement were previously approved by the Court. As
22 reflected in prior submissions from the Receiver, this distribution was
23 unexpectedly delayed as a result of complications encountered by the
24 Receiver in connection with finalizing Entity tax returns, which returns are
25 critical to enabling the Receiver to determine the amount available for an
26 initial, interim distribution; and

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- 1 • Completed an initial distribution on allowed claims in the aggregate amount
2 of \$3 million, making initial distributions to 60 investors and other creditors
3 of the Receivership Entities.

4 In addition to the above, the Receiver has continued to administer the remaining
5 Assets of the Estate, and, as of the date of his standardized fund accounting report
6 for the Reporting Period (the "SFAR"), held approximately \$1,976,832.93, in cash,
7 for the administration and benefit of the Receivership Entities.

8 **II. RELEVANT PROCEDURAL HISTORY**

9 The Receiver invites the Court and all interested parties to review the
10 following filings² for the relevant factual and procedural background relating to the
11 subjects addressed in this Report:

- 12 • Plaintiff the Securities and Exchange Commission's *Complaint*, filed on
13 June 5, 2018, ECF No. 1;
14 • *Defendants' Answer to Complaint and Affirmative Defenses*, filed on
15 August 1, 2018, ECF No. 37;
16 • The Appointment Order, entered on December 21, 2018, ECF No. 66;
17 • The Order in Aid, entered on February 1, 2019, ECF No. 69;
18 • The *Mediation Report*, filed on April 5, 2019, ECF No. 74;
19 • The *First Interim Report and Petition for Further Instructions of Receiver*,
20 *Geoff Winkler*, filed on April 30, 2019, ECF No. 78;
21 • The *Final Judgment as to Defendant Ralph T. Iannelli*, entered on
22 June 5, 2019, ECF No. 93;
23 • The *Second Interim Report and Petition for Further Instructions of Receiver*,
24 *Geoff Winkler*, filed on August 14, 2019, ECF No. 103;

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28 ² These filings, as well as others, are available on the Receiver's website,
<https://essex-receivership.com/>.

- 1 • The *Judgment Against Defendant Essex Capital Corporation*, entered on
2 September 9, 2019, ECF No. 110;
- 3 • The Permanent Injunction, entered on September 9, 2019, ECF No. 113;
- 4 • The *Third Interim Report and Petition for Further Instructions of Receiver,*
5 *Geoff Winkler*, filed on November 18, 2019, ECF No. 123;
- 6 • The *Motion of Receiver, Geoff Winkler, for Authority to Pursue Litigation*
7 *Against 915 Elm Avenue CVL, LLC*, filed on December 5, 2019, ECF No. 125,
8 and the order thereon, entered on July 29, 2020, ECF No. 177;
- 9 • The *Fourth Interim Report and Petition for Further Instructions of Receiver,*
10 *Geoff Winkler*, filed on March 2, 2020, ECF No. 149, and the supplement
11 thereto, filed on March 4, 2020, ECF No. 153;
- 12 • The *Stipulation for Order: (1) Establishing Claims Procedures; and*
13 *(2) Setting Claims Bar Date*, filed on April 20, 2020, ECF No. 168, and the
14 order thereon, entered on July 31, 2020, ECF No. 179;
- 15 • The *Motion of Receiver, Geoff Winkler, for Order Approving and Authorizing*
16 *Performance of Settlement Agreement*, filed on June 11, 2020, ECF No. 172,
17 and the order thereon, entered on July 29, 2020, ECF No. 178;
- 18 • The *Fifth Interim Report and Petition for Further Instructions of Receiver,*
19 *Geoff Winkler*, filed on July 24, 2020, ECF No. 174, and the supplement
20 thereto, filed on August 12, 2020, ECF No. 185;
- 21 • The *Motion of Receiver, Geoff Winkler, for Authority to Prosecute Claims*
22 *Against Seed Mackall LLP*, filed on August 10, 2020, ECF No. 184, and the
23 order thereon, entered on September 2, 2020, ECF No. 186;
- 24 • The *Stipulation to Authorize Receiver's Sale of Leased Assets, Free and Clear*
25 *of Liens and Encumbrances*, filed on September 23, 2020, ECF No. 188, and
26 the order thereon, entered on October 6, 2020, ECF No. 189;
- 27 • The *Motion of Receiver, Geoff Winkler, for Authority to Establish*
28 *Disgorgement Procedures and Undertake Disgorgement Efforts*, filed on

- 1 October 13, 2020, ECF No. 190, and the order thereon, entered on
2 November 12, 2020, ECF No. 195;
- 3 • The *Sixth Interim Report and Petition for Further Instructions of Receiver,*
4 *Geoff Winkler*, filed on December 8, 2020, ECF No. 197;
 - 5 • The *Seventh Interim Report and Petition for Further Instructions of Receiver,*
6 *Geoff Winkler*, filed on May 19, 2021, ECF No. 206;
 - 7 • The *Eighth Interim Report and Petition for Further Instructions of Receiver,*
8 *Geoff Winkler*, filed on August 24, 2021, ECF No. 210;
 - 9 • The *Ninth Interim Report and Petition for Instructions of Receiver, Geoff*
10 *Winkler*, filed on November 22, 2021, ECF No. 215;
 - 11 • The *Motion for Order: (1) Approving Proposed Distribution Plan;*
12 *(2) Approving Recommended Treatment of Claims; and (3) Authorizing*
13 *Distributions on Allowed Claims*, filed on December 21, 2021, ECF No. 220;
 - 14 • The *Receiver's Tenth Interim Report and Petition for Instructions*, filed on
15 March 25, 2022, ECF No. 229;
 - 16 • The *Receiver's Eleventh Interim Report and Petition for Instructions*, filed on
17 July 5, 2022, ECF No. 236; and
 - 18 • The *Receiver's Twelfth Interim Report and Petition for Instructions*, filed on
19 September 15, 2022, ECF No. 243.

20 **III. THE RECEIVER'S ACTIVITIES AND EFFORTS DURING THE**
21 **REPORTING PERIOD**

22 Of the tasks identified above, the Receiver's most critical undertakings during
23 the Reporting Period include the following:

24 **A. Asset Identification, Administration, Recovery, and Monetization.**

25 As reflected in his most recent SFAR, attached hereto as **Exhibit 1**, at the end
26 of the Reporting Period, the Receiver held a total of approximately \$1,976,832.93,
27 in cash, for the administration and benefit of the Receivership Entities. In addition,
28 he continues to hold and administer non-cash Assets, the value of which he has

1 estimated to be in the seven-figure range,³ inclusive of prospective third-party
2 recoveries. In addition to the cash and non-cash Assets already in the Receiver's
3 possession and which he believes are recoverable, during the Reporting Period, the
4 Receiver undertook the following efforts to recover additional Assets, in accordance
5 with his authority under the Permanent Injunction and this Court's subsequent
6 orders:

7 **1. Settlement of the CVL Action.**

8 On July 29, 2020, the Court entered a minute order authorizing the Receiver
9 to prosecute claims against CVL, a limited liability company created in
10 November 2015, by and between defendant Ralph Iannelli ("Iannelli") and Reyner,
11 to purchase, own, and operate a lumber-yard business (the "Lumber Yard").

12 The Receiver has concluded that CVL's purchase of the Lumber Yard from
13 James Gally ("Gally") and his affiliated entities Carpinteria Valley Lumber Co. and
14 J&G Clay Properties, LLC (collectively, with Gally, the "Gally Entities") was
15 funded, in large part, by hundreds of thousands of dollars from Essex, as well as a
16 \$1.5-million seller-carryback loan from Gally, which Essex—who has never held an
17 interest in CVL—had agreed to repay to Gally pursuant to a promissory note (the
18 "Essex-to-Gally Note"). Contemporaneously with Essex's execution of the Essex-
19 to-Gally Note, CVL executed a companion note (the "CVL-to-Essex Note"),
20 agreeing to repay \$1.5 million to Essex for its agreement to repay the seller-
21 carryback loan to Gally.

22 In addition, the Receiver's analysis further suggested that another \$250,000
23 from the Receivership Entities was transferred to CVL, which was apparently
24 intended to be a loan to CVL that would allow it to pay off an inventory loan owed
25

26 ³ In previous interim reports, the Receiver presented a higher estimate of the
27 Entities' non-cash Assets. He has since reduced this estimate based on
28 accounting refinements completed, and additional information obtained,
thereafter.

1 to the Gally Entities. In connection with CVL's receipt of those funds from Essex,
2 the Receiver's records reflected that CVL executed a promissory note agreeing to
3 repay \$125,000 to Iannelli (the "Iannelli Inventory Note") and a promissory note
4 agreeing to repay \$125,000 to Essex (the "Essex Inventory Note").

5 Both of the promissory notes from CVL to Essex (i.e., the CVL-to-Essex
6 Note and the Essex Inventory Note) have since matured and are now in default.
7 CVL, however, had contested its repayment obligations to Essex. Over and above
8 the payment obligation incurred by Essex under the Essex-to-Gally Note, and
9 Essex's attendant right to be repaid by CVL under the CVL-to-Essex Note and the
10 Essex Inventory Note, the Receiver further confirmed that an estimated \$1.1 million
11 was diverted from Essex's accounts and transferred to, or for the benefit of, CVL. In
12 total, over \$2,100,000 in Essex funds and obligations were used and incurred in
13 connection with CVL's formation and the purchase of the Lumber Yard.

14 On January 29, 2021, the Receiver filed his complaint against CVL,
15 commencing the CVL Action, in which he asserted claims for avoidance of
16 fraudulent transfers, breach of contract, and unjust enrichment based on the above-
17 described facts. As Iannelli had transferred his interest in CVL (which the estimated
18 \$1.1 million of Essex's funds had been used by Iannelli to pay for) to the Estate, the
19 Receiver elected to subsequently withdraw his fraudulent transfer claims through the
20 filing of his first amended complaint.

21 Prior to the Reporting Period, the Receiver had participated in a mandatory
22 settlement conference with CVL before the Honorable Suzanne H. Segal (ret.).
23 Thereafter, the parties continued to hold settlement discussions, with Judge Segal
24 acting as the intermediary and the parties ultimately exchanging multiple settlement
25 proposals between one another. However, the parties reached an impasse that could
26 not be resolved through further mediated discussions.

27 Thereafter, the Receiver filed a motion for summary judgment on one of his
28 claims, the claim for breach of contract relating to CVL's failure to pay the CVL-to-

1 Essex Note. CVL also moved for summary judgment on that claim, as well as for
2 summary judgment or partial summary judgment on the Receiver's three remaining
3 claims. The hearing on the parties' summary judgment motions was set for May 12,
4 2022, but was continued after the Receiver and CVL advised the Court that they had
5 reached a settlement, in principle.

6 During the Reporting Period, the parties' respective counsel finalized a
7 settlement agreement (the "CVL Settlement") intended to resolve the disputes that
8 are the subject of the CVL Action, as well as the Reyner II Action (discussed
9 below). Thereafter, on September 7, 2022, the Receiver filed his motion seeking
10 approval of the CVL Settlement and authority for the parties to perform their
11 respective obligations thereunder, ECF No. 241. The Court entered its order
12 granting the Receiver's motion on September 19, 2022, ECF No. 246. Since then,
13 CVL and the Receiver have performed all obligations required as of the date of this
14 Report, and the Receiver has received the first of multiple settlement payments, in
15 the initial amount of \$800,000 and the CVL Action and Reyner II Action have been
16 dismissed, with prejudice.

17 **2. Prosecution of the Second Action Against Reyner.**

18 Separate from the CVL Action and the Receiver's disgorgement action against
19 Reyner and related parties, the Receiver continued to prosecute the Reyner II
20 Action, a separate action against Reyner alleging causes of action arising from and
21 in connection with Reyner's alleged actions and inactions while acting as the sole
22 manager of CVL. The conduct underlying the Reyner II Action was discovered in
23 the course of the Receiver's discovery efforts in the CVL Action, which prompted
24 the need for the Receiver to pursue the separate action against Reyner.

25 The Receiver filed the complaint that commenced the Reyner II Action on
26 February 4, 2022. Thereafter, the parties stipulated to continue the deadline for
27 Reyner to respond to the complaint in light of the settlement in principle reached
28

1 between the Receiver and CVL. The CVL Settlement also resolved the Reyner II
2 Action, which has since been dismissed, with prejudice.

3 **3. Continued Prosecution of Disgorgement Actions.**

4 On November 12, 2020, this Court entered its *Order Granting Motion of*
5 *Receiver, Geoff Winkler, for Authority to Establish Disgorgement Procedures and*
6 *Undertake Disgorgement Efforts* (the "Disgorgement Procedures Order"). See ECF
7 No. 195. The Disgorgement Procedures Order authorized the Receiver to
8 commence disgorgement efforts against those investors in the Receivership Entities
9 whom he determined, on the basis of his forensic accounting, had received more in
10 payments from the Entities than they invested in or contributed to the Entities. The
11 Disgorgement Procedures Order also authorized the Receiver to settle his
12 prospective disgorgement claims without further order of the Court, provided any
13 settlements he negotiated fell within the parameters established by the Court.

14 In accordance with his authority under the Disgorgement Procedures Order,
15 as of the date of this Report, the Receiver has commenced a total of eleven
16 disgorgement actions against profiting investors before this Court (four of which
17 have already been settled and dismissed prior to the Reporting Period). Those
18 actions are styled as follows:

- 19 • *Winkler v. Fazio, et al.*, Case No. 2:21-cv-02987-FMO-AFM (the "Fazio
20 Action");
- 21 • *Winkler v. WLD Davis Holdings, LLC, et al.*, Case No. 2:21-cv-03209-FMO-
22 AFM (the "Davis Action");
- 23 • *Winkler v. Siemens, et al.*, Case No. 2:21-cv-04515-FMO-AFM (the "Siemens
24 Action");
- 25 • *Winkler v. Fead, et al.*, Case No. 2:21-cv-04519-FMO-AFM (the "Fead
26 Action");
- 27 • *Winkler v. Largura, et al.*, Case No. 2:21-cv-04534-FMO-AFM (the "Largura
28 Action");

- 1 • *Winkler v. Reyner, et al.*, Case No. 2:21-cv-05730-FMO-AFM (the "Reyner
- 2 Action");
- 3 • *Winkler v. McCloskey, et al.*, Case No. 2:21-cv-05757-FMO-AFM (the
- 4 "McCloskey Action");
- 5 • *Winkler v. Hopen Life Science Ventures, et al.*, Cal. Case No. 2:21-cv-
- 6 06049-FMO-AFM (the "Hopen Action");
- 7 • *Winkler v. Nicholson, et al.*, Case No. 2:21-cv-07458-FMO-AFM (the
- 8 "Nicholson Action");
- 9 • *Winkler v. Emmons, et al.*, Case No. 2:21-cv-07267-FMO-AFM (the
- 10 "Emmons Action"); and
- 11 • *Winkler v. Grimm, et al.*, Case No. 2:22-cv-05736-FMO-AFM (the
- 12 "Grimm Action").

13 During the Reporting Period, the Receiver made significant progress with
14 respect to the settlement of certain of these actions. As noted in prior Reports, prior
15 to the commencement of the Reporting Period, the Receiver had already secured
16 settlements in the Fazio, Davis, Fead, Siemens, and Largura Actions. During the
17 Reporting Period, the Court approved the previously unapproved settlement in the
18 Largura Action, and the Receiver has recovered \$241,592.04 in connection
19 therewith. In addition, during the Reporting Period, the Receiver secured a
20 settlement in principle in the Hopen Action. Unfortunately, longstanding efforts to
21 resolve one disgorgement dispute that had not yet proceeded to litigation proved
22 unsuccessful and, on August 12, 2022, the Receiver filed his complaint commencing
23 the Grimm Action, alleging various fraudulent transfer claims in connection with
24 over \$1 million in apparent Ponzi profits paid to the defendants in that action.
25 While a summons has issued in the Grimm Action, and the complaint has been
26 served, a response has not yet been filed.

27 In the meantime, of course, the Receiver has continued prosecuting all
28 remaining disgorgement actions during the Reporting Period. His efforts have

1 primarily involved (a) responding to written discovery and appearing for deposition;
2 (b) propounding discovery and preparing to take depositions, if necessary; and
3 (c) participating in settlement conferences. In addition, during the Reporting Period,
4 the defendants in the McCloskey Action appealed from their loss on their *Second*
5 *Amended Motion to Dismiss, Stay, Transfer Venue, or Lift Anti-Suit Injunction* on
6 September 19, 2022, *see* McCloskey Action ECF No. 43, filing a notice of appeal in
7 the Ninth Circuit, in connection with which the Receiver has begun preparations on
8 an answering brief and for an anticipated mediation.

9 Finally, during the Reporting Period, in the Reyner Action, the Receiver
10 prepared and filed his *Motion for Summary Judgment or, in the Alternative, Partial*
11 *Summary Judgment*, Reyner Action ECF No. 36, and later, his supplemental
12 memorandum in support of that motion, Reyner Action ECF No. 42. The motion
13 was taken under submission on September 16, 2022 and the parties are presently
14 awaiting the Court's decision on the motion. Trial is scheduled to commence no
15 earlier than January 17, 2023, *see* Reyner Action ECF No. 46.

16 **4. Administration of Existing Assets.**

17 As reflected in prior submissions from the Receiver, the Receiver is presently
18 administering a number of equity investments held for the benefit of the Estate. In
19 accordance with his existing authority under the Appointment Order and Permanent
20 Injunction, the Receiver anticipates liquidating those assets in the ordinary course of
21 business, at such time as he deems appropriate, in addition to raise additional funds
22 for the Estate.

23 **B. Initial Distributions On Allowed Claims.**

24 As reflected in his earlier submissions, the Receiver has completed processing
25 of all timely claims against the Receivership Entities and no claims remain
26 unresolved. In accordance with this Court's prior orders, in early August 2022, the
27 Receiver made a distribution on all claims allowed by this Court, in 60 individual
28 amounts ranging from \$628 to over \$300,000 (and determined by the application of

1 the Court-approved hybrid rising tide methodology), in the aggregate amount of
2 \$3 million. The Receiver presently anticipates that there will be at least one
3 additional distribution on allowed claims, to be paid from additional funds obtained
4 through litigation or settlement.

5 **C. Attending to Pre-Receivership Litigation Matters.**

6 At the time of the Receiver's appointment, there were two actions against the
7 Receivership Entities pending before the Superior Court of California, County of
8 Santa Barbara, both of which had been stayed pursuant to the Permanent Injunction:
9 (a) the action captioned as *Gabler v. Essex Capital Corp., et al.* and bearing Case
10 No. 18CV03423 (the "Gabler Action")⁴; and (2) the action captioned as *Dennis v.*
11 *Iannelli, et al.* and bearing Court Case No. 18CV03317 (the "Dennis Action").

12 The plaintiff in the Gabler Action, who had alleged that defendants Melissa
13 Iannelli, Ralph Iannelli, and Essex breached the terms of a promissory note,
14 however, has since voluntarily dismissed his action, without prejudice. The plaintiff
15 in the Dennis Action, which remains pending, had alleged that defendants Ralph
16 Iannelli and Essex operated a fraudulent investment scheme and sought relief upon a
17 number of tort claims.

18 The Receiver and his counsel have continued to monitor the Dennis Action
19 and have previously informed the court presiding over that action of the litigation
20 stay imposed by the Appointment Order and maintained by the Permanent
21 Injunction, in order to protect and preserve the Estate from diminution. The
22 Receiver will continue to monitor and, through counsel, make necessary
23 appearances and keep the court presiding over the Dennis Action abreast of
24 developments in the instant action, as appropriate.

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⁴ As previously noted, the plaintiff in the Gabler Action filed a request for dismissal of his complaint, without prejudice, on May 5, 2021.

1 **D. Communications with Investors and Other Interested Parties.**

2 In accordance with the Order in Aid, the Receiver continues to maintain a
3 receivership website for this matter, which, among other things, he uses as a means
4 of communicating with investors in the Receivership Entities. Specifically, the
5 Receiver posts all of his filings to the website, which also includes a portal through
6 which investors and other interested parties may register to receive email notice of
7 such filings. The Receiver will continue to post additional updates to the website as
8 they become relevant and available.

9 **IV. CONCLUSION AND PETITION FOR FURTHER INSTRUCTIONS**

10 Assuming that the Court accepts this Report and authorizes the Receiver to
11 undertake the actions recommended herein, as well as to continue those actions
12 provided for in the Appointment Order, Order in Aid, and Permanent Injunction, the
13 Receiver proposes to submit a further interim report to this Court, addressing his
14 progress, findings, conclusions, and additional recommendations, in approximately
15 90 to 120 days.

16 Accordingly, and based on the foregoing, the Receiver respectfully requests
17 that the Court enter an order:

- 18 1. Accepting this Report;
- 19 2. Authorizing the Receiver to continue to administer the Receivership
20 Entities and their Estate in accordance with the terms of the Appointment Order,
21 Order in Aid, and Permanent Injunction;
- 22 3. Authorizing the Receiver to undertake the recommendations presented
23 herein; and

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1 4. Providing such other and further relief as the Court deems necessary
2 and appropriate under the circumstances.

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5 Dated: December 21, 2022

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
DAVID R. ZARO
JOSHUA A. DEL CASTILLO
MATTHEW D. PHAM

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7
8 By: /s/ Matthew D. Pham

9 MATTHEW D. PHAM
10 Attorneys for Receiver
11 GEOFF WINKLER

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VERIFICATION OF GEOFF WINKLER

I, Geoff Winkler, verify as follows:

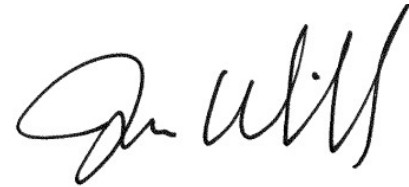
1. I am the Court-appointed permanent receiver for Essex Capital Corporation and its subsidiaries and affiliates.

2. I have read the foregoing RECEIVER'S THIRTEENTH INTERIM REPORT AND PETITION FOR FURTHER INSTRUCTIONS and know its contents.

3. The matters stated in the foregoing document are true to the best of my knowledge, information, and belief.

I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 21, 2022, at Salem, Oregon.



Geoff Winkler

EXHIBIT 1

STANDARDIZED FUND ACCOUNTING REPORT for SEC v. Essex Capital Corporation
 Receivership; Civil Docket No. 18-cv-05008-FMO-AFM
 Reporting Period from 07/01/2022 to 09/30/2022

FUND ACCOUNTING (See instructions)		Detail	Subtotal	Grand Total
Line 1	Beginning Balance (As of 07/01/2022):	\$ 4,612,073.54		
	Increases in Fund Balance:			
Line 2	Business Income	\$ -		
Line 3	Cash and Securities (in transit)	-		
Line 4	Interest/Dividend Income	-		
Line 5	Business Asset Liquidation	-		
Line 6	Personal Asset Liquidation	-		
Line 7	Third-Party Litigation Income	1,082,576.97		
Line 8	Miscellaneous - Other	-		
	Total Funds Available (Lines 1 - 8):		\$ 1,082,576.97	\$ 5,694,650.51
	Decreases in Fund Balance:			
Line 9	Disbursements to Investors	(3,000,000.00)		
Line 10	Disbursements for Receivership Operations			
Line 10a	Disbursements to Receiver or Other Professionals	(717,817.58)		
Line 10b	Business Asset Expenses	-		
Line 10c	Personal Asset Expenses	-		
Line 10d	Investment Expenses	-		
Line 10e	Third-Party Litigation Expenses	-		
	1. Attorney Fees	\$ -		
	2. Litigation Expenses	-		
	Total Disbursements for Receivership Operations		\$ (3,717,817.58)	
Line 10f	Tax Administrator Fees and Bonds		-	
Line 10g	Federal and State Tax Payments		-	
	Total Disbursements for Receivership Operations			\$ (3,717,817.58)
Line 11	Disbursements for Distribution Expenses Paid by the Fund:			
Line 11a	Distribution Plan Development Expenses:			
	1. Fees:			
	Fund Administrator.....	\$ -		
	Independent Distribution Consultant (IDC).....	-		
	Distribution Agent.....	-		
	Consultants.....	-		
	Legal Advisers.....	-		
	Tax Advisers.....	-		
	2. Administrative Expenses	-		
	3. Miscellaneous	-		
	Total Plan Development Expenses		\$ -	
Line 11b	Distribution Plan Implementation Expenses:			
	1. Fees:			
	Fund Administrator.....	-		
	IDC.....	-		
	Distribution Agent.....	-		
	Consultants.....	-		
	Legal Advisers.....	-		
	Tax Advisers.....	-		
	2. Administrative Expenses	-		
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....	-		
	Claimant Identification.....	-		
	Claims Processing.....	-		
	Web Site Maintenance/Call Center.....	-		
	4. Fund Administrator Bond	-		
	5. Miscellaneous	-		
	6. Federal Account for Investor Restitution (FAIR) Reporting Expenses	-		
	Total Plan Implementation Expenses		\$ -	
	Total Disbursements for Distribution Expenses Paid by the Fund			\$ -
Line 12	Disbursements to Court/Other:			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees	\$ -		
Line 12b	Federal Tax Payments	-		
	Total Disbursements to Court/Other:		\$ -	
	Total Funds Disbursed (Lines 9 - 11):			\$ (3,717,817.58)
Line 13	Ending Balance as of 09/30/2022			\$ 1,976,832.93
Line 14	Ending Balance of Fund - Net Assets:			
Line 14a	Cash & Cash Equivalents		1,976,832.93	
Line 14b	Investments		-	
Line 14c	Other Assets or Uncleared Funds		2,038,622.17	
	Total Ending Balance of Fund - Net Assets			\$ 4,015,455.10

STANDARDIZED FUND ACCOUNTING REPORT for SEC v. Essex Capital Corporation

Receivership; Civil Docket No. 18-cv-05008-FMO-AFM

Reporting Period from 07/01/2022 to 09/30/2022

OTHER SUPPLEMENTAL INFORMATION:		Detail	Subtotal	Grand Total
Line 15	Disbursements for Plan Administration Expenses Not Paid by the Fund:			
<i>Line 15a</i>	<i>Plan Development Expenses Not Paid by the Fund</i>			
	1. Fees:			
	Fund Administrator	\$ -		
	IDC	-		
	Distribution Agent	-		
	Consultants	-		
	Legal Advisers	-		
	Tax Advisers	-		
	2. Administrative Expenses	-		
	3. Miscellaneous	-		
	<i>Total Plan Development Expenses Not Paid by the Fund</i>		\$ -	
<i>Line 15b</i>	<i>Plan Implementation Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator	\$ -		
	IDC	-		
	Distribution Agent	-		
	Consultants	-		
	Legal Advisers	-		
	Tax Advisers	-		
	2. Administrative Expenses	-		
	3. Investor Identification:			
	Notice/Publishing Approved Plan	-		
	Claimant Identification	-		
	Claims Processing	-		
	Web Site Maintenance/Call Center	-		
	4. Fund Administrator Bond	-		
	5. Miscellaneous	-		
	6. FAIR Reporting Expenses	-		
	<i>Total Plan Implementation Expenses Not Paid by the Fund</i>		\$ -	
<i>Line 15c</i>	<i>Tax Administrator Fees & Bonds Not Paid by the Fund</i>			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			-
Line 16	Disbursements to Court/Other Not Paid by the Fund			
<i>Line 16a</i>	<i>Investment Expenses/CRIS Fees</i>		\$ -	
<i>Line 16b</i>	<i>Federal Tax Payments</i>		-	
	Total Disbursements to Court/Other Not Paid by the Fund:			\$ -
Line 17	DC & State Tax Payments			\$ -
Line 18	No. of Claims:			
<i>Line 18a</i>	# of Claims Received This Reporting Period	0		
<i>Line 18b</i>	# of Claims Received Since Inception of Fund	75		
Line 19	No. of Claimants/Investors:			
<i>Line 19a</i>	# of Claimants/Investors Paid This Reporting Period	64		
<i>Line 19b</i>	# of Claimants/Investors Paid Since Inception of Fund	0		

Receiver: Geoff Winkler

By: 

Geoff Winkler
(printed name)

Chief Executive Officer
American Fiduciary Services LLC
Receiver, Essex Capital Corporation, et al.

Date: October 31, 2022