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15  
16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 SECURITIES AND EXCHANGE  
19 COMMISSION,

20 Plaintiff,

21 vs.

22 MATTHEW WADE BEASLEY *et al.*

23 Defendants;

24 THE JUDD IRREVOCABLE TRUST *et al.*

25 Relief Defendants.

Case No. 2:22-CV-00612-CDS-EJY

**MOTION FOR TURNOVER OF  
RECEIVERSHIP PROPERTY HELD  
BY THE UNITED STATES  
MARSHALS SERVICE OR OTHER  
FEDERAL AGENCY AS A RESULT  
OF WARRANTS ISSUED  
REGARDING DEFENDANTS**

26 Comes now, Geoff Winkler, the Court-appointed Receiver (the "Receiver") by and through  
27 his counsel of record, the law firm of Greenberg Traurig, LLP, and hereby moves this Court for  
28 ///

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1 the turnover of Receivership Property currently held by the United States Marshals Service or  
2 other federal agency as a result of warrants issues regarding Defendants (“Motion”).

3 This Motion is based upon the attached Memorandum of Points and Authorities, the  
4 pleadings and papers on file herein, and such other and further arguments and evidence as may be  
5 presented to the Court in connection with this matter.

6 DATED this 28<sup>th</sup> day of September, 2022.

**GREENBERG TRAUIG, LLP**

7  
8 By: */s/ Kara B. Hendricks*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

On or about March 3, 2022, agents from the Federal Bureau of Investigation (“FBI”) executed search warrants at the homes of Defendants Matthew Beasley (“Beasley”), Jeffrey Judd (“Judd”) and Christopher Humphries (“Humphries”) during which significant personal property and monies were seized. Subsequently, the Securities Exchange Commission (“SEC”) initiated the instant action to halt the Defendants’ alleged violations of federal securities laws, prevent further harm to investors, and to seek disgorgement and other penalties to rectify the harms caused by the alleged Ponzi-scheme.

On June 3, 2020, this Court entered its Order Appointing Receiver (ECF No. 88), which was amended on July 28, 2022 (ECF No. 207) (collectively, the “Appointment Order”). As discussed herein, the Appointment Order expressly imposes certain obligations on the Receiver including, but not limited to, an obligation to take custody, control and possession of all Receivership Property. The purpose of this motion is to facilitate a mechanism by which Receivership Property that is currently in the possession and/or control of the United States Marshals Service and/or other federal agencies as a result of warrants executed on Defendants is turned over to the Receiver for the benefit of the investors and creditors. As detailed below, it is the Receiver’s understanding that such assets include gold, currency, jewelry, and other personal property items obtained as a result of search warrants related to Defendants Beasley, Judd, and Humphries.

**II. OVERVIEW AND FACTUAL BACKGROUND**

The subject Motion concerns Receivership Property seized by the FBI as a result of search warrants issued and executed in March 2022 (the “Warrants”) upon Defendants Beasley, Judd and Humphries when such property is cleared by release by the appropriate federal agency. As set forth in the SEC’s Amended Complaint, the Warrants stemmed from allegations relating to an elaborate Ponzi-scheme perpetrated by, among others, Beasley, Judd and Humphries in which the defendants manipulated more than \$449 million from over 600 investors. ECF No. 118 at ¶ 3. Upon information and belief, through the Warrants, the FBI collected assets of Beasley, Judd,

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1 Humphries, J&J Consulting Services Inc. and J&J Purchasing LLC. The Receiver understands  
 2 that since the execution of the Warrants, the FBI transferred the property to the United States  
 3 Marshals Service for safe keeping. Accordingly the Receiver seeks an order that will enable the  
 4 federal agencies that have control over items including currency, gold, silver, and jewelry that  
 5 were obtained as a result of the Warrants, to be transfer the same to the Receiver.

6 Following the execution of the Warrants, the SEC initiated the instant action seeking to  
 7 halt violations of federal securities laws, prevent further harm to investors, and to seek  
 8 disgorgement and civil penalties stemming from the alleged Ponzi-scheme outlined in the  
 9 Amended Complaint. ECF No. 118 at ¶ 7. On June 3, 2022, this Court issued the Appointment  
 10 Order for the purpose of marshalling and preserving the Receivership Estate. ECF No. 88.  
 11 Specifically, the Appointment Order provides “[t]his Court hereby takes exclusive jurisdiction and  
 12 possession of the personal assets, of whatever kind and wherever situated, of the following  
 13 Defendants: Matthew Wade Beasley; Jeffrey J. Judd; Christopher R. Humphries; Shane M. Jager;  
 14 Jason M. Jongeward; Denny Seybert; and Roland Tanner (collectively, the ‘Individual  
 15 Receivership Defendants’ and together with the J&J Receivership Defendants and the Beasley  
 16 IOLTA, the ‘Receivership Defendants’.)<sup>1</sup>” ECF No. 88 at ¶ 3.

17 In appointing the Receiver, this Court ordered him to take custody, control and possession  
 18 of all Receivership Property and records relevant thereto. *Id.* at ¶¶ 7 (A)(B). Receivership Property  
 19 is defined within the Appointment Order to include “monies, funds, securities, credits, effects,  
 20 good chattels, lands, premises, leases, claims, rights and other assets...of whatever kind, which  
 21 the Receivership Defendants own, posses, have a beneficial interest in, or control directly or  
 22 indirectly.” ECF No. 88 at ¶ 7(A). The Receiver is also tasked with managing, controlling and  
 23 maintaining the Receivership Estate and holding in his possession, custody and control all  
 24 Receivership Property, pending further Order of this Court. *Id.* at ¶ 7(C).

25 In accordance with the terms of the Appointment Order, the Receiver now seeks the  
 26 turnover of personal property and assets seized by the FBI from Defendants as such items are

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 28 <sup>1</sup> On July 28, 2022, the Appointment Order was amended to add additional defendants following the Amended  
 Complaint this includes defendants Larry Jeffery, Jason Jenne, Seth Johnson, Christopher Madsen, Richard Madsen,  
 Mark Murphy, Cameron Rohner, and Warren Rosegreen. ECF No. 207.

1 certainly Receivership Property over which this Court exercised its exclusive jurisdiction through  
 2 the Appointment Order and which the Receiver is tasked with holding in his possession and  
 3 maintaining until further Court order.

### 4 III. LEGAL ARGUMENT

5 Through the Appointment Order, this Court took exclusive jurisdiction and possession of  
 6 all personal assets of the Receivership Defendants, *of whatever kind and wherever situated*. ECF  
 7 No. 88 at ¶ 3. As it relates to the instant Motion, the Receiver understands that significant assets  
 8 falling within the scope of the Appointment Order have been seized by the FBI following the  
 9 execution of the Warrants including gold, currency, jewelry, and other personal property items of  
 10 significant value that were seized from the homes of Defendants Beasley, Judd and Humphries.  
 11 Accordingly, the Receiver requests an order from this Court directing the turnover of all  
 12 Receivership Property currently held as a result of the FBI investigation by the United States  
 13 Marshals Service or any other governmental agency in possession of the same, to the Receiver  
 14 when the items are cleared for release.<sup>2</sup>

#### 15 A. Legal Authority

16 The primary purpose of a receiver is to “promote orderly and efficient administration of  
 17 the estate by the district court for the benefit of the creditors.” *SEC v. Hardy*, 803 F.2d 1034, 1038  
 18 (9th Cir. 1986). In so doing, receivers are tasked with preserving the status quo while arranging a  
 19 defendant’s complicated business records. *SEC v. Path Am., LLC*, No. C15-1350JLR, 2016 U.S.  
 20 Dist. LEXIS 53075, at \*18-21 (W.D. Wash. Apr. 20, 2016). “A receiver is particularly necessary  
 21 in instances where defendants have allegedly defrauded members of the investing public to avoid  
 22 the continued diversion or dissipation of corporate assets.” *Id.* (citing *SEC v. First Fin. Grp. of Tex.*,  
 23 645 F.2d 429, 438 & n.14 (5th Cir. 1981)). In instances such as this, the court may appoint  
 24 receivers with a variety of tools and broad authority “to help preserve the status quo while various  
 25 transactions [a]re unraveled” and “to obtain an accurate picture of what transpired.” *Id.* (quoting  
 26 \_\_\_\_\_

27 <sup>2</sup> The Receiver understands that the FBI may have taken possession of computers, cell phones, paper records and other  
 28 materials that are still part of an ongoing investigation and the Receiver is not demanding the turnover of the same.  
 The Receiver intends to work with the relevant entities to enable the orderly release of Receivership Property as items  
 become available for release based on any internal guidelines and protocols that the federal agencies currently holding  
 such items may have.

1 *SEC v. Manor Nursing Ctrs., Inc.*, 458 F.2d 1082, 1105 (2d Cir. 1973) (approving the appointment  
2 of a receiver to unravel complicated transactions and trace investors)).

3 Pursuant to the terms of the Appointment Order, the Receiver is to marshal and preserve  
4 all assets of the Defendants and the Relief defendants that: (a) are attributable to funds derived  
5 from investors or clients of the Defendants; (b) are held in constructive trust for the Defendants;  
6 (c) were fraudulently transferred by the Defendants; and/or (d) may otherwise be includable as  
7 assets of the estates of the Defendants. ECF No. 88 at p. 2. Here, certain property seized under  
8 the Warrants (such as cash, coins and jewelry) unquestionably falls within the assets contemplated  
9 by this Court in the Appointment Order, and the turnover of such property is necessary to permit  
10 the Receiver to perform his duties thereunder.

11 **B. The Property Seized is Receivership Property**

12 Given the breadth of the Ponzi-scheme giving rise to this case, the Appointment Order  
13 expressly establishes a broad definition of “Receivership Property.” Indeed, in outlining the  
14 Receiver’s duties, the Appointment Order obligates the Receiver:

15 “To use reasonable efforts to determine the nature, location and value of all  
16 property interest of the Receivership Defendants, including, but not limited to,  
17 *monies, funds, securities, credits, effects, goods, chattels, lands, premises, leases,*  
18 *claims, rights and other assets, together with all rents, profits, dividends, interest*  
19 *or other income attributable thereto, of whatever kind, which the Receivership*  
20 *Defendants own, possess, have a beneficial interest in, or control directly or*  
21 *indirectly (collectively, ‘Receivership Property’).”*

22 ECF No. 88 at ¶ 7A (emphasis added).

23 Here, the Receiver understands the FBI seized a wide-range of items including coins,  
24 United States Currency, jewelry and watches. For that reason, the Receiver hereby requests this  
25 Court direct the FBI, the United States Marshals Services and/or any other governmental agency  
26 in possession of Receivership Property that was seized and/or collected from the Receivership  
27 Defendants to turn over the same when they are cleared to do so. The Receiver will then create an  
28 inventory of all items received and provide the inventory to the Court for in camera review and  
also provide a copy the inventory to the Defendant from whose home the assets were obtained.

///

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1 The Receiver proposes that Defendants (or others believing they have a right to such property)  
2 have an opportunity to present a claim to the Receiver for any item believed not to be Receivership  
3 Property for consideration and evaluation.<sup>3</sup> The party making the claim to the personal property  
4 and the Receiver can then submit a stipulation and proposed order to the Court to allow for such  
5 items to be released from the receivership estate. In the event that an agreement cannot be reached  
6 regarding a claim, the matter can be presented to this Court a final determination prior to the  
7 Receiver taking any action to sell or liquidate the personal property or item identified in the claim.

8 **IV. CONCLUSION**

9 For the foregoing reasons, the Receiver respectfully requests this Court enter an order  
10 directing the United States Marshals Service and/or any other federal agency in possession of  
11 Receivership Property obtained pursuant to the Warrants issued relating to Defendants Beasley,  
12 Judd and Humphries to turn over any such property to the Receiver when cleared to release the  
13 same.

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<sup>3</sup> The Receiver proposes a thirty day period after service of the inventory on the Defendant from whose premises the items were taken for a claim to such property to be submitted to the Receiver for evaluation.

1 Additionally, the Receiver requests that a process be identified for claims to be made to the  
2 Receiver relating to property obtained by the FBI and currently held by the United States Marshals  
3 Service or other federal agencies as a result of the Warrants. A proposed order to facilitate the  
4 same is attached hereto s Exhibit A.

5 DATED this 29<sup>th</sup> day of September, 2022.

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**CERTIFICATE OF SERVICE**

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I hereby certify that, on the 28<sup>th</sup> day of September, 2022, a true and correct copy of the foregoing *Motion For Turnover Of Receivership Property Held By The United States Marshals Service Or Other Federal Agency As A Result Of Warrants Issued Regarding Defendants* was filed electronically via the Court’s CM/ECF system. Notice of filing will be served on all parties by operation of the Court’s CM/ECF system, and parties may access this filing through the Court’s CM./ECF system.

I further certify that on the 28<sup>th</sup> day of September, 2022, a true and correct copy of the foregoing *Motion For Turnover Of Receivership Property Held By The United States Marshals Service Or Other Federal Agency As A Result Of Warrants Issued Regarding Defendants* was sent via email and United States mail to:

Daniel R. Schiess, Esq.  
United States Government Attorney Office  
333 Las Vegas Blvd.  
Las Vegas Nevada 89101

/s/ Pamela January  
An employee of GREENBERG TRAUIG, LLP

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**LIST OF EXHIBITS**

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**Exhibit A** [Proposed] Order Granting Motion For Turnover Of Receivership Property Held By The United States Marshals Service Or Other Federal Agency As A Result Of Warrants Issued Regarding Defendants

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# **EXHIBIT “ A”**

**[PROPOSED] ORDER GRANTING MOTION FOR TURNOVER OF RECEIVERSHIP  
PROPERTY HELD BY THE UNITED STATES MARSHALS SERVICE OR OTHER  
FEDERAL AGENCY AS A RESULT OF WARRANTS ISSUED REGARDING  
DEFENDANTS**

**Pages 1-2**

**UNITED STATES DISTRICT COURT**

**CASE NO. 2:22-cv-00612-CDS-EJY**

# **EXHIBIT “ A”**

**[PROPOSED] ORDER GRANTING MOTION FOR TURNOVER OF RECEIVERSHIP  
PROPERTY HELD BY THE UNITED STATES MARSHALS SERVICE OR OTHER  
FEDERAL AGENCY AS A RESULT OF WARRANTS ISSUED REGARDING  
DEFENDANTS**

**Pages 1-2**

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14  
15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE DISTRICT OF NEVADA**

17 SECURITIES AND EXCHANGE COMMISSION,

18 Plaintiff,

19 vs.

20 MATTHEW WADE BEASLEY, *et al.*,

21 Defendants,

22 THE JUDD IRREVOCABLE TRUST, *et al.*,

23 Relief Defendants.

CASE NO. 2:22-cv-00612-CDS-EJY

**[PROPOSED] ORDER GRANTING  
MOTION FOR TURNOVER OF  
RECEIVERSHIP PROPERTY HELD  
BY THE UNITED STATES  
MARSHALS SERVICE OR OTHER  
FEDERAL AGENCY AS A RESULT OF  
WARRANTS ISSUED REGARDING  
DEFENDANTS**

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1 The Court having reviewed and considered the Receiver’s Motion For Turnover Of  
2 Receivership Property Held By The United States Marshals Service Or Other Federal Agency As  
3 A Result Of Warrants Issued Regarding Defendants (“Motion”) and finding that good cause exists  
4 to Grant the same hereby orders as follows:

- 5 1. The United States Marshals Service and/or any other federal agency in possession of  
6 Receivership Property obtained pursuant to warrants issued relating to Defendants  
7 Beasley, Judd and Humphries are to turn over any such property to the Receiver when  
8 cleared to release the same.
- 9 2. Within 30 days of receiving any such property, the Receiver is to create an inventory  
10 of all items received and provide the inventory to the Court for in camera review and  
11 also provide a copy the inventory to the Defendant from whose home the assets were  
12 obtained.
- 13 3. Defendants (or others believing they have a right to such property) will have an  
14 opportunity to present a claim to the Receiver for any item believed not to be  
15 Receivership Property for consideration and evaluation and must do so within 30 days  
16 of the Receiver’s service of the inventory to Defendants.
- 17 4. The party making a claim to any personal property items turned over to Receiver by  
18 the United States Marshals Service of other federal agency, and the Receiver, may  
19 submit a stipulation and proposed order to the Court to allow for such items to be  
20 released from the Receivership Estate to the party making a claim.
- 21 5. In the event that an agreement cannot be reached regarding a claim, the matter shall be  
22 presented to this Court via motion for a final determination regarding if the item at  
23 issue is Receivership Property prior to the Receiver taking any action to sell or liquidate  
24 the personal property or item identified in the claim.

25 **IT IS SO ORDERED.**

26  
27 United States District Court Judge

28 Dated: \_\_\_\_\_