



and, as to Defendant Kaleta only, Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 (“Advisers Act”) [15 U.S.C. §§ 80b-6(1) and (2)].

2. The Commission (“Commission”) moves the Court to appoint a Receiver for Defendant KCM granting the Receiver the receivership powers necessary to marshal, conserve, hold, and, where necessary, operate Defendant’s assets pending further order of the Court. This *Unopposed Motion to Enter Agreed Order Appointing Receiver* is based on an agreement between Defendant KCM and the Plaintiff Commission, as reflected in the signatures of counsel on the attached (proposed) *Agreed Order Appointing Receiver* filed herewith.

3. When this case is assigned to a particular Court, the Commission will transmit to the Court an electronic copy of the proposed order in Word format and will recommend for the Court’s consideration that a particular individual be appointed to serve as the Receiver.

DATED: November 13, 2009.

Respectfully submitted,

*s/Timothy S. McCole*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2009, I provided a copy of the foregoing document to the following parties:

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*s/Timothy S. McCole*  
Timothy S. McCole