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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 FEDERAL TRADE COMMISSION,

14 Plaintiff,

15 v.

16 AMG SERVICES, INC., et al.,

17 Defendants, and

18 PARK 269 LLC, et al.,

19 Relief Defendants.
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Case No. 2:12-cv-00536-GMN-VCF

**MONITOR'S FIFTEENTH INTERIM
REPORT AND ACCOUNT**

FIFTEENTH INTERIM REPORT AND ACCOUNT

Pursuant to Section XVII of the Order Appointing Monitor and Freezing Assets (the “Monitor Order,” ECF No. 1099), in my capacity as Monitor, I submit this Interim Report and Account which covers the activities from December 9, 2020 through June 7, 2021.

1. Summary of the Monitor’s Efforts

During the most recent time period, the vast majority of the Monitor’s efforts related to the Supreme Court’s decision in *AMG Capital Management, LLC v. Federal Trade Commission*, Dkt. No. 19-508 (S. Ct. Apr. 22, 2021) (“*AMG v. FTC*”). Prior to the issuance of the *AMG v. FTC* opinion, the Monitor primarily prepared and filed status updates in the various Related Cases¹ (all of which were stayed) and monitored the briefing and arguments in the Supreme Court case. Following the issuance of the *AMG v. FTC* opinion, the Monitor expended time analyzing the opinion, researching its potential impact, and interfacing with various governmental agencies and counsel in the Related Cases regarding the decision’s effect on the Monitorship and the Related Cases.

Ultimately, on April 30, 2021, the Monitor filed a request for a status conference regarding the *AMG v. FTC* opinion. *See* ECF No. 1308. In that request, he noted that his appointment was the stipulated result of negotiations between the parties and was not premised on Section 13(b) of the FTC Act, which is what the Supreme Court’s decision addressed; rather, he was appointed pursuant to the Court’s “broad powers and wide discretion to determine relief in an equity receivership” or monitorship. *See S.E.C. v. Wells Fargo Bank, N.A.*, 848 F.3d 1339, 1343-44 (11th Cir. 2017); *see also S.E.C. v. Wencke*, 622 F.2d 1363, 1369 (9th Cir. 1980). Other parties, including Tucker and related defendants, have responded to the Monitor’s request (ECF

¹ The “Related Cases” consist of the following litigation which was still ongoing at the time of the Supreme Court’s decision in *AMG v. FTC*:

- *McNamara v. Charles Hallinan, et al.*, No. 2:17-cv-02966-GMN-NJK (D. Nev.);
- *McNamara v. Linda Hallinan, et al.*, No. 2:17-cv-02967-GMN-BNW (D. Nev.);
- *McNamara v. Patten, et al.*, No. 2:17-cv-02968-GMN-NJK (D. Nev.);
- *McNamara v. Selling Source, LLC, et al.*, No. 2:17-cv-02969-GMN-DJA (D. Nev.);
- *McNamara v. Stealth Power, LLC*, No. 2:18-cv-01813-GMN-DJA (D. Nev.); and
- *McNamara v. Intercept Corp., et al.*, No. 2:18-cv-02281-GMN-VCF (D. Nev.).

No. 1309). The FTC also joined in the Monitor's request, providing additional context for the initial appointment of the Monitor and disputing several assertions made by Scott Tucker regarding the next steps in the case. *See* ECF No. 1311 at 2-3.²

On June 8, 2021, the Ninth Circuit remanded this matter back to this Court for further proceedings consistent with the Supreme Court's opinion. ECF No. 1313. The Monitor believes that the future of the Monitorship will be significantly clarified, given that remand has now issued, and the Court is in a position to hold a status conference to address the impact of the opinion on this case and on the Related Cases. The resolution of the Government's pending forfeiture motion in Mr. Tucker's criminal case will bring additional clarity as to the Monitor's remaining tasks in this case.

2. Monitorship Bank Accounts

Attached as Exhibit A is a Receipts and Disbursements Summary for the Monitorship for the period December 9, 2020 through June 8, 2021. During this time period, receipts were \$11,163.65 (monitorship money market account interest). Disbursements were \$350,420.22, the largest components of which were professional fees (\$343,154.79), Relativity hosting fees (\$2,578.43), and property insurance (\$2,200.00). In aggregate, the Monitorship bank accounts have a current balance of \$14,957,327.76.

Dated: June 9, 2021

By: /s/ Thomas W. McNamara
Thomas W. McNamara, Monitor

² The Monitor is also aware that, on May 24, 2021, the Government filed a motion for forfeiture as to substitute assets of Scott Tucker in the criminal proceedings against Scott Tucker in the Southern District of New York. *See United States v. Scott Tucker*, 1:16-cr-00091-PKC, ECF No. 446. In connection with those proceedings, the Court entered a money judgment against Mr. Tucker in the amount of \$3,500,000,000. *See United States v. Tucker*, ECF No. 344. The Government indicated that it has identified assets presently in the possession, custody, and control of the Monitor, in which Mr. Tucker had an ownership interest, and the Government is now seeking to forfeit Mr. Tucker's interest in the identified substitute assets, in partial satisfaction of the money judgment against Mr. Tucker. *United States v. Tucker*, ECF No. 446, at 4-10.

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June, 2021, pursuant to Fed. R. Civ. P. 5(b), I served via CM/ECF or delivered by email and mailing in the U.S. Mail a true and correct copy of the foregoing **MONITOR'S FIFTEENTH INTERIM REPORT AND ACCOUNT**, postage prepaid and addressed to the following:

VIA CM/ECF

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