

# PROOF OF CLAIM

SECURITIES AND EXCHANGE COMMISSION v. SUN EMPIRE, LLC, ECAM, LLC a/k/a EMPIRE CAPITAL ASSET MANAGEMENT, DELILAH A PROCTOR, SHAUNTEL A. MCCOY, SUN INVESTMENT SAVINGS AND LOAN, SUN GROUP, BICH QUYEN NGUYEN, JOHNNY E. JOHNSON, SUN COMMERCE AND INVESTMENT, INFINITY INVESTMENT CLUB, LLC, SUNLAND INVESTMENT CLUB, LLC, RECOMMENDED SERVICES, INC. and TYCOON CLUB INTERNATIONAL, LLC,

U.S. District Court for the Central District of California, Southern Division, Case No.: SACV09-399 DOC (RNBx).

## LAST DAY TO FILE PROOF OF CLAIM WITH RECEIVER:

OCTOBER 31, 2011

PLEASE COMPLETE, SIGN AND RETURN THIS FORM WITH SUPPORTING DOCUMENTATION IMMEDIATELY TO:

**RICHARD WEISSMAN, ESQ.  
RECEIVER  
12121 WILSHIRE BLVD., SUITE 600  
LOS ANGELES, CA 90025-1188**

The undersigned hereby submits the following claim against **SUN EMPIRE, LLC, ECAM, LLC a/k/a EMPIRE CAPITAL ASSET MANAGEMENT, DELILAH A PROCTOR, SUN INVESTMENT SAVINGS AND LOAN, SUN GROUP, BICH QUYEN NGUYEN, JOHNNY E. JOHNSON, SUN COMMERCE AND INVESTMENT, INFINITY INVESTMENT CLUB, LLC, RECOMMENDED SERVICES, INC. and TYCOON CLUB INTERNATIONAL, LLC, ET AL.:**

### 1. NAME(S) AND ADDRESS OF CLAIMANT(S):

Name(s) of Company or Individual: \_\_\_\_\_

Current Address: \_\_\_\_\_

Address at time of investment (if different from current address): \_\_\_\_\_

Telephone No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

2. Are you a member of one or more Private Investment Club(s) (PICs)? Yes: \_\_\_ No \_\_\_

If **Yes**, print name(s) of each PIC: \_\_\_\_\_

3. **HOW MUCH DID YOU INVEST:** \$ \_\_\_\_\_ **(Principal Investment Only)**

Provide copies of canceled checks, wired funds receipts, bank statements, brokerage account statements, etc.

\* If you have already provided the documents to the Receiver, you do not need to provide them at this time.\*

4. Are/Were you a team leader or club leader of any of the PICs involved in the above case? Yes \_\_\_ No \_\_\_

If **Yes**, what was the total amount of money you received for expenses, commission and/or compensation? \$ \_\_\_\_\_

5. Did you receive any fees, commissions or compensation from any of the defendants; from the PIC, or from other persons or entities for referring or soliciting investors to invest with *anyone*? Yes \_\_\_ No \_\_\_

If **Yes**, what was the total amount you received? \$ \_\_\_\_\_

What/Who were the sources of the compensation? (Name all sources and why) \_\_\_\_\_

6. Did you receive any return of investment (ROI), interest or other money from PICs or any of the defendants, their companies, or affiliates for any reason *not* stated above? Yes \_\_\_\_\_ No \_\_\_\_\_  
If **Yes**, what was the total received? \$ \_\_\_\_\_

7. IF YOU ANSWERED "YES" TO SECTION 4, 5 AND/OR 6 ABOVE, YOU MUST INCLUDE A SEPARATE STATEMENT WHICH LISTS ALL AMOUNTS RECEIVED BY YOU AND THE NAME OF THE PERSON(S) OR ENTITY(IES) WHICH SENT THE PAYMENT(S) TO YOU.

8. A. TOTAL AMOUNT OF COMPENSATION/MONEY RECEIVED FROM ANY SOURCE:  
(ADD AMOUNTS SET FORTH IN SECTIONS 4 THROUGH 6, ABOVE) \$ \_\_\_\_\_

B. NET CLAIM OF LOSS (Deduct amounts stated in Section 8A. from Section 3, above) \$ \_\_\_\_\_

9. I acknowledge and submit to the jurisdiction of the United States District Court ("the Court") that is administering this action, and agree that my claim shall be adjudicated, determined and paid as ordered by the Court. I further consent to, and understand that the Court will determine (a) my right to any money from the above-named defendants, if any is available, (b) the priority of said claim(s), if any, (c) the scheduling and allocating of the assets to be distributed, and (d) that all objections and disputes to the Receiver's allowance of my claim shall be submitted to and be the subject of review by the Court for a final ruling thereon, upon federal motion practice for hearing, sitting without a jury.

10. I have not sold, assigned, transferred, or in any way conveyed my interest in or my claim against Nguyen/Proctor, et al., or any portion thereof. I further agree not to sell, convey, assign or transfer my interest in my claim against Nguyen/Proctor, in any manner before the date of distribution. In the event my interest is transferred before the date(s) of distribution, except by operation of law, I agree that any such assignment or transfer shall be null and void and unenforceable by any successor third party as between the undersigned, on the one hand, and the Receiver and the Court, on the other hand.

11. I further understand and agree that: (a) a disbursement check will be made payable jointly to me and to each of my co-claimants named herein below, if any; (b) it will be our individual and collective responsibility for said check's deposit and collection and later division between us, if any; (c) that the Agent will not prorate the amount due me or to us under separate checks; and (d) my correct Social Security Number (SSN) or Federal Employer Identification Number (FEIN) or other Tax Identification Number (TIN) is written next to my signature below.

12. I represent that I have not received from or on behalf of any of the defendants, any PIC, or from any other person or entity, any distribution of money or compensation, in any form, except as set forth in Sections 4 through 6, above.

**13. TAX BACKUP WITHHOLDING CERTIFICATION**

A. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and

B. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and

C. I am a U.S. citizen or other U.S. person.

You must cross out item B above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**

(A finding of perjury by the Court is punishable by incarceration and/or fine.)

Executed on : \_\_\_\_\_, 2011, at \_\_\_\_\_ (City or Town) \_\_\_\_\_ (State, Zip Code)

Delivery of an envelope with an originally *signed* and fully completed Proof of Claim to Richard Weissman, Receiver of SUN EMPIRE, et al., *postmarked* on or before OCTOBER 31, 2011, will constitute Claimant's "timely filing" of the Proof of Claim. \*\*\*A PROOF OF CLAIM SHOULD NOT BE FILED DIRECTLY WITH THE COURT.

\_\_\_\_\_  
PRINT (FULL NAME) CLAIMANT SIGNATURE SSN / FEIN/TIN

\_\_\_\_\_  
PRINT (FULL NAME) CLAIMANT SIGNATURE SSN / FEIN/TIN

To receive an acknowledgment from the Receiver of his receipt of your Proof of Claim, you must provide him with a duplicate of the original Proof of Claim and a self-addressed, postage prepaid envelope. To best assure delivery of Proof of Claim, use certified mail, with return receipt.