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

12 **UNITED STATES DISTRICT COURT**  
13  
**EASTERN DISTRICT OF CALIFORNIA**

14 SECURITIES AND EXCHANGE  
15 COMMISSION,

16 Plaintiff,

17 vs.

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

22 Defendants,

23 BIC SOLO 401K TRUST and MARGARITA  
24 NASE,

25 Relief Defendants.

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

27 **STIPULATION AND ORDER REGARDING**  
28 **(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

John B. Bulgozdy  
Manuel Vazquez  
Matthew T. Montgomery  
Attorneys for Plaintiff  
Securities and Exchange Commission

12  
13 Dated: April 21, 2016

/s/ Scott Vick

Scott Vick  
Vick Law Group, APC  
Attorneys for Defendants  
Daniel R. Nase and Relief Defendants  
BIC Solo 401k Trust and Margarita  
Nase

18  
19 IT IS SO ORDERED.

20 Dated: April 22, 2016

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE