

1 **RAINES FELDMAN LLP**
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5 *Counsel to Receiver Kathy Bazoian Phelps*

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 COMMODITY FUTURES TRADING
12 COMMISSION,

13 Plaintiff,

14 v.

15 DENARI CAPITAL LLC, TRAVIS
16 CAPSON, and ARNAB SARKAR,

17 Defendants.
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Case No.: 19-cv-07284-EMC

Assigned to: Hon. Edward M. Chen

**DECLARATION OF JULIA DAMASCO IN
SUPPORT OF SIXTH ADMINISTRATIVE
MOTION FOR AN ORDER PURSUANT TO
LOCAL RULE 7-11 FOR THE APPROVAL
OF FEES AND EXPENSES FOR
RECEIVER, RAINES FELDMAN LLP,
DIAMOND MCCARTHY LLP, AND
MILLER KAPLAN ARASE LLP FROM
APRIL 1, 2021 TO JUNE 30, 2021**

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

1 I, Julia Damasco, declare:

2 1. I am a partner at the firm of Miller Kaplan Arase LLP (“Miller Kaplan”), tax advisor for
3 the Receiver Kathy Bazoian Phelps in this case. I have personal knowledge of the matters set forth
4 below and if called as a witness, I would and could testify competently to the matters stated herein.

5 2. This declaration is made in support of the Sixth Administrative Motion for an Order
6 Pursuant to Local Rule 7-11 for the Approval of Fees and Expenses for the Receiver, Raines Feldman
7 LLP, Diamond McCarthy LLP and Miller Kaplan from April 1, 2021 to June 30, 2021 (“Motion”).

8 3. On February 4, 2020, the Court entered an order (Doc. No. 44) authorizing the Receiver
9 to employ Miller Kaplan as the Receiver’s tax advisor (“Employment Order”). I am principally
10 responsible for representing the Receiver in Miller Kaplan’s capacity as tax advisors. I directly
11 supervised the professionals and staff of Miller Kaplan with respect to this representation.

12 4. Miller Kaplan was retained by the Receiver for the limited purpose of serving as tax
13 advisors. Miller Kaplan established separate billing categories for services provided: Tax Return
14 Preparation and Filing; and General Consulting. The billing statements itemizing the services
15 provided by Miller Kaplan during the period April 1, 2021 through June 30, 2021 (the “Motion
16 Period”) are attached as Exhibit “4.”

17 5. In the interests of the estate and pursuant to the Employment Order, Miller Kaplan has
18 agreed to provide its services at the same hourly rates as those provided to SEC fair funds in which
19 Miller Kaplan is appointed as the tax administrator.

20 6. Miller Kaplan performed 5.55 hours of services for fees of \$1,367.60 during the Motion
21 Period.

22 7. Miller Kaplan’s services during the Motion Period included advising the Receiver and
23 her counsel certain tax matters, and in finalizing and filing the 2020 qualified settlement fund tax
24 return.

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

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1 9. The fees that Miller Kaplan has charged are limited, reasonable, necessary, and
2 commensurate with the skill and experience required for the activity performed. Miller Kaplan’s
3 services and time expenditures are reasonable in light of the labor required for the matters for which
4 Miller Kaplan was retained and the balancing that must be performed to efficiently and effectively
5 represent the Receiver in the limited capacity as tax advisors. Miller Kaplan respectfully submits that
6 it has not expended time unnecessarily and that it has rendered efficient and effective services.
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8 I declare under penalty of perjury that the foregoing is true and correct. Executed on this 27th
9 day of July 2021 at Santa Fe, New Mexico.

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12 Julia Damasco
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EXHIBIT 4



4123 Lankershim Boulevard
North Hollywood, CA 91602

Kathy Bazoian Phelps
Denari Capital Receivership Estate
Raines Feldman, LLP
1800 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067

Invoice: 543184

Client ID: 3000610

Date: 07/15/2021

Due Date: 07/15/2021

For professional services rendered as follows:

<u>DATE</u>	<u>SERVICE</u>	<u>STAFF</u>	<u>HOURS</u>	<u>AMOUNT</u>
General Consulting Services				
04/21/2021	Prepare/Draft/Edit/Finalize Preparation of Change of Address forms for IRS & CA.	JAC	0.30	54.00
06/24/2021	Discussions/Meetings Conference call: K. Phelps & D. Castelman	JD	0.25	114.00
		Subtotal		168.00
Qualified Settlement Fund Services				
04/07/2021	Preparation Preparation and filing of the 2020 Qualified Settlement Fund Income Tax Return.	JAC	0.30	54.00
04/08/2021	Preparation Preparation and filing of the 2020 Qualified Settlement Fund Income Tax Return.	JAC	1.50	270.00
04/09/2021	Final Review	JD	1.00	456.00
04/09/2021	Preparation Preparation and filing of the 2020 Qualified Settlement Fund Income Tax Return.	JAC	0.90	162.00
04/10/2021	Preparation Preparation and filing of the 2020 Qualified Settlement Fund Income Tax Return.	JAC	0.40	72.00
04/12/2021	Preparation Quarterly estimated tax payments 2021 Q1.	JGM	0.10	21.60
04/12/2021	Preparation Preparation of 2020 tax returns.	JAC	0.60	108.00

Miller Kaplan Arase LLP

Page 2 of 2

04/12/2021	Assemble	NAN	0.20	12.80
	Assemble 2020 1120SF			
06/05/2021	Preparation	JGM	0.20	43.20
		Subtotal		1,199.60
		Total for Services		1,367.60
		Invoice Total		\$1,367.60

<u>07/15/2021</u>	<u>06/30/2021</u>	<u>05/31/2021</u>	<u>04/30/2021</u>	<u>03/31/2021+</u>	<u>Total</u>
1,367.60	0.00	0.00	0.00	0.00	\$1,367.60



Schedule of Rates
as of December 1, 2020

STAFF LEVEL	CURRENT RATES PER HOUR	DISCOUNTED RATES PER HOUR
Administrative Staff, SMEs & Project Managers	\$65 – \$210	\$52 – \$168
Accounting Staff	\$120 – \$180	\$96 – \$144
Senior Accounting Staff	\$205 – \$270	\$164 – \$216
Attorney	\$250 – \$350	\$200 – \$280
Partner	\$420 – \$570	\$336 – \$456

Schedule of Rates
as of December 1, 2020

STAFF	CURRENT RATES PER HOUR	DISCOUNTED RATES PER HOUR
Damasco, Jude	\$570	\$456
Damasco, Julia	\$570	\$456
Sanchez, Nicholas	\$420	\$336
Dinuri, Qiva	\$325	\$260
Mandeville, John	\$265	\$212
Corbin, Jessica	\$225	\$180
Ransom, Emily	\$210	\$168
Quinn, Chris	\$170	\$136
Nelson, Nicole	\$80	\$64