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8 United States District Court  
9 District of Nevada

10 USACM Liquidating Trust,

11 Plaintiff,

No.2:08-cv-01276-KJD-RJJ

**Request for Hearing**

12 v.

13 Placer County Land Speculators, LLC, aka  
Placer County Land Investors, LLC; et al,

14 Defendants.  
15

16 This is an action seeking principally the appointment of a receiver, first for a loan  
17 serviced by the USACM Liquidating Trust (the “Trust”), and second, for the real property  
18 collateral after an anticipated foreclosure.

19 Counsel for the Trust is attempting to serve the summons, complaint, amended  
20 receivership motion, and related papers by mail. We are starting to receive and file  
21 waivers of service. Under Rule 4(d)(3), the defendant’s answer to the complaint would be  
22 due 60 days after the request was sent. The requests were sent on Friday, October 3, 2008.  
23 With over 300 direct lender *pro se* defendants involved, it is likely that some mistakes will  
24 have occurred in the mailing and the Trust will have to follow up on service. The Trust  
25 does not expect that all of the waivers will be returned any time soon (if at all).  
26



1 The Trust filed an Amended Motion to Appoint a Receiver on October 2, 2008 at  
2 DE 5. Such a motion requires a hearing under Local Rule 66-2. We anticipate that the  
3 receiver, if appointed, would make a recommendation to the Court with respect to  
4 foreclosure of the lien securing repayment of the debt described in the complaint. Under  
5 Local Rule 66-5, that report would require at least 10 days notice of the time and place of  
6 a hearing.

7 The Trust now seeks a hearing on the receivership motion. If the Court is inclined  
8 to schedule the hearing on the receivership motion, the Trust would send the Notice of  
9 Hearing by mail to all of the Direct Lender defendants, and serve the Notice of Hearing on  
10 the two non-direct lenders (Placer County Land Speculators, LLC and Salvatore Reale).

11 The Trust and counsel have continuously communicated with parties interested in  
12 the Placer Loans, both the Placer 1 Loan and the Placer 2 Loan. We provide all of the  
13 filings in the case, as well as monthly reports, on a publicly available website hosted by  
14 the USACM Liquidating Trust. Before the lawsuit was filed, we were contacted by one  
15 lawyer on behalf of a lender, but he has not followed up to indicate that he will be engaged  
16 to represent one or more clients in this lawsuit. Janet Chubb of Jones Vargas represents a  
17 number of Direct Lenders who are interested in this matter. This is by way of explanation  
18 for the fact that we do not yet have counsel identified who may represent persons opposed  
19 to the receivership motion.

20 The Trust solicited recommendations for proposed receivers, and circulated  
21 information concerning four potential candidates to Direct Lenders. Those are described  
22 in the Amended Motion, but two of the candidates have withdrawn their names, leaving  
23 Elli M.A. Mills and John Paxton as the two remaining candidates. The Trust would  
24 propose to advise all four of the originally proposed candidates of the date and time of the  
25 hearing.  
26



**EXHIBIT A**

**LEWIS  
AND  
ROCA**  
LLP  
LAWYERS

**DRAFT**

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7 United States District Court  
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9 USACM Liquidating Trust,

No.2:08-cv-01276-KJD-RJJ

10 Plaintiff,

**Notice of Hearing**

11 v.

12 Placer County Land Speculators, LLC, aka  
13 Placer County Land Investors, LLC; et al,

14 Defendants.

15 Notice is given that the Amended Motion to Appoint a Receiver filed by the  
16 USACM Liquidating Trust at DE 5, will come on for hearing at the United States District  
17 Court, 333 Las Vegas Blvd., South, Las Vegas, NV 89101 on \_\_\_\_\_,  
18 2008 at \_\_\_\_\_m., or as soon thereafter as counsel may be heard.

19 DATED this \_\_\_\_\_ day of October, 2008.

20 **LEWIS AND ROCA LLP**

21 By /s/ Rob Charles (#6593)

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