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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 McCARATHY 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: February 15, 2021



Honorable Edward M. Chen
United States District Court

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