

1 KATHY BAZOIAN PHELPS (State Bar No. 155564)  
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3 DIAMOND MCCARTHY LLP  
4 1999 Avenue of the Stars, Suite 1100  
5 Los Angeles, California 90067-4402  
6 Telephone: (310) 651-2997

7 *Receiver*

8  
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  
17 CAPSON, and ARNAB SARKAR,

18 Defendants,

Case No. 19-cv-07284-EMC

**DECLARATION OF FRED KOENEN IN  
SUPPORT OF FOURTH  
ADMINISTRATIVE MOTION FOR AN  
ORDER PURSUANT TO LOCAL RULE 7-11  
FOR THE APPROVAL OF FEES AND  
EXPENSES FOR RECEIVER, DIAMOND  
MCCARTHY LLP, SCHINNER & SHAIN,  
LLP, AND MILLER KAPLAN ARASE LLP  
THROUGH DECEMBER 31, 2020**

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

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1 I, Fred Koenen, declare:

2 1. I am an attorney duly licensed to practice in the State of California, and am of counsel  
3 the firm of Schinner & Shain, LLP (“Schinner & Shain”), securities counsel of record for the  
4 Receiver Kathy Bazoian Phelps in this case. I have personal knowledge of the matters set forth  
5 below and if called as a witness, I would and could testify competently to the matters stated herein.

6 2. This declaration is made in support of the Fourth Administrative Motion for an Order  
7 Pursuant to Local Rule 7-11 for the Approval of Fees and Expenses for the Receiver, Diamond  
8 McCarthy LLP, Schinner & Shain, LLP, and Miller Kaplan Arase LLP through December 31, 2020  
9 (“Motion”).

10 3. On February 4, 2020, the Court entered an order (Doc. No. 44) authorizing the Receiver  
11 to employ Schinner & Shain as the Receiver’s securities counsel (“Employment Order”). I am the  
12 attorney principally responsible for representing the Receiver in Schinner & Shain’s capacity as  
13 securities counsel. I directly supervised the professionals and staff of Schinner & Shain with respect  
14 to this representation.

15 4. Schinner & Shain was retained by the Receiver for the limited purpose of serving as  
16 securities counsel. For that reason, Schinner & Shain did not establish separate billing categories.  
17 The billing statements itemizing the services provided by Schinner & Shain during the period  
18 October 1, 2020 through December 31, 2020 (the “Motion Period”) are attached as Exhibit “5.”

19 5. In the interests of the estate and pursuant to the Employment Order, Schinner & Shain  
20 has reduced its rates by 10%.

21 6. Schinner & Shain performed 0.50 hours of services for total fees of \$250.00.

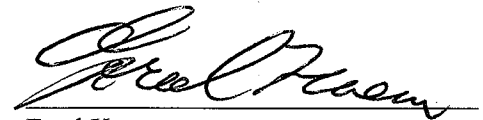
22 7. Schinner & Shain’s services during the Motion Period included advising the Receiver  
23 and her counsel on finalizing the URHG and Sierra Gold transfers.

24 8. I have read the Motion and the billing statements attached to this declaration. To the  
25 best of my knowledge, information and belief formed after reasonable inquiry, all the fees requested  
26 in the attached billing statements are true and correct.

27 9. The fees that Schinner & Shain have charged are limited, reasonable, necessary, and  
28 commensurate with the skill and experience required for the activity performed. Schinner & Shain’s

1 services and time expenditures are reasonable in light of the labor required for the matters for which  
2 Schinner & Shain was retained and the balancing that must be performed to efficiently and effectively  
3 represent the Receiver in the limited capacity as securities counsel. Schinner & Shain respectfully  
4 submits that it has not expended time unnecessarily and that it has rendered efficient and effective  
5 services.

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7 I declare under penalty of perjury that the foregoing is true and correct. Executed on this 28th  
8 day of January 2021 at San Francisco, California.

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11 Fred Koenen  
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# EXHIBIT 5

Schinner & Shain, LLP  
 96 Jessie Street, San Francisco, CA 94105  
 Telephone: (415) 369-9050  
 Fax: (415) 369-9053

January 13, 2021

Kathy Bazoian Phelps, Receiver SRA Litigation  
 c/o Diamond & McCarthy, LLP  
 1999 Avenue of the Stars, 11th Floor  
 Los Angeles, CA 90067-440

File #: 3674-2

Inv #: 79945

**RE:** Denari Capital

DATE	TIMEKEEPER	DESCRIPTION	HOURS	AMOUNT
Oct-13-20	FKK	Telephone conference with D. Castleman regarding legend requirements and requirements for transferring shares of URHG.	0.30	150.00
Oct-20-20	FKK	Telephone conference with D. Castleman regarding documentation needed for transfer of Sierra Gold membership interests and whether a certification of execution of agreement was sufficient evidence that the Sierra Gold units were issued.	0.20	100.00
Totals Hours and Fees			0.50	\$250.00

**Current Fees & Disbursements**

**\$250.00**

Previous Balance

1,950.00

Payment Received Nov 18/20

1,950.00

**TOTAL BALANCE NOW DUE**

**\$250.00**

*1.5% late fee automatically applied after 30 days  
 Payments can be made at [www.schinner.com](http://www.schinner.com). Call us to switch to Paperless Billing.*