

ROBB EVANS & ASSOCIATES LLC

Receiver of

White Pine Trust Corporation

Richard R. Matthews, Jr.

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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 Fifth Motion for Payment of Fees and Expenses, and
Approving Procedure for Limited Notice Thereof**

Filed September 19, 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 FIFTH
MOTION FOR PAYMENT OF FEES
AND EXPENSES, AND APPROVING
PROCEDURE FOR LIMITED
NOTICE THEREOF [Doc. No. 243.]**

Before the Court is Receiver Robb Evans & Associates, LLC’s (“Receiver”) fifth Motion for Order Approving Payment of Administrative Fees and Expenses Incurred. [Doc. No. 243.] 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.

1 *Discussion*

2 **Payment of Fees and Expenses**

3 **A. Approval of Payment**

4 By Orders dated October 21, 2004, and November 2, 2004, the Court appointed Receiver
5 to take control of the assets of Defendants White Pine Trust Corporation, Richard Matthews, and
6 Stephan Baere. [Doc. Nos. 11, 14.] In its fifth Motion for Payment of Fees and Expenses,
7 Receiver asks the Court to approve its invoice for services rendered and expenses incurred from
8 February 1, 2007 through April 30, 2007. (*See* Fifth Mot. Pay't Admin. Fees at 5.) During this
9 period, Receiver regularly engaged in legal and administrative activities relating to the
10 receivership estate. (*See id.* at 5-6.)

11 Specifically, Receiver seeks a total of \$11,376.10—including, *inter alia*, \$2,226.00 for
12 general receiver fees; \$1,344.00 for staff fees for Financial Reconstruction and Distribution;
13 \$412.55 for staff fees for Information Technology and Database Maintenance; and \$2,640.00 in
14 legal fees. (*See id.* at 5; Exs. 1-5.) Receiver has provided the Court with detailed statements
15 indicating the tasks completed, the individuals who performed the work, the hourly wages, and
16 the allotments of time per task. (*See id.*; Exs. 1-5.) Having reviewed Receiver's moving papers
17 and the accompanying documentation, the Court **APPROVES** the invoice **in its entirety** for a
18 total of \$11,376.10.

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20 **B. Notice Procedures**

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

27 As of this Motion's June 19, 2007 filing date, the Receiver had timely served all parties to
28 the action by electronic mail. (*See* Fifth Mem. P. & A. Supp. Admin. Fees at 9.) Receiver

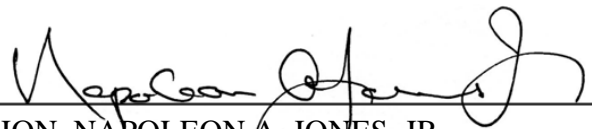
1 proposes to post a copy of this Motion on Receiver's Web site. (*See id.*) A copy of this Motion,
2 along with all exhibits, will be provided to any interested party upon receipt of a request. (*See*
3 *id.*) The Court has previously found that Receiver's notification procedures are acceptable and
4 approved this course of limited notice. (*See* Jan. 9, 2007, Order Granting Mot. Admin Fees at
5 3.)

6 ***Conclusion***

7 Having reviewed the Motion and all supporting papers, with no opposition to the Motion
8 having been filed despite due and proper notice, the Court **GRANTS** the fifth Motion for Order
9 Approving Payment of Administrative Fees and Expenses of \$11,376.10.

10 **IT IS SO ORDERED.**

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13 DATED: September 19, 2007

14 
15 HON. NAPOLEON A. JONES, JR.
16 United States District Judge

17 cc: Magistrate Judge Stormes
18 All Counsel of Record
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