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ERVIN COHEN & JESSUP LLP

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA, SOUTHERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

REVMOUNTAIN, LLC, a Nevada limited liability company, et al.,

Defendants.

Case No. 17-CV-02000-APG-GWF

STIPULATION AND ORDER AUTHORIZING JOSHUA TEEPLE, TEMPORARY RECEIVER, TO:
1. **EMPLOY AUCTIONEER TO SELL PERSONAL PROPERTY; AND**
2. **VACATE HENDERSON, NEVADA PREMISES**

DATE:
TIME: [No Hearing Scheduled]
CTRM:

The Hon. Andrew P. Gordon

IT IS HEREBY STIPULATED between Joshua Teeple, Temporary Receiver ("Receiver"), plaintiff Federal Trade Commission ("FTC"), the Entity Defendants, and defendants Blair McNea, Jennifer Johnson, and Danielle Foss (collectively "Defendants"), as follows:

RECITALS

A. WHEREAS, Joshua Teeple is the appointed, qualified and acting Temporary Receiver of RevMountain, LLC; RoadRunner B2C, LLC, d/b/a RevGo; Wave Rock, LLC; Juniper Solutions, LLC; Jasper Woods, LLC; Wheeler Peak Marketing, LLC; ROIRunner, LLC; Cherry Blitz, LLC; Flat Iron Avenue, LLC; Absolutely Working, LLC; Three Lakes, LLC; Bridge Ford, LLC; How and Why, LLC; Spruce River, LLC; TrimXT, LLC; Elation White, LLC; IvoryPro, LLC; Doing What's Possible, LLC; RevGuard, LLC; RevLive!, LLC; Blue Rocket Brands, LLC; Convertis, LLC; Convertis Marketing, LLC; Turtle Mountains, LLC; Boulder Black Diamond, LLC; Mint House, LLC; Thunder Avenue, LLC; University & Folsom, LLC; Boulder Creek Internet Solutions, Inc.; Walnut Street Marketing, Inc.; Snow Sale, LLC; Brand Force, LLC; Wild Farms, LLC; Salamonie River, LLC; Indigo Systems, LLC; Night Watch Group, LLC; Newport Crossing, LLC; Greenville Creek, LLC; Brookville Lane, LLC; Anasazi Management Partners, LLC; Honey Lake, LLC; Condor Canyon, LLC; Brass Triangle, LLC; Solid Ice, LLC; Sandstone Beach, LLC; Desert Gecko, LLC; Blizzardwhite, LLC; Action Pro White, LLC; First Class Whitening, LLC; Spark Whitening, LLC; Titanwhite, LLC; Dental Pro At Home, LLC; Smile Pro Direct, LLC; Circle of Youth Skincare, LLC; DermaGlam, LLC; Sedona Beauty Secrets, LLC; Bella at Home, LLC; SkinnyIQ, LLC; Body Tropical, LLC; and each of their subsidiaries, affiliates, successors, and assigns ("Receivership Entities") pursuant to the Court's July 25, 2017 order.

B. WHEREAS, the Receivership Entities conducted some of their business operations at 7350 Eastgate Road, Suite 140, Henderson, Nevada 89011 ("Premises").

C. WHEREAS, the Receiver immediately assumed possession and control of the Premises following his appointment on July 25, 2017, and remains in possession and control of the Premises.

D. WHEREAS, the Premises contains inventory, furniture, equipment, software, computers, and other items of personal property of the Receivership Entities ("Personal Property").

E. WHEREAS, the Receiver has concluded that is in the best interests of the receivership estate and all interested parties to vacate the Premises.

F. WHEREAS, the Receiver believes that the Personal Property possesses value which can be sold at public auction for the benefit of all creditors of the receivership estate.

G. WHEREAS, the Receiver proposes to employ R.L. Spear Co. ("Spear"), a licensed auctioneer, to conduct a public auction and sell the Personal Property at the Premises or online in order to liquidate the assets in the most expeditious and cost effective manner, and to generate funds for the receivership estate.

H. WHEREAS, the Receiver proposes to compensate Spear ten per cent (10%) of the gross auction proceeds plus reimbursement of expenses.

I. WHEREAS, the Receiver intends to abandon the Premises following the sale and removal of the Personal Property from the Premises.

J. WHEREAS, the Receiver intends to and will store and preserve any and all business records, including electronically stored information, found at the Premises or on computers or other equipment found at the Premises pending the outcome of this action.

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. IT IS HEREBY STIPULATED that the Receiver is authorized to employ Spear as an auctioneer to sell the Personal Property of the Receivership Entities located at the Premises.

2. IT IS FURTHER STIPULATED that the Receiver is authorized to sell the Personal Property of the Receivership Entities located at the Premises at public auction.

3. IT IS FURTHER STIPULATED that the Receiver is authorized to compensate Spear ten per cent (10%) of the gross auction proceeds plus reimbursement of expenses.

4. IT IS FURTHER STIPULATED that the net auction proceeds shall be deposited by the Receiver in a receivership estate trust account to be administered in accordance with the orders of this Court.

5. IT IS FURTHER STIPULATED that following the sale and removal of the Personal Property from the Premises the Receiver is authorized to abandon the Premises.

6. IT IS FURTHER STIPULATED that, by executing below, the Entity Defendants, and defendants McNea, Johnson and Foss do not waive or concede, nor do they intend to waive or concede, any legal or equitable rights, remedies or defenses they may have.

DATED: August 23, 2017

ERVIN COHEN & JESSUP LLP

By: /s/ Byron Z. Moldo
BYRON Z. MOLDO
Attorneys for Joshua Teeple, Temporary Receiver

DATED: August 23, 2017

By: /s/ Sarah Waldrop
SARAH WALDROP
MICHELLE SCHAEFER
Attorneys for Plaintiff Federal Trade Commission

ERVIN COHEN & JESSUP LLP

DATED: August 23, 2017

GREENBERG TRAURIG, LLP

By: /s/ Eric W. Swanis
ERIC W. SWANIS
Attorneys for Entity Defendants and Blair McNea

DATED: August 23, 2017

RANDAZZA LEGAL GROUP, PLLC

By: /s/ Ronald D. Green
RONALD D. GREEN
Attorneys for Defendant Danielle Foss

DATED: August 23, 2017

HINCH NEWMAN LLP

By: /s/ Richard Newman
RICHARD NEWMAN
Attorneys for Defendant Jennifer Johnson

ORDER

Based on the Stipulation Authorizing Joshua Teeple, Temporary Receiver, To: 1. Employ Auctioneer to Sell Personal Property; and 2. Vacate Henderson, Nevada Premises ("Stipulation"), and good cause appearing therefor,

1. IT IS HEREBY ORDERED that the Stipulation is approved.

2. IT IS FURTHER ORDERED that the Receiver is authorized to employ R.L. Spear Co. ("Spear") as an auctioneer to sell inventory, furniture, equipment, software, computers and other items of personal property of the Receivership

Entities (as defined in the Stipulation) ("Personal Property") located at 7350 Eastgate Road, Suite 140, Henderson, Nevada 89011 ("Premises").

3. IT IS FURTHER ORDERED that the Receiver is authorized to sell the Personal Property of the Receivership Entities located at the Premises at public auction.

4. IT IS FURTHER ORDERED that the Receiver is authorized to compensate Spear ten per cent (10%) of the gross auction proceeds plus reimbursement of expenses.

5. IT IS FURTHER ORDERED that the net auction proceeds shall be deposited by the Receiver in a receivership estate trust account to be administered in accordance with the orders of this Court.

6. IT IS FURTHER ORDERED that following the sale and removal of the Personal Property from the Premises the Receiver is authorized to abandon the Premises.

7. IT IS FURTHER ORDERED that by executing the Stipulation the Entity Defendants, and defendants McNea, Johnson and Foss do not waive or concede, nor do they intend to waive or concede, any legal or equitable rights, remedies or defenses they may have.

THE HONORABLE ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

DATED: 8/24/2017

ERVIN COHEN & JESSUP LLP