

USDC SCAN INDEX SHEET



TKL 12/1/04 14:02
3:04-CV-02295 SEC V. EMVEST MORTGAGE FUND
23
NTCF.

1 ROBERT S. BREWER, JR., ESQ. (SBN 65294)
2 ROBERT A. COCCHIA, ESQ. (SBN 172315)
3 B. LUKE PISTORIUS, ESQ. (SBN 190690)
4 JOSEPH N. CASAS, ESQ. (SBN 225800)
5 MCKENNA LONG & ALDRIDGE LLP
6 Suite 3300, Symphony Towers
7 750 B Street
8 San Diego, CA 92101
9 Telephone: (619) 595-5400
10 Facsimile: (619) 595-5450

FILED

04 DEC -1 AM 9:41

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

DEPUTY

NUNC PRO TUNC

NOV 29 2004

Attorneys for Defendants EMVEST MORTGAGE
FUND, LLC; EMVEST, INC.; and MILON LYLE
BROCK

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 SECURITIES AND EXCHANGE
14 COMMISSION,

Plaintiff,

v.

16 EMVEST MORTGAGE FUND,
17 LLC, EMVEST, INC., and MILON
18 LYLE BROCK,

Defendants.

CASE NO. 04 CV 2295 DMS (LSP)

**DEFENDANTS' NOTICE OF
ERRATA**

21 Following the filing of the Defendants' Opposition to Plaintiff's Application
22 for Preliminary Injunction and Appointment of a Receiver (the "Opposition"),
23 counsel for Defendants discovered certain citation errors inadvertently included in
24 the text of the document. To assist the Court and the parties in reviewing the
25 Opposition, please note the following corrections:

26 Lines 22-24, Page 4 of the Opposition reads: "The SEC, in its Complaint,
27 claims that the SEC 'must merely show: (1) a prima facie case that a violation of
28

/// 

ORIGINAL

1 the securities laws has occurred; and (2) a reasonable likelihood that the violation
2 will be repeated.' Compl. ¶ 25."

3 Lines 22-24 should read: "The SEC claims that it 'must merely show: (1) a
4 prima facie case that a violation of the securities laws has occurred; and (2) a
5 reasonable likelihood that the violation will be repeated.' *Pl.'s Mem. of P. & A. at*
6 *9:19-23.*"

7 Lines 13-5, Page 7 of the Opposition is cited as: "Compl. ¶ 2." The correct
8 citation is: "*Pl.'s Mem. of P. & A. at 4:7-9.*"

9 Lines 15-17, Page 7 of the Opposition is cited as: "Compl. ¶ 12." The correct
10 citation is: "*Pl.'s Mem. of P. & A. at 4:19-20.*"

11 Lines 14-15, Page 8 of the Opposition is cited as: "Compl. ¶ 12." The correct
12 citation is: "*Pl.'s Mem. of P. & A. at 4:18-22.*"

13
14 Dated: November 29, 2004

MCKENNA LONG & ALDRIDGE LLP

15
16 By: 

17 Robert S. Brewer, Jr.
18 Robert A. Cocchia
19 B. Luke Pistorius
20 Joseph N. Casas
21 Attorneys for Defendants
22 EMVEST MORTGAGE FUND, LLC;
23 EMVEST, INC.; and MILON LYLE
24 BROCK

25
26
27
28
SD:22131536.1

3 **PROOF OF SERVICE**

4 I, Leslie. D. Sharpe, declare:

5 I am a citizen of the United States and employed in San Diego County,
6 California. I am over the age of eighteen years and not a party to the within-entitled
7 action. My business address is Suite 3300, Symphony Towers, 750 B Street, San
8 Diego, California 92101. On **November 29, 2004**, I served a copy of the within
9 document(s):

10 • **DEFENDANTS' NOTICE OF ERRATA**

- 11 by transmitting via facsimile the document(s) listed above to the fax
12 number(s) set forth below on this date before 5:00 p.m.
- 13 by placing the document(s) listed above in a sealed envelope with
14 postage thereon fully prepaid, in the United States mail at San Diego,
15 California addressed as set forth below.
- 16 by placing the document(s) listed above in a sealed _____
17 envelope and affixing a pre-paid air bill, and causing the envelope to
18 be delivered to a _____ agent for delivery.
- 19 by personally delivering the document(s) listed above to the
20 person(s) at the address(es) set forth below.

21 *Attorneys for Plaintiff Securities*
22 *Exchange Commission*

23 *Molly M. White, Esq.*
24 *Kelly Bowers, Esq.*
25 *Victoria A. Levin, Esq.*
26 *Susan F. Hannan, Esq.*
27 *Securities and Exchange Commission*
28 *5670 Wilshire Boulevard, 11th Floor*
Los Angeles, CA 90036
Phone: (323) 965-3998 / Fax (323)
965-3908

29 I am readily familiar with the firm's practice of collection and processing
30 correspondence for mailing. Under that practice it would be deposited with the
31 U.S. Postal Service on that same day with postage thereon fully prepaid in the

32 ///

1 ordinary course of business. I am aware that on motion of the party served, service
2 is presumed invalid if postal cancellation date or postage meter date is more than
3 one day after date of deposit for mailing in affidavit.

4 I declare that I am employed in the office of a member of the bar of this court
5 at whose direction the service was made.

6 Executed on **November 29, 2004**, at San Diego, California.

7 

8
9 Leslie D. Sharpe

10 SD:22131512.1

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Confirmation Report - Memory Send

Page : 001
Date & Time: Nov-29-2004 12:12pm
Line 1 : 619 595 5450
Line 2 : +16195955450
Machine ID : McKenna, Long & Aldridge, LLP

Job number : 274
Date : Nov-29 12:11pm
To : +6239080003913239653908
Number of pages : 005
Start time : Nov-29 12:11pm
End time : Nov-29 12:12pm
Pages sent : 005
Status : OK

Job number : 274 *** SEND SUCCESSFUL ***

McKenna Long & Aldridge
Attorneys at Law

Suite 3300, Symphony Towers - 750 B Street - San Diego, CA 92101
Tel: 619.595.5400 • Fax: 619.595.5450
www.mckennalong.com

Atlanta
Denver
Los Angeles
Philadelphia

San Diego
San Francisco
Washington, DC
Orlando

FACSIMILE TRANSMITTAL

Date: November 29, 2004

To: Name/Company	Fax No.	Phone No.
Molly M. White, Esq. Kelly Bowers, Esq. Victoria A. Levin, Esq. Susan F. Hannan, Esq. Securities and Exchange Commission	(323) 965-3908	(323) 965-3998

From: Leslie Sharpe
Phone: (619) 595-8053
Re: Securities and Exchange Commission v. Emvest Mortgage, etc., et al.

Number of Pages (including cover): 5 Originals Will Follow By Regular Mail

COMMENTS

DEFENDANTS' NOTICE OF ERRATA ATTACHED (SEE PROOF OF SERVICE)

Confidentiality Notice:
The information contained in this facsimile is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Post Office. Thank you.

User No.: _____ Client/Matter No.: 23908-0003

If transmission is unclear or incomplete, please contact our facsimile operator immediately at (619) 595-5451. SD:22131514.1