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5 *Receiver*

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

12 COMMODITY FUTURES TRADING
13 COMMISSION,

14 Plaintiff,

15 v.

16 DENARI CAPITAL LLC, TRAVIS
CAPSON, and ARNAB SARKAR,

17 Defendants,
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Case No. 19-cv-07284-EC

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

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

1 Kathy Bazoian Phelps, the receiver (the “Receiver”) in this matter appointed pursuant to the
2 Court’s Order dated December 4, 2019 (Dkt. No. 37), requests that the Court grant her *Second*
3 *Administrative Motion for an Order Pursuant to Local Rule 7-11 for the Approval of Fees and*
4 *Expenses for the Receiver, Diamond McCarthy LLP, Miller Kaplan Arase LLC, and Schinner &*
5 *Shain LLP Through June 30, 2020* (the “Motion”). The Motion is supported by the Declaration of
6 the Receiver, in which she states that the fees requested by the Receiver are true and correct. The
7 Motion is also supported by the Declaration of counsel to the Receiver, Sheryl P. Giugliano of the
8 firm Diamond McCarthy LLP (“Diamond McCarthy”). In her declaration, Ms. Giugliano states
9 that the fees and expenses requested by Diamond McCarthy are true and correct, and that the fees
10 charged by Diamond McCarthy are reasonable, necessary, and commensurate with the skills and
11 experience required for the activities performed. The Motion is also supported by the Declarations
12 of Julia Damasco of Miller Kaplan Arase LLP and Fred Koenen of Schinner & Shain LLP stating
13 that the fees charged by their firms are reasonable, necessary and commensurate with the skills and
14 experience required for the activities performed.

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

17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that:

- 18 1. The Motion is GRANTED;
- 19 2. The Receiver’s fees in the amount of \$53,838.00 for services rendered from April
20 1, 2020 through June 30, 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 \$53,472.0 for services rendered and
23 reimbursement of expenses in the amount of 254.23 incurred from April 1, 2020 through June 30,
24 2020 are approved, and the Receiver is authorized to pay Diamond McCarthy LLP those amounts
25 from assets of the receivership estate.
- 26 4. Miller Kaplan Arase LLP’s fees in the amount of \$3,808.00 for services rendered
27 through June 30, 2020 are approved, and the Receiver is authorized to pay Miller Kaplan Arase
28 LLP those amounts from assets of the receivership estate.

1 5. Schinner & Shain LLP's fees in the amount of \$6,850.00 for services rendered
2 through June 30, 2020 are approved, and the Receiver is authorized to pay Schinner & Shain
3 those amounts from assets of the receivership estate.

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5 Dated: August 12, 2020



Honorable Edward M. Chen
United States District Court

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