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12

13 UNITED STATES DISTRICT COURT

14 WESTERN DISTRICT OF WASHINGTON, TACOMA DIVISION

15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 v.

18 MCS PROGRAMS, LLC, a Washington  
Limited Liability Company, also doing business  
19 as Mutual Consolidated Savings; UNITED  
SAVINGS CENTER, INC., a Washington  
20 corporation, also doing business as Mutual  
Consolidated Savings; USC PROGRAMS,  
21 LLC, a Washington Limited Liability  
Company, also doing business as Mutual  
22 Consolidated Savings; PAUL MORRIS  
THOMPSON, individually and as an officer of  
23 MCS Programs, LLC, United Savings Center,  
Inc., and USC Programs, LLC; and MIRANDA  
24 CAVENDER, individually and as a manager of  
MCS Programs, LLC, United Savings Center,  
25 Inc., and USC Programs, LLC,

26 Defendants.  
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Case No. C09 5380 RJB

NOTICE OF MOTION FOR ORDER  
CLOSING CASE AND DISCHARGING THE  
RECEIVER EFFECTIVE UPON  
COMPLETION OF THE FINAL CLOSING  
TASKS AND FOR OTHER RELATED  
RELIEF

Noted on Motion Calendar: May 25, 2012

1 PLEASE TAKE NOTICE THAT Michael A. Grassmueck (the "Receiver"), the duly  
2 appointed receiver for MCS Programs, LLC, United Savings Center, Inc., USC Programs, LLC,  
3 and their subsidiaries and affiliates and any entities controlled by them (collectively referred to as  
4 the "Receivership Defendants"), has moved this Court (the "Motion") for an order closing case and  
5 discharging the receiver effective upon completion of the final closing tasks and for other related  
6 relief.

7 Pursuant to the Motion, the Receiver requests that the Court authorize the closing of the  
8 receivership estate (the "Estate") and the discharge of the Receiver, effective upon (i) the transfer  
9 of all Estate funds to the Federal Trade Commission redress contractor for distribution to  
10 merchants and creditors of the Estate (after payment of all administrative expenses and  
11 professionals fees and costs), and (ii) the filing of the Receiver's declaration confirming  
12 completion of (i) above, and attaching the final accounting for the Estate, (collectively, the "Final  
13 Closing Tasks"). The Receiver estimates the completion of the Final Closing Tasks in  
14 approximately 60 days from the filing of this Motion.

15 Aside from the Final Closing Tasks to be completed, the Receiver has fulfilled all his  
16 duties under the Stipulated Final Judgment and Order for Permanent Injunction, entered on  
17 July 19, 2010.

18 The Receiver has, among other things: (a) assumed control of the Estate's business  
19 operations, including the credit card processing transactions for customer chargebacks and  
20 deposits; (b) taken possession of the Estate's various assets, including but not limited to, an office  
21 building located at 1215 Earnest S. Brazill Street, Building #33, Tacoma, Washington, a storage  
22 unit located at 1235 S. Sprague Ave., Space #0950, Tacoma, Washington, a mobile home located  
23 at 3011 80<sup>th</sup> Street Court S., Lakewood Washington, a boat, a truck, a recreational vehicle, a  
24 certificate of deposit, a safe deposit box, bank accounts, and business records; (c) conducted an  
25 orderly termination of business operations; (d) concluded the investigations and accountings of the  
26 Estate assets; (e) responded to customer inquiries concerning the credit card processing  
27 transactions; and (f) liquidated all Estate assets (or otherwise abandoned assets which had no  
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1 value). With all of the foregoing tasks completed, the Receiver is ready to close this case and  
2 request discharge of the Receiver, effective upon completion of the Final Closing Tasks.

3 As part of closing the case, the Receiver also seeks approval of the Receiver and his  
4 professionals' fees and expenses as set forth in their respective final fee statements, which are  
5 attached to the concurrently filed Motion. The final fee statements cover fees and expenses for the  
6 Receiver, the Receiver's counsel, Allen Matkins Leck Gamble Mallory & Natsis LLP and Larkins  
7 Vacura LLP, and the Receiver's general accountant, Moss Adams. The Receiver, Allen Matkins,  
8 and Moss Adams, have also included as part of their respective statements reserves for estimated  
9 fees and expenses for services which will be incurred after the filing of the Motion through the  
10 closing of the receivership.

11 In addition to the final fee statements, the Receiver seeks final approval of all fee  
12 statements previously submitted by the Receiver and all his professionals, as set forth in each of  
13 the Notices of Monthly Statements of Receiver and Professionals filed in this case (including the  
14 Final Statements). Approval of the statements on a final basis is appropriate here since there are  
15 no further administrative tasks that need to be taken. The Receiver and all his professionals have  
16 effectively and efficiently administered the case and there were no objections filed to any of the  
17 previously filed fee statements.

18 The Receiver has conferred with the Federal Trade Commission in regard to this Motion,  
19 and the FTC has reviewed and consented to the Motion.

20 PLEASE TAKE FURTHER NOTICE that copies of the Motion can be viewed at or  
21 obtained from the Clerk of the Court, U.S. District Court, Western District of Washington,  
22 Tacoma Division, 1717 Pacific Avenue, Room 3100, Tacoma, WA 94802-3200, or by writing to  
23 counsel to the Receiver at the below-referenced address.

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1 PLEASE TAKE FURTHER NOTICE that the Motion is filed for a noting date no earlier  
2 than the third Friday after filing and service of the Motion pursuant to Local Civil Rule 7(d)(3).  
3 Any opposition shall be filed and served no later than the Monday before the noting date per Local  
4 Civil Rule 7(d)(3).

5  
6 Dated: May 1, 2012

Respectfully submitted,

7 /s/ Yale K. Kim

8 Yale K. Kim, Esq.  
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-and-

17 /s/ William L. Larkins, Jr.

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26 Attorneys for Receiver,  
27 Michael A. Grassmueck  
28

### CERTIFICATE OF SERVICE

I am employed in Multnomah County, State of Oregon. I am over the age of 18 and am not a party to the within action; my business address is 621 SW Morrison St., Suite 1450, Portland, Oregon 97205.

On May 2, 2012, I served the following document(s) described as:

NOTICE OF MOTION FOR ORDER CLOSING CASE AND DISCHARGING THE RECEIVER EFFECTIVE UPON COMPLETION OF THE FINAL CLOSING TASKS AND FOR OTHER RELATED RELIEF

on the interested parties in this action in the following manner(s):

**BY REGULAR MAIL:** I placed copies of the document in sealed envelopes and caused such envelopes to be deposited in the United States mail at Portland, Oregon, with postage thereon fully prepaid and addressed as stated on the attached service list.

**BY HAND DELIVERY:** I placed copies of the document in sealed envelopes and caused such envelopes to be delivered by messenger to the addresses as stated on the attached service list.

**BY FACSIMILE:** I served the document by facsimile to the facsimile numbers stated on the attached service list provided by each party and/or attorney of record.

**OTHER:** I served the document by using the CM/ECF system which will send notification to the email address stated on the attached service list provided by each party and/or attorney of record.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

/s/ William L. Larkins, Jr.  
\_\_\_\_\_  
William L. Larkins, Jr.

Maxine R. Stansell (by CM/ECF)  
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