

1 KATHY BAZOIAN PHELPS (State Bar No. 155564)
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7 *Successor Receiver*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 v.

16 JOHN V. BIVONA; SADDLE RIVER
17 ADVISORS, LLC; SRA
18 MANAGEMENT ASSOCIATES,
19 LLC; FRANK GREGORY
20 MAZZOLA,

21 Defendants, and

22 SRA I LLC; SRA II LLC; SRA III
23 LLC; FELIX INVESTMENTS, LLC;
24 MICHELE J. MAZZOLA; ANNE
25 BIVONA; CLEAR SAILING GROUP
26 IV LLC; CLEAR SAILING GROUP V
27 LLC,

28 Relief Defendants.

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

**DECLARATION OF JULIA DAMASCO IN
SUPPORT OF NINTH INTERIM
ADMINISTRATIVE MOTION FOR AN
ORDER PURSUANT TO LOCAL RULE 7-11
FOR THE APPROVAL OF FEES AND
EXPENSES FOR THE SUCESOR
RECEIVER, DIAMOND MCCARTHY LLP,
MILLER KAPLAN ARASE LLP, AND
SCHINNER & SHAIN LLP FROM
JANUARY 1, 2021 THROUGH MARCH 31,
2021**

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

1 I, Julia Damasco, declare:

2 1. I am a partner at Miller Kaplan Arase LLP, tax advisor for Kathy Bazoian Phelps, the
3 Court appointed Receiver (the “Receiver”) in the case of *Securities and Exchange Commission v.*
4 *Bivona et. al.* (the “Action”) before the United States District Court for the Northern District of
5 California (the “Court”). I am an attorney at law licensed to practice in all of the courts of the states
6 of California and Washington, the United States District Court for the Northern District of
7 California and the United States Tax Court. I have personal knowledge of the matters set forth
8 below and if called as a witness, I would and could testify competently to the matters stated herein.

9 2. This declaration is made in support of the Ninth Interim Administrative Motion for an
10 Order Pursuant to Local Rule 7-11 for the Approval of Fees and Expenses for the Successor
11 Receiver, Diamond McCarthy LLP, Miller Kaplan Arase LLP, and Schinner & Shain LLP From
12 January 1, 2021 through March 31, 2021 (“Motion”).

13 3. A true and correct copy of my firm’s invoice reflecting the detailed time entries for the
14 services we provided through March 31, 2021, is attached hereto as Exhibit “5.” Miller Kaplan
15 incurred fees in the amount of \$6,720.60 and costs of \$50.00 during the motion period

16 4. During the Motion Period, we have assisted the Receiver in analyzing schedules of the
17 distributions of Palantir shares to be transferred to investors and generated projected tax
18 calculations for shares sold.

19 5. The firm has also prepared the 2020 tax returns for Qualified Settlement Fund and has
20 communicated with the Receiver regarding the tax return and the necessary backup documentation
21 and information. In addition, the firm prepared the 2021 Form 8842 for the estate to make the
22 appropriate tax election.

23 6. The fees requested are reasonable, necessary, and commensurate with the skill and
24 experience required for the activity performed. Our services and time expenditures are reasonable
25 in light of the labor required for the matters for which we were retained. Miller Kaplan respectfully
26 submits that it has not expended time unnecessarily and that it has rendered efficient and effective
27 services.

28 7. To the best of my knowledge, information and belief formed after reasonable inquiry,

1 all the fees requested in the attached billing statements are true and correct and comply with the
2 Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and
3 Exchange Commission.

4 8. Miller Kaplan has not included in the amount for which reimbursement of costs is
5 sought, amortization of the cost of any equipment, investment or capital outlay.

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7 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
8 20th day of April 2021 at Santa Fe, New Mexico.


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11 _____
12 Julia Damasco
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EXHIBIT 5



4123 Lankershim Boulevard
North Hollywood, CA 91602

Kathy Bazoian Phelps

Receivers Account Estate of Saddle River Management (SRA
Receivership)
Diamond McCarthy LLP
1999 Avenue of the Stars, 11th Floor
Los Angeles, CA 90067

Invoice: 539963

Client ID: 3012290

Date: 04/01/2021
Due Date: 05/01/2021

For professional services rendered as follows:

<u>DATE</u>	<u>SERVICE</u>	<u>STAFF</u>	<u>HOURS</u>	<u>AMOUNT</u>
General Consulting Services				
01/29/2021	Discussions/Meetings Reply to client inquiries regarding losses to apply against anticipated sale of additional Palantir shares.	JAC	1.00	180.00
02/10/2021	Discussions/Meetings Conference call re: forthcoming Palantir distributions.	JAC	1.00	180.00
		Subtotal		360.00
Information Return Reporting Services				
01/29/2021	Produce Forms Preparation of Forms 1099-MISC.	JAC	0.50	90.00
01/30/2021	Release for Printing 1099-MISC & 1099-NEC	ER	0.10	16.80
02/01/2021	Release for Agency Filing Forms 1099-MISC and 1099-NEC.	ER	0.10	16.80
		Subtotal		123.60
Qualified Settlement Fund Services				
01/06/2021	Preparation Preparation and filing of the 2020 Qualified Settlement Fund Income Tax Return.	JAC	2.30	414.00
01/29/2021	Preparation Preparation of the 2020 Qualified Settlement Fund Income Tax Return.	JAC	2.30	414.00
02/03/2021	Preparation Preparation of the 2020 Qualified Settlement Fund Income Tax Return.	JAC	4.10	738.00
02/10/2021	Preparation Preparation of the 2020 Qualified	JAC	4.80	864.00

O. 818.769.2010 / F. 818.769.3100 / FED EIN 95-2036255

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	Settlement Fund Income Tax Return.			
02/17/2021	Preparation	JAC	0.10	18.00
	Preparation and filing of the 2020 Qualified Settlement Fund Income Tax Return.			
02/23/2021	Preparation	JAC	0.40	72.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
02/24/2021	Preparation	JAC	1.60	288.00
	Preparation and filing of the 2020 Qualified Settlement Fund Income Tax Return.			
02/25/2021	Preparation	JAC	0.75	135.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
02/26/2021	Preparation	JAC	2.50	450.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
03/17/2021	Preparation	JAC	0.70	126.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
03/23/2021	Preparation	JAC	0.50	90.00
	Preparation of 2021 Form 8842.			
03/23/2021	Preparation	JAC	2.10	378.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
03/26/2021	Preparation	JAC	5.10	918.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
03/29/2021	Preparation	JAC	5.90	1,062.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
03/30/2021	Preparation	JAC	1.10	198.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
03/31/2021	Preparation	JAC	0.40	72.00
	Preparation of the 2020 Qualified Settlement Fund Income Tax Return.			
			Subtotal	6,237.00
			Total for Services	6,720.60
Charges				
01/31/2021	Information Reporting	50.00		50.00
	Form 1099-NEC and Forms 1099-MISC.			
			Subtotal	50.00
			Total for Charges	50.00
			Billed Time & Charges	\$6,770.60
			Invoice Total	\$6,770.60

<u>04/01/2021</u>	<u>03/31/2021</u>	<u>02/28/2021</u>	<u>01/31/2021</u>	<u>12/31/2020+</u>	<u>Total</u>
6,770.60	0.00	0.00	0.00	0.00	\$6,770.60



Schedule of Rates
as of December 1, 2020

STAFF LEVEL	CURRENT RATES PER HOUR	DISCOUNTED RATES PER HOUR
Administrative Staff, SMEs & Project Managers	\$65 – \$210	\$52 – \$168
Accounting Staff	\$120 – \$180	\$96 – \$144
Senior Accounting Staff	\$205 – \$270	\$164 – \$216
Attorney	\$250 – \$350	\$200 – \$280
Partner	\$420 – \$570	\$336 – \$456

Schedule of Rates
as of December 1, 2020

STAFF	CURRENT RATES PER HOUR	DISCOUNTED RATES PER HOUR
Damasco, Jude	\$570	\$456
Damasco, Julia	\$570	\$456
Sanchez, Nicholas	\$420	\$336
Dinuri, Qiva	\$325	\$260
Corbin, Jessica	\$225	\$180
Ransom, Emily	\$210	\$168