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F I L E D
Clerk of the Superior Court
MAY 25 2012
By: G. CERVANTES, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

In the Matter of the Voluntary Dissolution of UTILITY CONSUMERS ACTION NETWORK, INC., A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION PETITIONER,	}	CASE NO: 37-2012-00092958-CU-PT-CTL ORDER REGARDING TERMINATION OF RECEIVER AND DIRECTING THE FILING OF THE RECEIVER'S FINAL REPORT AND ACCOUNTING DATE: MAY 25, 2012 TIME: 2:00 P.M. DEPARTMENT: 61 JUDGE: HON. JOHN S. MEYER
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Utility Consumer Action Network, Inc.'s ("UCAN") *Ex Parte* Application for Appointment of a Receiver ("Application") originally came on for hearing before the Court on March 23, 2012 at 10:30 a.m. in Department 61 of the San Diego Superior Court before the Honorable John S. Meyer, judge presiding (the "First Receivership Hearing"). At the First Receivership Hearing, Tomas A. Shpall of Rosenberg Shpall & Associates appeared on behalf of UCAN; Michael Aguirre appeared for UCAN employees, David Peffer and Charles Langley; Phillip Moskal appeared for himself; and Joseph Lavelle and Elaine A. Rogers appeared on behalf of Privacy Rights Clearinghouse.

At the First Receivership Hearing, the Court approved the appointment of Richard M Kipperman (the "Receiver"), as court-appointed receiver in this action, through and including April 6, 2012. On March 27, 2012, the Court entered its Order Appointing Interim Receiver (the

COPY

1 “First Receivership Order”) confirming the appointment of the Receiver and setting forth his
2 various rights and duties as Receiver. Pursuant to the First Receivership Order, the Receiver was
3 required to appear before the Court on April 6, 2012 at 2:00 p.m. to report on his activities (the
4 “Second Receivership Hearing”). On April 5, 2012, the Receiver filed the Receiver’s First
5 Report; Recommendation to Continue Receivership; and Request for Injunction on All Litigation
6 Against Utility Consumers Action Network, Inc.

7 At the Second Receivership Hearing, Tomas A. Shpall of Rosenberg Shpall &
8 Associations appeared on behalf of UCAN; Christopher Morris appeared for UCAN employees,
9 David Peffer and Charles Langley; Phillip Moskal appeared for himself; Joseph Lavelle and
10 Elaine A. Rogers appeared on behalf of Privacy Rights Clearinghouse; and Mikel R. Bistrow of
11 Foley & Lardner LLP appeared on behalf of the Receiver. The Receiver was also present at the
12 Second Receivership Hearing. Pursuant to the Order Continuing Appointment of the Receiver
13 dated April 12, 2012, the Court continued the Receiver’s appointment and required the Receiver
14 to appear before the Court on May 25, 2012, at 2:00 p.m. to report on his activities (the “Third
15 Receivership Hearing,” together with the First Receivership Hearing and the Second
16 Receivership Hearing, the “Receivership Hearings”). On May 23, 2012, the Receiver filed the
17 Receiver’s Second Report; and Recommendation to Terminate Receivership.

18 At the Third Receivership Hearing, Tomas A. Shpall of Rosenberg Shpall & Associations
19 appeared on behalf of UCAN; and Kathryn M.S. Catherwood of Foley & Lardner LLP appeared
20 on behalf of the Receiver. The Receiver was also present at the Third Receivership Hearing.
21 Other appearances were as noted in the record.

22 Based on the Application, supporting papers, and the arguments made at the Receivership
23 Hearings, including notification of UCAN’s retention of a new Executive Director, and for good
24 cause shown:

25 IT IS HEREBY ORDERED:

26 1. The Receiver’s appointment shall be terminated effective as of 5:00 p.m. on
27 May 25, 2012 in light of UCAN’s representation that it has retained a new Executive Director
28 (the “Termination Date”).

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2. The Receiver shall prepare and file with the Court his motion for approval of final report and accounting and exoneration of bond which motion may be heard on June 29, 2012, or as soon thereafter as the Court can hear the matter and is authorized to turn over oversight and control to UCAN's new Executive Director.

3. The Receiver may at any time apply to this Court for further or other instructions or orders for further powers necessary to enable the Receiver to perform the Receiver's duties.

DATED: MAY 25 2012

JOHN S. MEYER
JUDGE OF THE SUPERIOR COURT