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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JOHN V. BIVONA; SADDLE RIVER
ADVISORS, LLC; SRA
MANAGEMENT ASSOCIATES,
LLC; FRANK GREGORY
MAZZOLA,

Defendants, and

SRA I LLC; SRA II LLC; SRA III
LLC; FELIX INVESTMENTS, LLC;
MICHELE J. MAZZOLA; ANNE
BIVONA; CLEAR SAILING GROUP
IV LLC; CLEAR SAILING GROUP V
LLC,

Relief Defendants.

Case No. 3:16-cv-01386-EMC

~~PROPOSED~~ ORDER APPROVING SIXTH
INTERIM ADMINISTRATIVE MOTION
FOR AN ORDER PURSUANT TO LOCAL
RULE 7-11 FOR THE APPROVAL OF FEES
AND EXPENSES FOR THE SUCCESOR
RECEIVER, DIAMOND McCARTHY LLP,
MILLER KAPLAN ARASE LLP AND
SCHINNER & SHAIN THROUGH JUNE 30,
2020

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

1 The successor receiver in this matter appointed pursuant to the Court’s Revised Order
2 Appointing Receiver (the “Receiver Order”) (Dkt. No. 469), Kathy Bazoian Phelps (the
3 “Receiver”), requests that the Court grant the *Sixth Interim Administrative Motion for an Order*
4 *Pursuant to Local Rule 7-11 for the Approval of Fees and Expenses for the Successor Receiver,*
5 *Diamond McCarthy LLP, Miller Kaplan Arase LLP and Schinner & Shain, LLP Through June*
6 *30, 2020* (“Motion”).

7 The Motion is supported by the Declaration of the Receiver, in which she states that the
8 fees and expenses requested by the Receiver are true and correct, the Motion complies with the
9 Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and
10 Exchange Commission, and that that the fees charged are reasonable, necessary, and
11 commensurate with the skills and experience required for the activities performed.

12 The Motion is also supported by the Declaration of general counsel for the Receiver
13 Christopher D. Sullivan of the firm Diamond McCarthy LLP (“Diamond McCarthy”). In his
14 declaration, Mr. Sullivan states that the fees and expenses requested by Diamond McCarthy are
15 true and correct and that the fees charged by Diamond McCarthy are reasonable, necessary, and
16 commensurate with the skills and experience required for the activities performed. Additionally,
17 the Motion is supported by the Declarations of Frederick Koenen of Schinner & Shain, LLP
18 (“Schinner”), securities counsel for the Receiver, and Julia Damasco of Miller Kaplan Arase LLP
19 (“Miller Kaplan”), tax advisors for the Receiver, in which they provide that the respective fees
20 and expenses requested are true and correct, the fees charged are reasonable, necessary, and
21 commensurate with the skill and experience required.

22 The Receiver has also represented that she has conferred with counsel for the Securities
23 and Exchange Commission, and counsel for the SRA Investor Group, who have each confirmed
24 that they do not oppose the Motion.

25 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that:

- 26 1. The Motion is GRANTED;
- 27 2. The Receiver’s fees in the amount of \$43,904.00 and reimbursement of expenses
28 in the amount of \$388.39 for services rendered and costs incurred from April 1, 2020 to June 30,

1 2020 (“Motion Period”) are approved;

2 3. The Receiver is authorized to pay from assets of the receivership estate \$388.39
3 for reimbursement of costs approved and \$35,123.20 of the fees approved. The sum of \$8,780.8
4 of the approved fees shall be held back as the agreed 20% hold back subject to further Court
5 approval.

6 4. Diamond McCarthy’s fees in the amount of \$29,398.90 and reimbursement of
7 expenses in the amount of \$919.78 for services rendered and costs incurred during the Motion
8 Period are approved;


9 5. The Receiver is authorized to pay from assets of the receivership estate \$919.78
10 for reimbursement of costs approved and \$23,519.12 of the fees approved. The sum of \$5,879.78
11 of the approved fees shall be held back as the agreed 20% hold back subject to further Court
12 approval;

13 6. Schinner’s fees in the amount of \$900.00 for services rendered during the Motion
14 Period are approved and the Receiver is authorized to pay Schinner this amount;

15 7. Miller Kaplan’s fees in the amount of \$16,399.20 are approved. The Receiver is
16 authorized to pay from the assets of the receivership estate \$13,119.36 of the fees approved. The
17 sum of \$3,279.84 of the approved fees shall be held back as the agreed 20% hold back subject to
18 further Court approval.

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Dated: September 1, 2020



Honorable Edward M. Chen
United States District Court