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8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 v.

15 MEDICAL CAPITAL HOLDINGS,
16 INC.; MEDICAL CAPITAL
CORPORATION; MEDICAL
17 PROVIDER FUNDING
CORPORATION VI; SIDNEY M.
18 FIELD; and JOSEPH J.
LAMPARIELLO,

19 Defendants.
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Case No. 8:09-cv-0818-DOC (RNBx)

**AMENDED NOTICE OF MOTION
FOR APPROVAL OF SETTLEMENT
AGREEMENT WITH VINCENT A.
MALLON**

Date: September 19, 2011
Time: 8:30 a.m.
Ctrm: 9D
Judge: Hon. David O. Carter

1 **TO ALL INTERESTED PARTIES:**

2 PLEASE TAKE NOTICE that the Motion for Approval of Settlement
3 Agreement with Vincent A. Mallon filed on August 19, 2011, with a hearing date of
4 September 12, 2011, is hereby amended and the hearing date is hereby changed to
5 September 19, 2011, at 8:30 a.m., in Courtroom 9D of the above-entitled Court
6 located at 411 West Fourth Street, Santa Ana, California 92701, a hearing will be
7 held on the motion of Thomas A. Seaman ("Receiver"), Court-appointed permanent
8 receiver for Medical Capital Holdings, Inc., Medical Capital Corporation, Medical
9 Provider Funding Corporation VI, and their subsidiaries and affiliates, including
10 Carlmont Capital Special Purpose Corporation II (collectively, "Medical Capital" or
11 the "Receivership Entities"), for approval of a settlement agreement with Vincent
12 Mallon ("Motion").

13 The Motion is based on the Memorandum of Points and Authorities below,
14 and the Declaration of Thomas A. Seaman filed herewith. The Motion and
15 supporting papers are available at the Receiver's website,
16 <http://www.medicalcapitalreceivership.com>, or may be reviewed at the Clerk's
17 Office during normal business hours at 411 West Fourth Street, Santa Ana,
18 California 92701.

19 **Procedural Requirements:** If you oppose this Motion, you are required to
20 file your written opposition with the Office of the Clerk, United States District
21 Court, 411 West Fourth Street, Santa Ana, California 92701, and serve the same on
22 the undersigned not later than twenty-one (21) calendar days prior to the hearing.

23 IF YOU FAIL TO FILE AND SERVE A WRITTEN OPPOSITION by the
24 above date, the Court may grant the requested relief without further notice. This
25 Motion is made following the conference of counsel pursuant to L.R. 7-3.

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1 WHEREFORE, the Receiver requests that the Court grant the relief requested
2 herein and such other relief as may be appropriate under the circumstances.

3
4 Dated: August 19, 2011

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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6 By: /s/ Ted Fates

7 TED FATES
8 Attorneys for Receiver
9 Thomas A. Seaman

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PROOF OF SERVICE

On August 19, 2011, I served the within document(s) described as:

- **AMENDED NOTICE OF MOTION RE MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH VINCENT A. MALLON**

on the interested parties in this action by:

X Electronic notice via the ECF system to:

- **Edward K. Blodnick** - eblodnick@bfandapc.com
- **Edward K. Blodnick** - EBlodnick@blodnickpc.com
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- **Benjamin Patrick Pugh** - bpugh@enterprisecounsel.com
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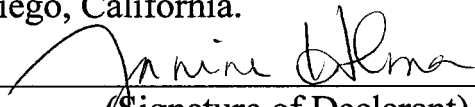
- 1 • **Diane Carter Stanfield** - diane.stanfield@alston.com
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9 X **By mail:** In addition, a copy of said documents was served on the
 10 interested parties on the attached Service List by placing a true copy thereof in
 11 sealed envelope(s) addressed as stated on the attached Service List and depositing in
 12 the U.S. Mail at San Diego, California. I am "readily familiar" with the firm's
 13 practice of collection and processing correspondence for mailing. Under that
 14 practice it would be deposited with the U.S. postal service on that same day with
 15 postage thereon fully prepaid at San Diego, California in the ordinary course of
 16 business. I am aware that on motion of the party served, service is presumed invalid
 17 if the postal cancellation date or postage meter date is more than one day after date
 18 of deposit for mailing in affidavit.

19 I declare under penalty of perjury that I am employed in the office of a
 20 member of the bar of this Court at whose direction the service was made and that the
 21 foregoing is true and correct.

22 Executed on August 19, 2011, at San Diego, California.

23
 24 Janine L. Holman
 25 (Type or print name)

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 27 (Signature of Declarant)

SERVICE LIST

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