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Attorneys for Defendants
DANIEL R. NASE, and Relief Defendants
BIC SOLO 401K TRUST and
MARGARITA NASE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

BIC REAL ESTATE DEVELOPMENT
CORPORATION and DANIEL R. NASE,
individually and d/b/a BAKERSFIELD
INVESTMENT CLUB,

Defendants,

BIC SOLO 401K TRUST and MARGARITA
NASE,

Relief Defendants.

Case No. 1:16-cv-00344-LJO-JLT

**STIPULATION AND ORDER REGARDING
(1) DEPOSIT OF CAPITAL ONE CHECKS;
(2) UNEMPLOYMENT CHECKS; AND (3)
STUDENT LOANS**

1 WHEREAS, on April 8, 2016, the Court entered an order that, among other things, imposed
2 an “immediate freeze ... on all monies and assets” held by the Defendants and Relief Defendants
3 (Dkt. No. 42);

4 WHEREAS, Defendant Daniel Nase (“D. Nase”) and Relief Defendant Margarita Nase (“M.
5 Nase”), through their counsel, represent as follows:

- 6 A. By letters dated April 13, 2016, D. Nase and M. Nase were advised by the
7 California Employment Development Department that they will be receiving
8 unemployment checks (with a weekly benefit of \$450 for each), but have not
9 yet received or cashed any such checks;
- 10 B. M. Nase is enrolled and taking classes at Fresno Pacific University (“FPU”),
11 and is eligible for \$4,500 in subsidized federal student loans and \$6,000 in
12 unsubsidized federal student loans to pay for tuition at FPU, and the FPU
13 financial aid department has asked her to sign certain paperwork so that she
14 may obtain this student loan financing;
- 15 C. On March 10, 2016 (before the SEC brought this action), M. Nase obtained a
16 personal line of credit advance from her Capital One credit card account
17 (ending in 7180) in the amount of \$50,000, in the form of a check payable to
18 Margarita Nase, which will no longer be negotiable, by its terms, after
19 Saturday, April 23, 2016 (in less than two days);
- 20 D. On March 10, 2016 (before the SEC brought this action), D. Nase obtained a
21 personal line of credit advance from his Capital One credit card account
22 (ending in 1764) in the amount of \$43,962.29, in the form of a check payable
23 to Daniel Nase, which will no longer be negotiable, by its terms, after
24 Saturday, April 23, 2016 (less than two days); and
- 25 E. Each of the FPU student loan financing, the \$50,000 advance on the line of
26 credit on M. Nase’s Capital One credit card, and the \$43,962.29 advance on
27 the line of credit on D. Nase’s Capital One credit card are unsecured
28 liabilities for which no collateral has been offered as security.

1 WHEREAS, D. Nase and M. Nase request that the Court permit:

- 2 A. Each of D. Nase and M. Nase to cash unemployment checks payable to each
3 and issued by the California Employment Development Department, in the
4 amount of \$450 per week, to be used solely for living expenses or as
5 otherwise permitted by law or regulation;
- 6 B. M. Nase to execute a promissory note and to sign the paperwork called for by
7 the financial aid department of FPU in order to obtain student loans (in the
8 amount of \$4,500 (subsidized) and \$6,000 (unsubsidized) for the school
9 year), to be used solely to pay for her tuition at FPU or as otherwise permitted
10 by law or regulation;
- 11 C. The Capital One line of credit checks (in the aggregate amount of
12 \$93,962.29) to be negotiated and deposited into the Vick Law Group client
13 trust account, where those funds will be held and not drawn upon, pending
14 further order of the Court; and

15 WHEREAS, the SEC does not object to the relief requested by D. Nase or M. Nase,
16 provided that the representations above made by D. Nase and M. Nase, through their counsel, are
17 true and no material facts have been omitted (and the SEC makes no assurance as to the accuracy of
18 these representations, or the manner in which the unemployment insurance, the student loans, or the
19 Capital One lines of credit were obtained).

20 NOW THEREFORE, D. Nase and M. Nase agree, and the SEC does not object that:

- 21 A. Each of D. Nase and M. Nase may cash unemployment checks payable to
22 each and issued by the California Employment Development Department, in
23 the amount of \$450 per week, where such proceeds shall be used solely for
24 living expenses or as otherwise permitted by applicable law or regulation;
- 25 B. M. Nase may execute a promissory note and to sign the paperwork called for
26 by the financial aid department of FPU in order to obtain student loans (in the
27 amount of \$4,500 (subsidized) and \$6,000 (unsubsidized) for the school
28 year), where such loan proceeds shall be used to pay for M. Nase's tuition at

1 FPU or as otherwise permitted by applicable law or regulation;

2 C. The Capital One line of credit checks (in the aggregate amount of
3 \$93,962.29) may be negotiated and deposited into the Vick Law Group client
4 trust account, provided that those funds (and any interest thereon) must be
5 preserved in their entirety and not drawn upon, pending further order of the
6 Court.

7
8 Dated: April 21, 2016

/s/ Matthew T. Montgomery

9 John B. Bulgozdy

10 Manuel Vazquez

11 Matthew T. Montgomery

12 Attorneys for Plaintiff

13 Securities and Exchange Commission

14 Dated: April 21, 2016

/s/ Scott Vick

15 Scott Vick

16 Vick Law Group, APC

17 Attorneys for Defendants

18 Daniel R. Nase and Relief Defendants

19 BIC Solo 401k Trust and Margarita

20 Nase

21 IT IS SO ORDERED.

22 Dated: April 22, 2016

/s/ Lawrence J. O'Neill
23 UNITED STATES DISTRICT JUDGE
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