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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 APPROVING
ADMINISTRATIVE MOTION FOR AN
ORDER PURSUANT TO LOCAL RULE 7-
11 FOR THE APPROVAL OF FEES AND
EXPENSES FOR THE RECEIVER AND
COUNSEL FROM DECEMBER 4, 2019
THROUGH MARCH 31, 2020

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

1 The temporary receiver in this matter appointed pursuant to the Court’s Order dated
2 December 4, 2019 (Dkt. No. 37), Kathy Bazoian Phelps (the “Receiver”), requests that the Court
3 grant her *Administrative Motion for an Order Pursuant to Local Rule 7-11 for the Approval of Fees*
4 *and Expenses for the Receiver and Counsel From December 4, 2019 Through March 31, 2020* (the
5 “Motion”). The Motion is supported by the Declaration of the Receiver, in which she states that
6 the fees and expenses requested by the Receiver and her counsel are true and correct and that that
7 the fees charged are reasonable, necessary, and commensurate with the skills and experience
8 required for the activities performed.


9 The Motion is also supported by the Declaration of counsel to the Receiver, Sheryl P.
10 Giugliano of the firm Diamond McCarthy LLP (“Diamond McCarthy”). In her declaration, Ms.
11 Giugliano states that the fees and expenses requested by Diamond McCarthy are true and correct,
12 and that the fees charged by Diamond McCarthy are reasonable, necessary, and commensurate
13 with the skills and experience required for the activities performed.

14 The Receiver has also represented that she has conferred with counsel for the CFTC, and
15 counsel for the Defendants, who have each confirmed that they do not oppose the Motion.

16 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that:

- 17 1. The Motion is GRANTED;
- 18 2. The Receiver’s fees in the amount of \$59,580.10 and reimbursement of expenses
19 in the amount of \$1,358.27 for services rendered and costs incurred from December 4, 2019
20 through March 31, 2020 are approved, and the Receiver is authorized to pay herself those
21 amounts from assets of the receivership estate.
- 22 3. Diamond McCarthy’s fees in the amount of \$22,090.00 for services rendered and
23 reimbursement of expenses in the amount of \$2,347.95 incurred from December 4, 2019 through
24 March 31, 2020 are approved, and the Receiver is authorized to pay Diamond McCarthy LLP
25 those amounts from assets of the receivership estate.

26
27 Dated: May 6, 2020



Honorable Edward M. Chen
United States District Court