

1 Mark Feathers, *Pro Se Defendant*
1520 Grant Rd., Los Altos, CA 94024
markfeathers@sbcglobal.net
2 ph. 650-575-7881
3 fax. 650-961-2382
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FILED
MAR 05 2014
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

11 SECURITIES AND EXCHANGE)
COMMISSION,)

12 Plaintiff,)

13 vs.)

14 SMALL BUSINESS CAPITAL CORP.; MARK)
15 FEATHERS; INVESTORS PRIME FUND, LLC;)
16 and SBC PORTFOLIO FUND, LLC,)

17 Defendants.)
18)
19)
20)

Case No. 12-cv-03237 EJD

MARK FEATHERS REQUEST FOR LEAVE OF COURT TO SCHEDULE A MOTION HEARING DATE, FOR THE PURPOSE OF THE COURT'S RECONSIDERATION OF ALLOWING FEATHERS TO INTIATE A LAWSUIT IN STATE COURT, AND AS AN EXCEPTIN TO BARTON DOCTRINE, IN THE MATTER OF THE RECEIVER'S PERJURY IN HIS PRIOR COURT DECLARATIONS [COURT DOCKET 293, PARAGRAPH 3] AS TO "I HAVE NEVER REPRESENTED... TO ANYBODY ELSE... THAT I AM A "CPA"" WHEN IN FACT THE RECEIVER, IRREFUTABLY, HAS IN FACT REPRESENTED HIMSELF PRIOR AS A CPA

MARK FEATHERS REQUEST FOR LEAVE OF THE COURT TO SCHEDULE A MOTION HEARING DATE FOR THE DISMISSAL OF THE RECEIVER

MARK FEATHERS REQUEST FOR LEAVE OF THE COURT TO RE-CONSIDER ITS PRIOR APPROVALS OF THE RECEIVER'S REQUEST FOR PAYMENTS 1 - 4 AND TO REQUIRE RETURN OF PRIOR AMOUNTS PAID

Place: Courtroom 5, Hon. Edward J. Davila

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2 The Receiver has perjured himself (see Court Docket 716, pages 3 & 4). The investors of
3 the investment funds of which he was assigned control over have no confidence in him (see Court
4 Docket 724, declarations). A district Court has authority to reconsider its own prior order one of its
5 own orders on three grounds:

6 (1) An intervening change in controlling law; (2) the availability of new evidence; (3) a need to
7 correct clear error or prevent manifest injustice. See *Williams v. Cruise Ships Catering & Serv.*
8 *Int'l, N.V.*, 320 F. Supp. 2d 1347, 1357-58 (S.D. Fla. 2004); *Ass'n For Disabled Americans, Inc. v.*
9 *Amoco Oil Co.*, 211 F.R.D. 457 (S.D. Fla. 2002); *Mathis v. U.S. (In re Mathis)*, 312 B.R. 912, 913
10 (Bankr. S.D. Fla 2004).

11 A receiver being appointed in part, or in whole, by false representations as to his licensing
12 is certainly evidence of manifest injustice to the investors of these investment funds (see Court
13 Docket 275). The Receiver's failure to correct is another manifest injustice to these same
14 investors, and is in fact indicative of very serious violations of California civil codes and laws.
15 New evidence of the Receiver perjuring himself in these Court matters heightens this to yet another
16 level of misconduct, and possibly of fraud on the Court, and shows additional manifest injustice
17 brought onto these investors.

18 Per local rule 7-9 and Fed. R. Civ. P. 54(b), FEATHERS asks for leave for the Court to reconsider the
19 matters outlined on the cover page to this request. Alternatively, FEATHERS asks the Court to indicate that these are
20 its final orders, so that FEATHERS may then appeal these matters to the U.S. 9th Circuit Court of Appeals.

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Respectfully,

22

23

Dated

3-5-14

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Mark Feathers, in *pro per*

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1 Mark Feathers, *in Pro Per*
1520 Grant Rd.
Los Altos, CA 94024
2 Telephone: (650) 776-2496

FILED

MAR 05 2014

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

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

SMALL BUSINESS CAPITAL CORP., ET AL

Defendants.

Case No. CV12-03237-EJD


**DECLARATIONS OF MARK
FEATHERS ACCOMPANYING
REQUEST FOR LEAVE OF THE
COURT TO RECONSIDER PRIOR
ORDERS**

Judge: Hon. Edward J. Davila

1 1. I, Mark Feathers, pursuant to U.S.C. §1746, declare my statements to be truthful, and that I
2 am willing and able to testify to these and in accordance with the penalties for perjury.

3 2. I can competently testify in these matters, and I am willing and able to do so.
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5 Executed this 5TH day of March, 2014, at Los Altos, California

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7 Mark Feathers, in *pro per*
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1 Mark Feathers, in *pro per*
1520 Grant Rd.
Los Altos, CA 94024
2 Telephone: (650) 961-2382

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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

10 SECURITIES AND EXCHANGE)
COMMISSION,)

Case No. CV12-03237-EJD

11 Plaintiff,)

12 vs.)

PROPOSED [ORDER] ON MARK
FEATHERS' REQUEST FOR LEAVE OF
THE COURT

13 SMALL BUSINESS CAPITAL CORP., ET AL)

14 Defendants.)

Judge: Hon. Edward J. Davila

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17 **RECEIVED**

18 MAR 05 2014

19 RICHARD W. WIEKING
20 CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

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27 ORDER ON RECONSIDERATION

1 In the Matter of Mark Feathers' Request for leave of the Court to schedule a hearing for a
2 motion to (1) initiate a lawsuit against the receiver, (2) to dismiss the Receiver, and to (3) reverse
3 approval of his prior payments, and in finding good cause, orders as follows:
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5 **IT IS ORDERED**

- 6 1. The Request is granted.
7
8

9 Dated: _____

10 Hon. Edward J. Davila

11 Judge, United States District Court
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