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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *Laquer* DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

WHITE PINE TRUST CORPORATION,
a California corporation; RICHARD
MATTHEWS, an individual; and
STEPHAN BAERE, an individual,

Defendants,

LUCIA MATTHEWS, an individual,
Relief Defendant.

Civil No. 04cv2093 J (NLS)

**ORDER GRANTING RECEIVER'S
REQUEST FOR PAYMENT OF
FEES AND EXPENSES AND
APPROVING NOTICE
PROCEDURE**

Before the Court is Receiver Robb Evans & Associates, LLC's ("the Receiver") Motion for Order Approving Payment of Administrative Fees and Expenses Incurred. [Doc. No. 71.] Additionally, the Receiver moves for Court approval of its notice procedure. Although the Court received and rejected three improper *ex parte* communications from investors objecting to the proposed fee and expense statements, the Motion is officially unopposed. All parties are represented by counsel. The Court finds the Motion suitable for determination on the papers submitted and without oral argument pursuant to Local Civil Rule 7.1.d.1. For the reasons discussed herein, the Court **GRANTS** the Receiver's Motion.

*82*¹

1 **A. Administrative Fees and Expenses**

2 By Orders dated October 21, 2004 and November 2, 2004, the Court appointed the
3 Receiver to take control of Defendants' assets. Now the Receiver asks the Court to approve its
4 invoice for services rendered and expenses incurred from October 21, 2004 through April 30,
5 2005. During this period, the Receiver has recovered approximately \$5 million in assets for the
6 investors' benefit.

7 Specifically, the Receiver seeks a total of \$214,678.11 – including *inter alia* \$31,834 for
8 general receiver fees; \$67,008 for financial reconstruction and accounting; \$11,123.88 for
9 information technology and database maintenance; \$22,241.50 for asset evaluation and
10 management; \$43,423 in attorneys' fees; and \$28,154.85 in general expenses. The Receiver has
11 provided the Court with detailed statements indicating the tasks completed, the individuals who
12 performed the work, their hourly rates and the time spent each day on each task. Having
13 reviewed the Receiver's moving papers and the accompanying documentation, the Court
14 approves the invoice in its entirety.

15 **B. Notice Procedures**

16 Pursuant to Local Civil Rule 66.1(f)(4), "the receiver shall give all interested parties at
17 least ten days notice of the time and place of hearings of all...[a]pplications for fees of the
18 receiver or of any attorney, accountant or investigator, the notice to state the services performed
19 and the fee requested[.]" Additionally, where numerous parties are involved, a court may order
20 that every paper need not be served on all parties. Fed. R. Civ. P. 5(a).

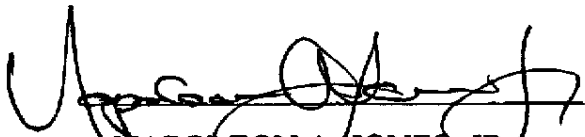
21 As of this Motion's June 6, 2005 filing date, the Receiver had served all parties to the
22 action by mail. (Mot. at 9.) Additionally, the Receiver mailed Notice of the Motion to the
23 approximately 260 known investors and 25 potential creditors, directing them to the Receiver's
24 website where the entire Motion and its exhibits were posted. (*Id.*) Each was informed that a
25 written copy of the Motion and all exhibits would be available upon request. (*Id.*) The Receiver
26 contends that such methods were employed to avoid the costs of copying and serving a 320-page
27 document to all involved. (*Id.*)
28

1 In light of the foregoing, the Court finds that the Receiver has followed acceptable
2 procedures in notifying the parties to this action and related investors and creditors. As such, the
3 Court approves the Receiver's notice.

4 **IT IS SO ORDERED.**

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6 Dated: 7-22-05

7 cc: Magistrate Judge Stormes
8 All Counsel of Record



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NAPOLEON A. JONES, JR
United States District Judge