

1 Mark Feathers, *Pro Se*, Defendant
markfeathers@sbcglobal.net
1520 Grant Rd.
2 Los Altos, CA 94024
Telephone: (650) 776-2496
3 Facsimile: (650) 961-2382

Filed

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

C
11 SECURITIES AND EXCHANGE)
COMMISSION,)
12)
Plaintiff,)
13 vs.)
14 SMALL BUSINESS CAPITAL CORP.; MARK)
FEATHERS; INVESTORS PRIME FUND, LLC;)
15 and SBC PORTFOLIO FUND, LLC,)
16)
Defendants.)
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Case No. CV12-03237-EJD

**DECLARATION OF MARK
FEATHERS IN OPPOSITION TO
RECEIVER'S ADMIN MOTION
(DOCKET 322)**

Judge: Hon. Edward J. Davila

DECLARATION OF MARK FEATHERS


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I, Mark Feathers, declare as follows:

1. I am a *Pro Se* defendant. I make this declaration in opposition of the receiver's motion for Admin Relief.
2. I was a former director of California Business Bank. I resigned from this position when learning that I had been accused of securities fraud by the SEC. I believe that I might play a key responsibility in the matter of this lawsuit.
3. Given that I have a motion in to dismiss the receiver and his counsel, in part because of their failure to perform on the matter of repeated requests to file a lawsuit against California Business Bank, I do not believe that I could work with the receiver and his counsel in good conscience at this time and on this lawsuit. In all likelihood, this lawsuit cannot be settled favorably for the receivership estate without my substantial participation.
4. My Exhibits or Attachments are true copies of the originals.
5. I have personal knowledge of each of the matters set forth, and, if called as a witness, I could competently testify to the facts stated in the Motion and any accompanying Exhibits.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2nd day of April, 2013, at Los Altos, California



Mark Feathers