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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

v.

DENARI CAPITAL LLC,
TRAVIS CAPSON, and
ARNAB SARKAR

Defendants.

Case No. 19-cv-07284-EC

~~PROPOSED~~ ORDER GRANTING
ADMINISTRATIVE MOTION BY
RECEIVER KATHY BAZOIAN
PHELPS PURSUANT TO LOCAL
CIVIL RULE 7-11 FOR ORDER
APPROVING EMPLOYMENT OF:

- (1) DIAMOND McCARTHY LLP,
AS GENERAL COUNSEL;
- (2) MILLER KAPLAN LLP AS
TAX ADVISOR; AND
- (3) SCHINNER & SHAIN AS
SECURITIES COUNSEL

Date: No Hearing Set
Time: No Hearing Set
Judge: Edward M. Chen

The Temporary Receiver in this matter appointed pursuant to the Court’s Order Appointing Receiver (the “Receiver Order”) (Doc. No. 37), Kathy Bazoian Phelps (the “Receiver”), requests that the Court grant her Administrative Motion approving the Receiver’s employment of (1) Diamond McCarthy LLP (“Diamond McCarthy”) as her general counsel; (2)

1 Miller Kaplan LLP (“Miller Kaplan”) as her tax advisor; and (3) Schinner & Shain (“Schinner”)
2 as her securities counsel. The Receiver through her declaration dated January 8, 2019 filed in
3 support of the Motion (the “Phelps Declaration”), has represented that she has conferred with
4 counsel for the Commodity Futures Trading Commission and the Defendants, who have
5 confirmed that they do not oppose the Motion.

6 The Receiver has represented in her Motion and in the Phelps Declaration that she
7 requires the services of these professionals, that she is familiar with the three firms which she
8 seeks to employ, one of which is her law firm, and that they will provide adequate and cost-
9 effective representation based on the services she anticipates them performing and that the
10 professionals have each agreed to perform their services at discounted rates as detailed in the
11 Motion and Phelps Declaration.

12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

13 1. The Receiver is authorized, effective retroactively to December 4, 2019, to employ
14 Diamond McCarthy as the Receiver’s general counsel based on the Receiver’s Motion and the
15 Phelps Declaration filed with the Court and in accordance with the terms and at the hourly rates
16 described in **Exhibit 2** attached to the Phelps Declaration, reduced as set forth in the Phelps
17 Declaration.

18 2. The Receiver is authorized to employ Miller Kaplan as the Receiver’s tax advisors
19 in accordance the terms and at the discounted rates as described in **Exhibit 3** attached to the
20 Phelps Declaration.

21 3. The Receiver is authorized to employ Schinner as her securities counsel for the
22 limited services described in the Motion in accordance the terms and at the discounted rates
23 described in **Exhibit 5** attached to the Phelps Declaration.

24 **IT IS SO ORDERED.**

25 DATED: February 4, 2020



26 EDWARD M. CHEN
27 United States District Judge
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