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U.S. DISTRICT COURT

2014 MAY 21 P 12:11

DISTRICT OF UTAH

BY: _____
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**MANNING CURTIS BRADSHAW
& BEDNAR LLC**

David C. Castleberry [11531]
dcastleberry@mc2b.com
Christopher M. Glauser [12101]
cglaiser@mc2b.com
136 East South Temple, Suite 1300
Salt Lake City, UT 84111
Telephone (801) 363-5678
Facsimile (801) 364-5678

*Attorneys for Plaintiff R. Wayne Klein, the
Court-Appointed Receiver of U.S. Ventures, LC,
Winsome Investment Trust, and the assets of Robert
J. Andres and Robert L. Holloway*

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

R. WAYNE KLEIN, the Court-Appointed
Receiver of U.S. Ventures LC, Winsome
Investment Trust, and the assets of Robert J.
Andres and Robert L. Holloway,

Plaintiff,

vs.

FORRES McGRAW,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION TO VACATE JUDGMENT**

Case No. 2:12-cv-00102

Judge Bruce S. Jenkins

Defendant Forres McGraw's Motion to Vacate Judgment ("the Motion") came on for hearing before the Court on Tuesday, May 20, 2014 at 9:30 a.m. David C. Castleberry appeared on behalf of the Plaintiff, Receiver R. Wayne Klein (the "Receiver"), who was also present at the hearing. Defendant did not appear at the hearing.

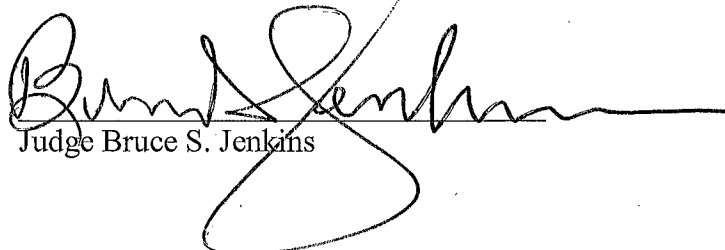
The Defendant sent an email to the Court on April 15, 2014 claiming that he did not receive the Motion for Summary Judgment filed and served by the Receiver on February 20, 2014, the Request to Submit filed and served by the Receiver on March 31, 2014, or the Order, which was entered by the Court on April 1, 2014, granting the Motion for Summary Judgment. *See* Doc. No. 57. Before receiving the email, the Court had entered a Judgment against the Defendant. *See* Doc. No. 56. The Court treated the email as a Motion to Vacate Judgment, and set a hearing on the Motion. *See* Doc. No. 58.

The Receiver opposed the Motion, and served his opposition via email and also via certified mail. *See* Plaintiff's Opposition to Defendant's Motion to Vacate Judgment (the "Opposition"), Doc. No. 59. The Defendant did not respond to the Opposition, and has not provided any evidence to support the Motion. Defendant did not make arrangements to attend the hearing, nor did the Defendant seek an alternative day or time for the hearing on the Motion. In the absence of any evidentiary support for the Motion, and after hearing oral argument, reviewing the papers submitted to the Court, and for good cause shown,

IT IS HEREBY ORDERED that the Motion is denied.

DATED this 20th day of May, 2014.

BY THE COURT:


Judge Bruce S. Jenkins

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **ORDER DENYING DEFENDANT'S MOTION TO VACATE JUDGMENT** to be served in the method indicated below this 20th day of May, 2014, addressed as follows.

HAND DELIVERY
 U.S. MAIL
 OVERNIGHT MAIL
 FAX TRANSMISSION
 E-MAIL TRANSMISSION
 USDC ECF NOTICE

Forres McGraw
5427 Preston Haven Dr.
Dallas, TX 75229
forres@outlook.com
Defendant *pro se*

/s/ David C. Castleberry