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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  
FOURTH ADMINISTRATIVE MOTION  
FOR AN ORDER PURSUANT TO LOCAL  
RULE 7-11 FOR THE APPROVAL OF FEES  
AND EXPENSES FOR RECEIVER,  
DIAMOND McARTHUR 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

1 Kathy Bazoian Phelps, the receiver (the “Receiver”) in this matter appointed pursuant to the  
2 Court’s Order dated December 4, 2019 (Doc. No. 37), requests that the Court grant her *Fourth*  
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, Schinner & Shain, LLP, and Miller Kaplan*  
5 *Arase Through December 31, 2020* (the “Motion”). The Motion is supported by the Declaration of  
6 the Receiver, in which she states that the fees and expenses requested by the Receiver are true and  
7 correct. The Motion is also supported by the Declaration of counsel to the Receiver, and David A.  
8 Castleman of the firm Diamond McCarthy LLP (“Diamond McCarthy”). In his declaration, Mr.  
9 Castleman states that the fees requested by Diamond McCarthy are true and correct, and that the  
10 fees charged by Diamond McCarthy are reasonable, necessary, and commensurate with the skills  
11 and experience required for the activities performed. The Motion is also supported by the  
12 Declaration of Fred Koenen of Schinner & Shain, LLP (“Schinner & Shain”) stating that the fees  
13 charged by his firm is reasonable, necessary and commensurate with the skills and experience  
14 required for the activities performed. The Motion is also supported by the Declaration of Julia  
15 Damasco of Miller Kaplan Arase LLP (“Miller Kaplan”) stating that the fees charged by his firm  
16 is reasonable, necessary and commensurate with the skills and experience required for the activities  
17 performed.

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

20 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that:

- 21 1. The Motion is GRANTED;
- 22 2. The Receiver’s fees in the amount of \$15,019.00 for services rendered and  
23 reimbursement of expenses in the amount of \$616.34 incurred from October 1, 2020 through  
24 December 31, 2020 are approved, and the Receiver is authorized to pay herself those amounts  
25 from assets of the Receivership Estate.
- 26 3. Diamond McCarthy’s fees in the amount of \$26,080.00 for services rendered from  
27 October 1, 2020 through December 31, 2020 are approved, and the Receiver is authorized to pay  
28 Diamond McCarthy those amounts from assets of the Receivership Estate.

1           4.       Schinner & Shain’s fees in the amount of \$250.00 for services rendered from  
2 October 1, 2020 through December 31, 2020 are approved, and the Receiver is authorized to pay  
3 Schinner & Shain those amounts from assets of the Receivership Estate.

4           5.       Miller Kaplan’s fees in the amount of \$2,379.00 for services rendered from  
5 October 1, 2020 through December 31, 2020 are approved, and the Receiver is authorized to pay  
6 Miller Kaplan those amounts from assets of the Receivership Estate.

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8 Dated: \_\_\_\_\_

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Honorable Edward M. Chen  
United States District Court

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