

FILED  
U.S. DISTRICT COURT

IN THE DISTRICT COURT IN AND FOR THE 2014 JUN -2 1:59

DISTRICT OF UTAH, CENTRAL DIVISION

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

CAUSE NO. 2:11CV00099 BSJ

STEVE BOTTORF and DAREN HAMLIN	§	IN THE DISTRICT COURT
Plaintiffs,	§	
	§	
VS.	§	IN AND FOR THE DISTRICT
	§	
U.S. VENTURES LLC, WINSOME INVESTMENT TRUST, robert anders and robert holloway	§ §	
Defendants	§	OF UTAH, CENTRAL DIVISION

**PLAINTIFF'S MOTION TO INTERVENE AND NOTICE OF SUIT**

TO THE HONORABLE JUDGE BRUCE S. JENKINS:

Please take note that, as soon as the matter may be heard in the above-entitled action, Plaintiffs Steve Bottorf and Daren Hamlin hereby move the Court for leave to intervene in the above mentioned cause and be included with the current class action complaint in accordance with Rule 23.

Steve Bottorf and Daren Hamlin have interest in this matter in litigation; and are similarly situated as the other plaintiffs involved in the class action. Their damages and cause of action are of a similar nature and have occurred out of the same circumstances or acts that are the basis of the suit.

Having not been properly notified by the Receiver and lack of notice of the Class action, its commencement, or the status of its proceedings, Plaintiffs hereby request that the Court excuse the late filing for inclusion and pray that the Court finds that in the interest of justice that said Plaintiffs be included in the suit. The Questionnaire that was sent by the Receiver and responded to promptly was still not enough to include them in the list of proper parties, and Plaintiffs were not properly notified of additional requirements of filing claim addendum forms. Filing a separate action will unduly burden and prejudice Plaintiffs for lack of inclusion.

Following is the Declaration of Steve Bottorf:

#### DECLARATION OF STEVE BOTTORF

I, STEVE BOTTORF declare and state:

1. Under Rule 24 (b) of Federal Rules of Civil Procedure, we apply to this Court for an order granting leave to intervene in this action.
2. As intervener, I have an interest in the matter in litigation in this matter.
3. In this action, we ask to join victims of the WINSOME INVESTMENT TRUST (hereafter referenced as W.I.T.) in payments disbursements of funds.
4. I'm in a class of people who had suffered damages in the form of loss of

finances as a direct result of the W.I.T. Robert J. Andres in particular who operated racketeering activity or Ponzi scheme defrauding us of our monies.

5. I fully complied with the F.B.I. investigation on W.I.T. and Robert J. Andres as well as gave names of all associated with their case.
6. I sent information to all appropriate states as well as the SEC in document form about the monies we were slighted leading up to the inquiries and ultimate arrest of Robert J. Andres.
7. I completed the questionnaire requested by the Receiver and sent said document to him with all the names I personally knew as well as detailed information of all I knew in relation to W.I.T.
8. I first learned of the secondary 'claim' form when I contacted the Receiver in order to ascertain how progression was going. I contacted him as sentencing for Robert J Andres approached.
9. In aforementioned questionnaire, all my pertinent information - home address, telephone number, email address was listed. The Receiver responded that he had sent the information on the claim to file via email only...this I never received. I would urge the Court to consider that with this amount of personal information accessible, more stringent means to contact me should have been performed.
10. The Receiver also informed me he had utilized the U.S.A. Today publication to

inform of the claim deadline for W.I.T. I would consider the probability that many victims, myself being one of them, do not subscribe to nor read said publication.

11. Having access to my home address and telephone number it confounds me as to why more vigilant effort was not placed in contacting me.
12. I invested 75,000 dollars into W.I.T. - 50,000 dollars in my investment and have 50 percent investment in Daren Hamlin's 50,000 dollar investment.

My apologies to the Court for the delay from knowledge of this until filing as well as for filing pro se.

My attorneys informed me that I must retain a federal attorney to file motion with this court and none I called would file this. I also found no help from Georgia's or Utah's bars.

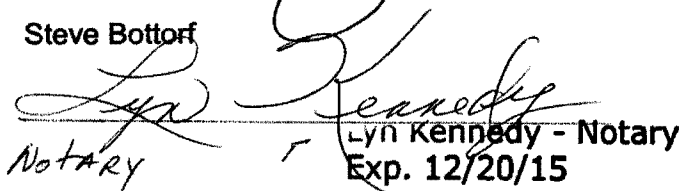
I declare under penalty of perjury that all foregoing is true and correct.

Executed on May 27<sup>th</sup>, 2014,



Steve Bottorf

Date: 5-27-14



Lyn Kennedy - Notary  
Exp. 12/20/15

Notary