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FILED
Clerk of the Superior Court

OCT 5 2012

By: L. SAN NICOLAS, Deputy

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

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the California Corporations Commissioner,

Plaintiff,

vs.

RMC CAPITAL MANAGEMENT, INC., a California corporation; BURGESS NATHANIEL HALLUMS, an individual; INNOVATION FUND 2000, LLC, a California limited liability company; SEGUE CAPITAL, INC., a California corporation; PACIFIC PHOENIX COMMUNITIES, LLC, a California limited liability company; DAVID W. HOPTAR, an individual; and DOES 1-10, inclusive,

Defendants,

and

IMMCAPNMOTION, INC., a Delaware corporation; MISTNET MEDICAL DEVICES, INC., a Delaware corporation; MAGNETO INERTIAL SENSING TECHNOLOGY, INC., aka, MIST, a Nevada corporation; MIST NET, INC., an entity of unknown form; MIST, INC., an entity of unknown form; THORNTON CAPITAL ADVISORS, INC., a California corporation; DONALD J. COURTNEY, an individual; WALLACE BENWARD, an individual; and RELIEF DOES 1-10, inclusive,

Relief Defendants.

Case No.: 37-2011-00103198-CU-MC-CTL

[PROPOSED] ORDER FOR PRELIMINARY INJUNCTION ENJOINING DEFENDANT DAVID W. HOPTAR; AND FREEZING ASSETS

IMAGED FILE

Judge: Hon. William S. Dato
Dept: C-67

Date Action Filed: December 30, 2011

1 The Court having read and considered Plaintiff's motion, memorandum of points and
2 authorities, complaint, declarations and exhibits, Defendant DAVID W. HOPTAR'S opposition
3 papers, and all other evidence presented, and good cause appearing therefore, the California
4 Corporations Commissioner's ("Commissioner" or "Plaintiff") motion for a preliminary
5 injunction, enjoining Defendant DAVID W. HOPTAR and freezing assets is GRANTED:

6 **I.**

7 **ORDER FOR PRELIMINARY INJUNCTION**

8 IT IS HEREBY ORDERED THAT:

9 Defendant DAVID W. HOPTAR is hereby preliminarily enjoined from directly or
10 indirectly:

11 1. Violating Corporations Code section 25238 and California Code of Regulations
12 section 260.238 by engaging in investment advisory activities in an unfair, inequitable and
13 unethical manner;

14 2. Violating Corporations Code section 25401 by offering to sell or selling any
15 security of any kind by means of any written or oral communication which includes any untrue
16 statement of material fact or omits or fails to state any material fact necessary in order to make the
17 statements made, in the light of the circumstances under which they are made, not misleading,
18 including but not limited to the misrepresentations and/or omissions alleged in the Second
19 Amended Complaint;

20 3. Removing, destroying, mutilating, concealing, altering, transferring, or otherwise
21 disposing of, in any manner, any books, records, computer programs, computer files, computer
22 printouts, correspondence, brochures, manuals, or any other "writing" or "document" of any kind
23 as defined under California Evidence Code section 250, relating to the transactions and course of
24 conduct as alleged in this Complaint, unless authorized by this Court; and

25 4. Withdrawing from any bank account or disposing of any real or personal property,
26 derived or purchased from clients' funds, in their possession, custody, or control, without leave of
27 the Court.

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II.

ORDER FREEZING OF ASSETS

IT IS FURTHER ORDERED THAT:

~~A freeze is placed on all funds, negotiable instruments and/or assets held in any bank, savings or checking, brokerage or other accounts, certificates of deposit, safe deposit box, or otherwise, without limitation, in the name of Defendant DAVID W. HOPTAR, or for the benefit of Defendant DAVID W. HOPTAR, and any depository or investment account in any financial institution that the Plaintiff may discover at a later date containing client and or investor funds.~~

~~Further,~~ Defendant DAVID W. HOPTAR is prohibited from selling or otherwise disposing of real and personal property with a collective value of more than \$10,000.

Further, Plaintiff may apply ex parte for a specific order prohibiting the disposition of Defendant DAVID W. HOPTAR'S liquid assets in excess of \$10,000.

III.

SERVICE OF ORDER

IT IS FURTHER ORDERED:

Copies of this Order may be served by any means, including, but not limited to, first class mail, facsimile transmission or electronic mail transmission upon all parties, and any entity or person that may be subject to any provision of this Order. Plaintiff shall serve notice on all parties within 72 hours of the date of this Order.

IV.

FORCE AND EFFECT

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for all purposes, including enforcement of this Order. This Order shall remain in full force and effect until further order of this Court.

IT IS SO ORDERED:

Dated: October 5, 2012

WILLIAM S. DATO
JUDGE OF THE SUPERIOR COURT