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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

DENARI CAPITAL LLC, et al.,

Defendants.

Case No. [19-cv-07284-EMC](#)

**ORDER APPROVING MOTION BY
RECEIVER KATHY BAZOIAN
PHELPS FOR ENTRY OF AN ORDER
APPROVING SETTLEMENT OF
CLAIM ASSERTED BY INVESTOR
GREGORY CAPSON**

Docket No. 72

The Motion by Receiver Kathy Bazoian Phelps for Entry of an Order Approving Settlement of Claim Asserted by Investor Gregory Capson (the “Motion”)¹ came on for hearing at the above-referenced date and time and was conducted [by Zoom] before the Honorable Edward M. Chen, United States District Judge presiding. Appearances were noted as on the record.

After conducting a rigorous inquiry, including questioning the parties at the hearing, the Court has determined that the Receiver has obtained adequate consideration for the Settlement Agreement between the Receiver and Gregory Capson (the “Agreement”). The Agreement is fair and reasonable in light of the amounts at stake, the litigation risk, and the cost to the parties of protracted litigation.

The Court having reviewed and considered the Motion, the supporting Declaration of Kathy Bazoian Phelps and accompanying Exhibit, all the papers and files in this matter, and having heard the comments of counsel and interested parties at the time of the hearing, for GOOD CAUSE APPEARING,

¹ All capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

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IT IS HEREBY ORDERED that:

1. The Motion and all relief sought therein is GRANTED;
2. The Agreement, a copy of which is attached as Exhibit “1” to the Declaration of Kathy Bazoian Phelps, is approved.
3. The Receiver is authorized to take all necessary and further actions, pay all fees, and execute any documents to make the transfers of securities pursuant to the terms of the Agreement and to otherwise consummate the Agreement; and
4. The form and manner of notice of the Motion is approved.

This order disposes of Docket No. 72.

IT IS SO ORDERED.

Dated: October 5, 2020



EDWARD M. CHEN
United States District Judge