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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-EMC

**[PROPOSED] ORDER APPROVING THIRD
ADMINISTRATIVE MOTION FOR AN
ORDER PURSUANT TO LOCAL RULE 7-11
FOR THE APPROVAL OF FEES AND
EXPENSES FOR RECEIVER, DIAMOND
McCARTHY LLP, AND SCHINNER &
SHAIN, LLP THROUGH SEPTEMBER 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
2 the Court’s Order dated December 4, 2019 (Doc. No. 37), requests that the Court grant her *Third*
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, and Schinner & Shain, LLP Through*
5 *September 30, 2020* (the “Motion”). The Motion is supported by the Declaration of the Receiver,
6 in which she states that the fees and expenses requested by the Receiver are true and correct. The
7 Motion is also supported by the Declaration of counsel to the Receiver, and David A. Castleman
8 of the firm Diamond McCarthy LLP (“Diamond McCarthy”). In his declaration, Mr. Castleman
9 states that the fees requested by Diamond McCarthy are true and correct, and that the fees charged
10 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 Declaration
12 of Fred Koenen of Schinner & Shain, LLP (“Schinner & Shain”) stating that the fees charged by
13 his firm is reasonable, necessary and commensurate with the skills and experience required for the
14 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 \$19,118.50 for services rendered and
20 reimbursement of expenses in the amount of \$397.20 incurred from July 1, 2020 through
21 September 30, 2020 are approved, and the Receiver is authorized to pay herself those amounts
22 from assets of the Receivership Estate.

23 3. Diamond McCarthy’s fees in the amount of \$41,658.00 for services rendered from
24 July 1, 2020 through September 30, 2020 are approved, and the Receiver is authorized to pay
25 Diamond McCarthy those amounts from assets of the Receivership Estate.

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1 4. Schinner & Shain’s fees in the amount of \$1,950.00 for services rendered through
2 September 30, 2020 are approved, and the Receiver is authorized to pay Schinner & Shain those
3 amounts from assets of the Receivership Estate.
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5 Dated: _____

Honorable Edward M. Chen
United States District Court

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