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13 *Attorneys for Receiver Geoff Winkler*

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

16 SECURITIES AND EXCHANGE COMMISSION,  
17  
18 Plaintiff,  
19 vs.  
20 MATTHEW WADE BEASLEY *et al.*  
21  
22 Defendants,  
23  
24 THE JUDD IRREVOCABLE TRUST *et al.*  
25  
26 Relief Defendants.

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

**RECEIVER'S STATUS REPORT**  
**REGARDING USE OF COURT**  
**APPROVED PROFESSIONALS ON AN**  
**ONGOING BASIS**

25 Geoff Winkler, the Court-appointed Receiver (the "Receiver") submits this Status Report to  
26 apprise this Court of anticipated use of Court approved professionals assisting the Receiver on an  
27 ongoing basis ("Status Report") pursuant to this Court's request at the status hearing held on June 29,  
28 2023.

1 **I. BACKGROUND REGARDING EMPLOYED PROFESSIONALS**

2 The Court appointed Geoff Winkler of American Fiduciary Services LLC (“AFS”) to serve  
 3 as Receiver in this matter on June 3, 2022. *See* ECF No. 88 (“Appointment Order”). Among other  
 4 things, the Appointment Order authorized, empowered, and directed the Receiver to: (1) assume  
 5 exclusive authority and control over the Receivership Entities; (2) conduct such investigation and  
 6 discovery as necessary to identify and locate outstanding assets of the Receivership Entities; and  
 7 (3) preserve and prevent the dissipation of such assets. *Id.* To assist in the performance of his duties  
 8 under the Appointment Order, the Receiver sought and received Court approval to employ certain  
 9 professionals.<sup>1</sup>

10 AFS is not a law firm and does not have the services of an in-house counsel to represent the  
 11 Receiver in connection with ongoing proceedings. As such, pursuant to Section 7(F) of the  
 12 Appointment Order, the Receiver proposed retaining Greenberg Traurig LLP (“Greenberg Traurig”),  
 13 and Allen Matkins Leck Gamble Mallory & Natsis LLP (“Allen Matkins”), as co-lead counsel to  
 14 provide legal services (ECF No. 90); and the law firm of Semenza Kircher Rickard (“Semenza  
 15 Kircher”) as conflicts counsel (ECF No. 108). Additionally, the Receiver proposed the retention of  
 16 Aitheras, LLC (“Aitheras”) as a litigation support consultant (ECF No. 455) and sought approval to  
 17 employ the firm of Baker Tilly US, LLP (“Baker Tilly”) as tax professionals (ECF No. 196) to assist  
 18 the estate.

19 To assist with selling real estate assets, the Receiver filed a motion to employ two realtors:  
 20 1) Joe DiRaffaele of eXp Realty (“DiRaffaele”) to a facilitate the sale of property in Nevada; and  
 21 2) Todd Wohl of Premiere Estates International, Inc. (“Wohl”) to assist with the sale of properties  
 22 located in Utah and California (ECF No. 264). Additionally, the Receiver requested the ability to  
 23 employ Ben Tranquillo to assist with the sale of vehicles and certain personal property. *Id.*

24 The Receiver also sought Court approval for the employment of the law firm of Levine  
 25 Kellogg Lehman Schneider + Grossman LLP (“Levine Kellogg”) on a contingency basis as special  
 26

27 <sup>1</sup> The rates of the professionals and the manner in which they are paid for services rendered were also  
 28 approved by the Court. As set forth in the applicable motions, the Receiver was able to obtain discounted  
 rates from the professionals he employed.

1 litigation counsel to investigate, and if appropriate, pursue claims against Wells Fargo Bank, N.A.  
2 (“Wells Fargo”) (ECF No. 457).

3 The activities of the professionals engaged by the Receiver are reported in quarterly status  
4 reports filed in this matter. Additionally, invoices for legal services rendered by Greenberg Traurig,  
5 Allen Matkins, Semenza Kircher, Aitheras, and Baker Tilly are submitted on a quarterly basis to this  
6 Court for review after such invoices are reviewed by the Securities and Exchange Commission  
7 (“SEC”). A significant amount of work was required early on in this proceeding which yielded  
8 significant benefit to the receivership estate. As can be seen in the fee applications, the amount of  
9 work required by the Receiver’s professionals continues to decline as the case matures and the  
10 Receiver anticipates that this trend will continue going forward. However, work still remains.

11 At the June 29, 2023 status hearing in this matter, this Court requested a submission  
12 regarding anticipated use of the professional employed by the Receiver going forward and this status  
13 report will provide the same.

14 **II. ANTICIPATED ONGOING PROFESSIONAL SERVICES**

15 Based on the current status of this receivership proceeding, and in an effort to save estate  
16 resources, the Receiver intends to utilize Greenberg Traurig for the majority of the legal work needed  
17 going forward. Greenberg Traurig has a strong Nevada basis and broad litigation experience and is  
18 well suited to assist the Receiver with ongoing tasks including, but not limited to: reporting needs;  
19 defendant and investor communication; assisting in further asset recovery efforts including  
20 evaluating perspective third-party claims and drafting necessary complaints; developing a claims  
21 and distribution plan for this Court’s approval; and when necessary, assisting the Receiver in  
22 connection with the enforcement of this Court’s orders.<sup>2</sup> Notwithstanding, Allen Matkins, is  
23 currently providing and is expected to continue to provide legal services to the Receiver in  
24 connection with discrete matters, including, but not limited to: (1) preparing the Receiver’s  
25 answering brief in the pending Ninth Circuit appeal from this Court’s order denying a third party  
26 motion to intervene, and presenting the Receiver’s position at oral argument, if any; (2) recovering

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28 <sup>2</sup> Due to Greenberg Traurig, LLP’s national footprint, the firm can assist in such efforts across the country as needs arise.

1 records relevant to the Receiver’s ongoing forensic accounting and asset recovery efforts; and  
2 (3) continuing to provide the Receiver with legal services on an as-needed basis for the duration of  
3 the pending receivership when deemed appropriate, based on their experience in federal receivership  
4 matters.<sup>3</sup> It is the Receiver’s intention to wind down Allen Matkins work after their current projects  
5 are complete.

6 The law firm of Semenza Kircher will continue to act as conflicts counsel and will assist with  
7 subpoenas and handling other third party matters where Greenberg Traurig has a conflict.

8 As referenced above, Levine Kellogg is working on a contingency basis as special litigation  
9 counsel and will continue its representation of the Receiver in pursuing claims Wells Fargo.

10 In regard to non-legal professionals, Baker Tilly will continue to assist the Receiver with tax  
11 matters given the structure of the alleged Ponzi-scheme and tax implications associated with the  
12 same, including refilling of defendant tax returns to recover these funds for the receivership estate.

13 Aitheras will continue as a litigation support consultant and efforts have been taken and will  
14 continue to be taken to minimize expenses to the receivership estate.

15 In regard to professionals utilized to assist with selling assets, that process is winding down.  
16 Currently there are no properties listed for sale in Utah or California and only two properties listed  
17 for sale in Clark County, Nevada. However, if additional properties are turned over to the estate,

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27 <sup>3</sup> The Receiver does not presently anticipate that Allen Matkins will provide legal services to the Receiver in  
28 connection with any litigation the Receiver may elect to prosecute against investors who may have profited  
from the alleged Ponzi scheme at issue in the above-entitled action, nor is Allen Matkins likely to provide legal  
services to the Receiver in connection with the turnover of receivership assets located in the State of Nevada.

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1 the Receiver would like to utilize the court approved realtors at the agreed upon reduced listing rates  
2 to facilitate the same. In regard to vehicles and personal property, the Receiver intends to use  
3 Mr. Tranquillo on an as needed basis to assist with the same.

4 Respectfully submitted, this 6th day of September, 2023.

5 **GREENBERG TRAUIG, LLP**

6 By: */s/ Kara B. Hendricks*

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**CERTIFICATE OF SERVICE**

I hereby certify that on **September 6, 2023**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Evelyn Escobar-Gaddi  
An employee of GREENBERG TRAUIG, LLP

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