

MANNING CURTIS BRADSHAW
& BEDNAR LLC
David C. Castleberry [11531]
dcastleberry@mc2b.com
170 South Main, Suite 900
Salt Lake City, UT 84101-1655
Telephone (801) 363-5678
Facsimile (801) 364-5678

Attorneys for R. Wayne Klein, Court-Appointed Receiver

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

U.S. VENTURES LC, a Utah limited liability
company, WINSOME INVESTMENT
TRUST, an unincorporated Texas entity,
ROBERT J. ANDRES, and ROBERT L.
HOLLOWAY,

Defendants.

**RECEIVER'S MOTION FOR
REAPPOINTMENT
OF RECEIVER**

Case No. 2:11CV00099 BSJ

Judge Bruce S. Jenkins

Wayne Klein (the "Receiver"), as duly court-appointed Receiver for U.S. Ventures LC ("U.S. Ventures"), Winsome Investment Trust ("Winsome"), and all the assets of Robert J. Andres ("Andres") and Robert L. Holloway ("Holloway") (collectively the "Receivership Parties"), by and through his counsel of record, hereby moves the Court to enter an Order Reappointing Receiver.

Following his appointment, the Receiver filed notices of receivership pursuant to 28 U.S.C. § 754 in the Southern District of Texas and the Southern District of California within 10 days from his appointment. By filing these notices, the Receiver is able to exercise control and authority over property of the Receivership Parties located in these jurisdictions. *See* 28 U.S.C.

§ 754. Courts also recognize that a district court appointing a receiver may exercise personal jurisdiction over defendants who reside outside of this district as long as the Receiver timely files notices in the jurisdictions where these defendants reside. *See Haile v. Henderson National Bank*, 657 F.2d 816 (6th Cir. 1981) (holding that district court could exercise personal jurisdiction over defendants who resided outside of the geographical jurisdiction of the district court as long as the proper documents under 28 U.S.C. § 754 were filed in district where the defendants were located).

Since his appointment, the Receiver has identified receivership property and claims in judicial districts in which he has not previously filed the notices required under 28 U.S.C. § 754. Courts uniformly allow for the reappointment of a receiver to allow him sufficient time to file the notices required under 28 U.S.C. § 754. Therefore, an order of reappointment is necessary so that the Receiver can file the required documents in these additional jurisdictions within ten days of the order of reappointment and thereby obtain jurisdiction in these actions to protect the receivership assets.

For these reasons, and as set forth in the accompanying Memorandum in Support, the Receiver respectfully requests that the Court issue an Order of Reappointment in the form that will be submitted to the Court concurrently with the filing of this Motion.

Dated this 27th day of September, 2011

MANNING CURTIS BRADSHAW
& BEDNAR LLC

/s/ David C. Castleberry
David C. Castleberry
*Attorneys for R. Wayne Klein, Court-Appointed
Receiver*

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2011, I caused to be served in the manner indicated below a true and correct copy of the attached and foregoing **MOTION FOR REAPPOINTMENT OF RECEIVER** upon the following:

VIA FACSIMILE
 VIA HAND DELIVERY
 VIA U.S. MAIL
 VIA FEDERAL EXPRESS
 VIA EMAIL
 VIA ECF

Kevin S. Webb
James H. Holl, III
Gretchen L. Lowe
U.S. Commodity Futures Trading Commission
1155 21st Street, NW
Washington, DC 20581
kwebb@cftc.gov
jholl@cftc.gov
glowe@cftc.gov

VIA FACSIMILE
 VIA HAND DELIVERY
 VIA U.S. MAIL
 VIA FEDERAL EXPRESS
 VIA EMAIL
 VIA ECF

Jeannette Swent
US Attorney's Office
185 South State Street, Suite 300
Salt Lake City, UT 84111
Jeannette.Swent@usdoj.gov
Attorneys for Plaintiff

VIA FACSIMILE
 VIA HAND DELIVERY
 VIA U.S. MAIL
 VIA FEDERAL EXPRESS
 VIA EMAIL
 VIA ECF

R. Wayne Klein
299 South Main, Suite 1300
Salt Lake City, UT 84111

VIA FACSIMILE
 VIA HAND DELIVERY
 VIA U.S. MAIL
 VIA FEDERAL EXPRESS
 VIA EMAIL
 VIA ECF

Robert L. Holloway
7040 Avenida Encinas #104-50
Carlsbad, CA 92011
vribob@gmail.com

VIA FACSIMILE
 VIA HAND DELIVERY
 VIA U.S. MAIL
 VIA FEDERAL EXPRESS
 VIA EMAIL
 VIA ECF

Robert J. Andres
10802 Archmont Dr.
Houston, TX 77070
Rja0418@gmail.com

/s/ David C. Castleberry