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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

Assigned to: Hon. Edward M. Chen

**~~PROPOSED~~ ORDER APPROVING 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 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 *Sixth*
3 *Administrative Motion for an Order Pursuant to Local Rule 7-11 for the Approval of Fees and*
4 *Expenses for the Receiver, Raines Feldman LLP, Diamond McCarthy LLP, and Miller Kaplan*
5 *Arase LLP From April 1, 2021 to June 30, 2021* (the “Motion”). The Motion is supported by the
6 Declaration of the Receiver, in which she states that the fees 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 Raines Feldman LLP (“Raines Feldman”) and formerly of the firm Diamond
9 McCarthy LLP (“Diamond McCarthy”). In his declaration, Mr. Castleman states that the fees
10 requested by Raines Feldman are true and correct, and that the fees charged by Raines Feldman are
11 reasonable, necessary, and commensurate with the skills and experience required for the activities
12 performed. In his declaration, Mr. Castleman also states that the fees requested by Diamond
13 McCarthy are true and correct, and that the fees charged by Diamond McCarthy are reasonable,
14 necessary, and commensurate with the skills and experience required for the activities performed.
15 The Motion is also supported by the Declaration of Julia Damasco of Miller Kaplan Arase LLP
16 (“Miller Kaplan”) stating that the fees charged by her firm is reasonable, necessary and
17 commensurate with the skills and experience required for the activities 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 \$6,045.53 for services rendered from April 1,
23 2021 through June 30, 2021 are approved as follows:
 - 24 (a) \$2,602.00 in fees for the period from April 1, 2021 to April 22, 2021 while
25 the Receiver was employed at Diamond McCarthy LLP; and
 - 26 (b) \$3,443.53 in fees for the period from April 23, 2021 to June 30, 2021,
27 while the Receiver was employed at Raines Feldman LLP.


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2 3. The Receiver is authorized to pay herself those amounts from assets of the
3 Receivership Estate.

4 4. Diamond McCarthy's fees in the amount of \$3,650.00 for services rendered from
5 April 1, 2021 through April 22, 2021 are approved, and the Receiver is authorized to pay
6 Diamond McCarthy those amounts from assets of the Receivership Estate.

7 5. Raines Feldman's fees in the amount of \$7,000.00 for services rendered from April
8 23, 2021 through June 30, 2021 are approved, and the Receiver is authorized to pay Raines
9 Feldman those amounts from assets of the Receivership Estate.

10 6. Miller Kaplan's fees in the amount of \$1,367.60 for services rendered from April
11 1, 2021 through June 30, 2021 are approved, and the Receiver is authorized to pay Miller Kaplan
12 those amounts from assets of the Receivership Estate.

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14 Dated: August 2, 2021



Honorable Edward M. Chen
United States District Court