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15 Securities and Exchange Commission

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 SECURITIES AND EXCHANGE
19 COMMISSION,

20 Plaintiff,

21 vs.

22 CASH CAPITAL, LLC, AMERICA'S
23 STRATEGIC ORE PROPERTIES,
24 LLC, and ROBERT W. WILSON,

25 Defendants.

Case No. 17-cv-1536-L-AGS

**PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION'S
NOTICE OF MOTION FOR AN
ORDER TO SHOW CAUSE WHY
DEFENDANT ROBERT WILSON
SHOULD NOT BE HELD IN CIVIL
CONTEMPT**

**Pursuant to Local Rules, No
Appearances Allowed Unless Requested
by the Court**

Date: June 22, 2020
Time: 10:30am
Place: Courtroom 5B
Judge: Hon. M. James Lorenz

1 **TO DEFENDANTS AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff Securities and Exchange Commission
3 (“SEC”) hereby files a motion for an order to show cause why Defendant Robert W.
4 Wilson should not be held in civil contempt for failure to comply with the Court’s
5 “Final Judgment” (Doc. # 51). This motion seeks relief pursuant to the Court’s
6 “inherent power to enforce compliance with [its] lawful orders through civil
7 contempt,” *Shillitani v. United States*, 384 U.S. 364, 370 (1966), and the provision in
8 the Final Judgment in which the Court expressly retained jurisdiction of this matter
9 for purposes of enforcing the terms of the Final Judgment. Final Judgment § VIII.

10 The motion seeks an order of civil contempt for Wilson’s failure to comply
11 with two provisions of the Final Judgment: (1) an injunction that prohibits him from
12 offering and selling securities (Final Judgment § IV (the “Securities Injunction”));
13 and (2) an order to disgorge \$1,540,000, plus prejudgment interest in the amount of
14 \$205,376.25 (Final Judgment § V (the “Disgorgement Order”). Wilson violated the
15 Securities Injunction by offering securities to unsophisticated investors and the
16 general public in a gold milling venture. Wilson violated the Disgorgement Order by
17 failing to pay any of the amount ordered to be disgorged.

18 This motion will be heard at 10:30 a.m. on June 22, 2020, in the Courtroom of
19 the Hon. M. James Lorenz, United States District Judge, at the U.S. Courthouse for
20 the Southern District of California, located at 221 West Broadway, San Diego,
21 California. Pursuant to Local Rule, there will be no appearances unless requested by
22 the Court.

23 The SEC’s motion is supported by the accompanying SEC’s Memorandum of
24 Points and Authorities in Support of its Motion for an Order to Show Cause why
25 Defendant Robert W. Wilson Should not be Held in Civil Contempt, the declarations
26 of Terry R. Miller, Michael J. Roessner, and Connie Page, exhibits attached thereto,
27 the Court’s record in this case, any additional briefing the Court requests or the Rules
28 of the Court allow, and any evidence and argument that will be presented to the Court

1 at any hearing of this motion.

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3 Dated: May 26, 2020

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Respectfully submitted,

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/s/ Michael J. Roessner
Terry R. Miller
Michael J. Roessner
United States Securities and Exchange
Commission

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**PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO
SOUTHERN DISTRICT OF CALIFORNIA LR 5.4**

I, the undersigned, say:

I am a citizen of the United States. I am over the age of 18 and not a party to the within action. My business address is 1961 Stout Street, Suite 1700, Denver, CO 80294

On May 26, 2020, I caused to be served the following document:

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION’S NOTICE OF
MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANT
ROBERT WILSON SHOULD NOT BE HELD IN CIVIL CONTEMPT**

by posting the document to the ECF Website of the United States District Court for the Southern District of California, for receipt electronically by the parties as listed on the Court’s ECF Service List. The document was also served on Defendants by mail and email to the following:

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

Executed on May 26, 2020, at Denver, Colorado

/s/ Terry R. Miller
Terry R. Miller
United States Securities and Exchange
Commission