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

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

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

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

Respectfully,

Dated

3-5-14



Mark Feathers, in *pro per*

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 5<sup>TH</sup> day of March, 2014, at Los Altos, California

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7 Mark Feathers, in *pro per*  
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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

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

Judge: Hon. Edward J. Davila

**RECEIVED**

MAR 05 2014

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

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.  
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9 Dated: \_\_\_\_\_

10 Hon. Edward J. Davila

11 Judge, United States District Court  
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