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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 FIFTH  
ADMINISTRATIVE MOTION FOR AN  
ORDER PURSUANT TO LOCAL RULE 7-11  
FOR THE APPROVAL OF FEES AND  
EXPENSES FOR RECEIVER, DIAMOND  
McCARTHY LLP, AND MILLER KAPLAN  
ARASE LLP THROUGH MARCH 31, 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  
2 the Court’s Order dated December 4, 2019 (Doc. No. 37), requests that the Court grant her *Fifth*  
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, and Miller Kaplan Arase Through March*  
5 *31, 2021* (the “Motion”). The Motion is supported by the Declaration of the Receiver, in which  
6 she states that the fees requested by the Receiver are true and correct. The Motion is also  
7 supported by the Declaration of counsel to the Receiver, and David A. Castleman of the firm  
8 Diamond McCarthy LLP (“Diamond McCarthy”). In his declaration, Mr. Castleman states that  
9 the fees requested by Diamond McCarthy are true and correct, and that the fees charged by  
10 Diamond McCarthy are reasonable, necessary, and commensurate with the skills and experience  
11 required for the activities performed. The Motion is also supported by the Declaration of Julia  
12 Damasco of Miller Kaplan Arase LLP (“Miller Kaplan”) stating that the fees charged by her firm  
13 is reasonable, necessary and commensurate with the skills and experience required for the  
14 activities performed.

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

17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that:

18 1. The Motion is GRANTED;

19 2. The Receiver’s fees in the amount of \$3,916.00 for services rendered from January  
20 1, 2021 through March 31, 2021 are approved, and the Receiver is authorized to pay herself those  
21 amounts from assets of the Receivership Estate.

22 3. Diamond McCarthy’s fees in the amount of \$3,050.00 for services rendered from  
23 January 1, 2021 through March 31, 2021 are approved, and the Receiver is authorized to pay  
24 Diamond McCarthy those amounts from assets of the Receivership Estate.

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1           4.       Miller Kaplan’s fees in the amount of \$627.60 for services rendered and \$50.00 in  
2 costs incurred from January 1, 2021 through March 31, 2021 are approved, and the Receiver is  
3 authorized to pay Miller Kaplan those amounts from assets of the Receivership Estate.

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5 Dated: April 23, 2021

  
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Honorable Edward M. Chen  
United States District Court

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