

**ROBB EVANS & ASSOCIATES LLC**

**Receiver of**

**White Pine Trust Corporation**

**Richard R. Matthews, Jr.**

11450 Sheldon Street

Sun Valley, California 91352-1121

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**Commodity Futures Trading Commission v. White Pine Trust Corporation, Inc, et al.  
CASE No. 04-CV-2093 J (NLS)**

**Order Granting Third Motion for Payment of Fees and Expenses, and  
Approving Procedure for Limited Notice Thereof**

**Filed January 9, 2007**

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**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 THIRD  
MOTION FOR PAYMENT OF FEES  
AND EXPENSES, AND APPROVING  
PROCEDURE FOR LIMITED  
NOTICE THEREOF**

Before the Court is Receiver Robb Evans & Associates, LLC’s (“Receiver”) third Motion for Order Approving Payment of Administrative Fees and Expenses Incurred. [Doc. No. 169.] Additionally, the Receiver moves for Court approval of its notice procedure. None of the parties, nor any related third parties, have opposed the instant Motion. The Court has determined that the issues presented herein are appropriate for decision without oral argument. *See* S.D. Cal. Civ. R. 7.1(d)(1). For the reasons discussed below, the Court **GRANTS** the Receiver’s Motion.

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2 *Discussion*

3 **Payment of Fees and Expenses**

4 **A. Approval of Payment**

5 By Orders dated October 21, 2004, and November 2, 2004, the Court appointed Receiver  
6 to take control of the assets of Defendants White Pine Trust Corporation, Richard Matthews, and  
7 Stephan Baere. [Doc. Nos. 11, 14.] In its third Motion for Payment of Fees and Expenses,  
8 Receiver asks the Court to approve its invoice for services rendered and expenses incurred from  
9 September 1, 2005, through May 31, 2006. During this period, Receiver regularly engaged in  
10 administrative activities relating to the receivership estate. (*See* Third Mot. Pay't Admin. Fees at  
11 5.)

12 Specifically, Receiver seeks a total of \$61,981.84—including, *inter alia*, \$3,932.00 for  
13 general receiver fees; \$6,468.00 for financial reconstruction and accounting; \$745.24 for  
14 information technology and database maintenance; \$12,872.50 for asset evaluation and  
15 management; \$9,185.69 in support staff fees; and \$22,782.00 in legal fees. (*See id.*) Receiver  
16 has provided the Court with detailed statements indicating the tasks completed, the individuals  
17 who performed the work, the hourly wages, and the allotments of time per task. (*See id.*; Exs. 1-  
18 6.) Having reviewed Receiver's moving papers and the accompanying documentation, the Court  
19 **APPROVES** the invoice **in its entirety** for a total of \$61,981.84.

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21 **B. Notice Procedures**

22 Pursuant to Local Civil Rule 66.1(f)(4), "[t]he receiver shall give all interested parties at  
23 least ten days notice of the time and place of hearings of all . . . [a]pplications for fees of the  
24 receiver or of any attorney, accountant or investigator, the notice to state the services performed  
25 and the fee requested." S.D. Cal. Civ. R. 66.1(f)(4). Additionally, where numerous parties are  
26 involved, a court may order that every paper need not be served on all parties. *See* Fed. R. Civ.  
27 P. 5(a).

1 Receiver has timely served all parties to the action. (*See* Third Mot. Pay't Admin. Fees at  
2 8.) Receiver proposes to mail Notice of the third Motion for Payment of Fees and Expenses to  
3 the approximately 260 known investors and approximately 25 known creditors, directing them to  
4 Receiver's Web site, where the Motion shall be posted. (*See id.*) Each shall be informed that a  
5 written copy of the Motion is available upon request. (*See id.*) The Receiver proposes that such  
6 methods be employed because the "expense associated with copying and serving these exhibits  
7 on all investors would be unduly burdensome and expensive." (*Id.*) In light of the foregoing,  
8 the Court **FINDS** that Receiver proffers acceptable notification procedures and therefore  
9 **APPROVES** its proposed course for limited notice.

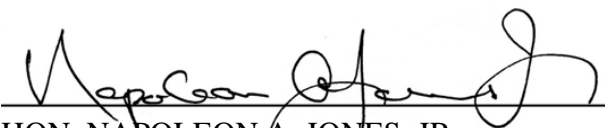
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11 ***Conclusion***

12 Having reviewed the Motion and all supporting papers, with no opposition to the Motion  
13 having been filed despite due and proper notice, the Court **RULES** as follows:

- 14 **1)** The third Motion for Order Approving Payment of Administrative Fees and Expenses  
15 of \$61,981.84 is **HEREBY GRANTED**; and  
16 **2)** The Court **APPROVES** the procedures for limited notice as set forth in the Motion.

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18 **IT IS SO ORDERED.**

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20 DATED: January 9, 2007

21   
22 HON. NAPOLEON A. JONES, JR.  
United States District Judge

23 cc: Magistrate Judge Stormes  
24 All Counsel of Record  
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