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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: November 6, 2020

  
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Honorable Edward M. Chen  
United States District Court

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