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9 *Attorney for the Receiver,*
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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 vs.

17 EDWIN YOSHIHIRO FUJINAGA and
18 MRI INTERNATIONAL, INC.,

19 Defendants,

20 and

21 CSA SERVICE CENTER, LLC
22 THE FACTORING COMPANY,
23 JUNE FUJINAGA, and
24 THE YUNJU TRUST,

25 Relief Defendants.

Case No.: 2:13-cv-01658-JCM-CWH

**NOTICE OF MOTION AND MOTION
FOR ORDER**

- 26 **(1) APPROVING AND AUTHORIZING
27 PAYMENT OF RECEIVER’S AND
28 PROFESSIONALS’ FEES AND
EXPENSES FROM JULY 1, 2019
THROUGH DECEMBER 31, 2019;
AND**
- (2) GRANTING RELIEF FROM LOCAL
RULE 66-5 PERTAINING TO
NOTICE TO CREDITORS**

22 **PLEASE TAKE NOTICE** that Robb Evans & Associates LLC (the “Receiver”),
23 pursuant to the Court’s Order Appointing a Full Equity Receiver to Assume Control Over
24 the Defendants’ Assets and Enforce the Final Judgment (ECF No. 226) entered on May
25 15, 2015, hereby moves the Court for the following relief:

- 26 1. An order approving and authorizing payment of receivership fees and
27 expenses incurred for the six-month period from July 1, 2019 through December 31,
28 2019 (the “Reporting Period”), including payment of the fees of the Receiver, its

1 deputies, agents, staff and professionals, and reimbursement of costs incurred during the
2 six (6) month Reporting Period,¹ in the total sum of \$105,659.59:

3 a. The Receiver's fees, including those of its deputies, agents and staff,
4 in the amount of \$9,363.60, its expenses in the amount of \$8,502.98, and
5 business entity expenses in the amount of \$13,275.20;

6 b. Expenses relating to the estate's real property in the amount of
7 \$65,546.01; and

8 c. Lynch Law Practice, PLLC's fees in the amount of \$7,700.40 and its
9 expenses in the amount of \$1,271.40.

10 2. An order deeming the foregoing notice of this Motion to be sufficient under
11 Local Rule² 66-5 based on the service of this Motion on all known non-consumer
12 creditors of the estate, but not the tens of thousands of potential consumer creditors of the
13 estate.

14 This Motion is made pursuant to Local Rules 7-2 and 66-5, the accompanying
15 memorandum of points and authorities, the Notice of Filing Report of Receiver's
16 Activities for the Reporting Period and its attachment, on file herein at ECF No. 548; the
17 Declarations of Brick Kane and Michael Lynch filed contemporaneously herewith, and
18 all attachments thereto, the facts of this case, and all other pleadings and/or documentary
19 evidence as may be presented to the Court by the Receiver.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. Introduction.**

22 The Receiver was appointed in the above-captioned case by that certain Order
23 Appointing an Equitable Receiver entered on February 23, 2015 (ECF No. 194), which
24 order was superseded by that certain Order Appointing a Full Equitable Receiver to
25

26 ¹ The Court entered an order granting the Receiver's request for an order authorizing it to file bi-
27 annual reports and fee applications instead of quarterly reports and fee applications (ECF No.
28 495).

² The terms "Local Rule" and/or "LR" means and refers to the Local Rules of Civil Practice for the United States District Court for the District of Nevada.

1 Assume Control over the Defendants' Assets and Enforce the Final Judgment (the "Order
2 Appointing Receiver") (ECF No. 226).

3 The Receiver's first interim application for fees was filed on July 16, 2015, which
4 covered the period of February 23, 2015, through March 31, 2015, and was approved by
5 order of this Court entered on August 10, 2015. (ECF Nos. 244, 258). The Receiver's
6 second interim application for fees and costs, which covered the period of April 1, 2015
7 through September 30, 2015, was approved by order of this Court entered on December
8 24, 2015 (ECF Nos. 284, 294). The Receiver's third interim application for fees and
9 costs, which covers the period October 1, 2015 through December 31, 2015, was
10 approved by order of this Court on April 1, 2016 (ECF Nos. 313, 319). The Receiver's
11 fourth motion for approval of fees and costs, which covered the period of January 1, 2016
12 through March 31, 2016, was approved by order of this Court entered on June 22, 2016
13 (ECF Nos. 337, 344). The Receiver's fifth motion for approval of fees and costs, which
14 covered the period of April 1, 2016 through June 30, 2016, was approved by order of this
15 Court entered on September 23, 2016 (ECF Nos. 352, 360). The Receiver's sixth motion
16 for approval of fees and costs, which covered the period of July 1, 2016 through
17 September 30, 2016, was approved by order of this Court entered on February 2, 2017
18 (ECF Nos. 376, 385). The Receiver's seventh motion for approval of fees and costs,
19 which covered the period of October 1, 2016 through December 31, 2016, was approved
20 by order of this Court entered on May 15, 2017 (ECF Nos. 415, 421). The Receiver's
21 eighth motion for approval of fees and costs, which covered the period January 1, 2017
22 through March 31, 2017, was approved by order of this Court entered on June 9, 2017
23 (ECF Nos. 423, 429). The Receiver's ninth motion for approval of fees and costs, which
24 covered the period April 1, 2017 through June 30, 2017, was approved by order of this
25 Court entered on September 5, 2017 (ECF Nos. 441, 448). The Receiver's tenth motion
26 for approval of fees and costs, which covered the period July 1, 2017 through September
27 30, 2017, was approved by order of this Court entered on February 23, 2018 (ECF Nos.
28 461, 481). The Receiver's eleventh application for fees and costs, which covered the

1 period from October 1, 2017 through December 31, 2017, was approved by order of this
2 Court entered on May 3, 2018 (ECF Nos. 483, 495). The Receiver's twelfth interim
3 application for approval of fees and costs, which covers the period from January 1, 2018
4 through June 30, 2018, was approved by order of this Court entered on November 16,
5 2018. (ECF Nos. 501, 507). The Receiver's thirteenth interim application for approval of
6 fees and costs, which covers the period from July 1, 2018 through December 31, 2018,
7 was approved by order of this Court entered on June 12, 2019 (ECF Nos. 524, 536). The
8 Receiver's fourteenth interim application for approval of fees and costs, which covers the
9 period from January 1, 2019 through June 30, 201, was approved by order of this Court
10 entered on June 12, 2019 (ECF Nos. 543, 547).

11 This is the Receiver's fifteenth interim application for approval of fees and costs
12 and covers the entirety of the Reporting Period, the second half of 2019.

13 **II. Summary of Operations During the Reporting Period.**

14 The Receiver's activities during the Reporting Period are described in the
15 Receiver's Report on file herein (ECF No. 548) (the "Receiver's Report").

16 **III. Ongoing Administrative and Other Activities by the Receiver and its Counsel.**

17 In addition to the activities summarized in the Receiver's Report, the Receiver's
18 deputies and staff respond to and cooperate with law enforcement inquiries and activities
19 as required. The Receiver's deputies and staff respond to inquiries from creditors,
20 prepare and reconcile the Receiver's accounting records for the case, address tax issues
21 concerning the estate, deal with banks and other financial institutions which may have
22 receivership funds or documentation for accounts of Receivership Defendants and
23 perform other similar administrative tasks.

24 The Receiver's counsel prosecutes and defends various lien claims and reviews
25 and monitors Court filings in federal and state cases as they may pertain to the interests of
26 the estate, responds to inquiries received from creditors and others, including taxing
27 authorities, issues demand letters to protect and investigate assets of the estate, files
28 notices of pending actions to protect real estate assets if deemed appropriate, and also

1 performs numerous other tasks in advising the Receiver and rendering services as the
2 Receiver's counsel to protect the estate, pursue claim enforcement, and advance the
3 interests of the estate.

4 Numerous and varied issues arise in the supervision and administration of the
5 estate by the Receiver which are detailed in the billing records of the Receiver and its
6 counsel attached to the Declarations of Brick Kane and Michael Lynch filed in support of
7 this Motion. The Receiver performs regular accounting and bank reconciliations for the
8 receivership accounts and maintains and updates creditor lists for the case and responds
9 to the inquiries of known or putative creditors and other parties.

10 **IV. The Fees and Expenses of the Receiver and Its Professionals Should Be**
11 **Approved.**

12 It is a fundamental tenet of receivership law that expenses of administration
13 incurred by a receiver, including those of the Receiver, its counsel and others employed
14 by the Receiver, constitute priority expenses for which compensation should be paid from
15 the assets of the receivership. As explained in the leading receivership treatise, Clark on
16 Receivers:

17 The obligations and expenses which the court creates in its
18 administration of the property are necessarily burdens on the
19 property taken possession of, and this, irrespective of the
20 question who may be the ultimate owner, or who may have
21 the preferred lien, or who may invoke the receivership. The
22 appointing court pledges its good faith that all duly authorized
obligations incurred during the receivership shall be paid.

23 2 Clark, Ralph Ewing, A Treatise on the Law and Practice of Receivers § 637, p. 1052
24 (3rd ed. 1992) (internal citations omitted).

25 The Motion, and the declarations and the exhibits thereto submitted in support
26 hereof, establish that the Receiver, its deputies, staff and counsel rendered extensive and
27 complex services and obtained significant and beneficial results for the receivership
28 estate during the Reporting Period. *See Federal Trade Commission v. Capital*

1 *Acquisitions & Management Corp.*, 2005 U.S. Dist. LEXIS 18504 (N.D. Ill. August 26,
2 2005). The activities in the receivership by both the Receiver and its counsel are wide-
3 ranging and varied.

4 The Receiver is working towards wrapping up this receivership, which is a
5 substantial task given the Receiver is in control of and has obtained information
6 regarding scores of entities in numerous locations, protected and preserved records, taken
7 control of and liquidated assets, and obtained voluminous banking, financial and business
8 records from many various sources, as set forth in more detail in the Receiver's Report.
9 The billing rates charged in this case and reflected in the billing records filed in support
10 of this Motion, including the Receiver, the Receiver's members, and its senior accounting
11 staff, are discounted at 10% from the rates charged in private sector cases as of the time
12 of the Receiver's appointment.

13 The rates charged by counsel are also discounted by 10% from standard hourly
14 billing rates in place at the time of counsel's appointment. The Receiver submits that its
15 fees and costs, and those of its counsel, are reasonable considering the services rendered
16 and the results obtained and that the fees and expenses requested should be awarded in
17 their entirety.

18 **V. Notice of This Motion Is Sufficient Under the Circumstances and Should Be**
19 **Approved.**

20 Local Rule 66-5 provides for service of notice of a hearing on various motions by
21 a receiver concerning the administration of the estate. That rule provides for service of
22 the notice of hearing on such motions on all creditors of the receivership estate. No
23 hearing has been set on this Motion and the provisions of Local Rule 66-5 do not
24 specifically apply. Nevertheless, the Receiver will serve the Motion on the parties, the
25 affected lienholders, and on all known non-consumer creditors of the estate and on
26 known taxing authorities with a potential claim in the receivership estate ("Notice
27 Parties"), to provide them notice and an opportunity to be heard concerning the Motion.
28

1 As described more precisely below, this notice is consistent with notices previously
2 approved by the Court in this case.

3 In this case, there are believed to be many potential consumer creditors who may
4 have claims against the receivership defendants arising out of the business operations of
5 the receivership defendants prior to the Receiver's appointment, although the precise
6 number, identity and location of such consumer creditors have not been determined by
7 the Receiver. The Receiver has had discussions for counsel representing many of the
8 foreign investors and has been advised that the number of consumer creditors is likely in
9 the thousands. It is not realistically possible or beneficial to the estate and its creditors for
10 the Receiver to attempt to identify and serve the potential consumer creditors with notice
11 of this and other similar administrative motions, and the expense and burden on the estate
12 of attempting to effectuate such service would drain the estate's resources and cause
13 undue administrative expense.

14 Based on the foregoing, to the extent that Local Rule 66-5 applies to this motion,
15 the Receiver seeks an order providing that the notice requirement of that rule shall be
16 deemed satisfied if notice of the filing of the motion is given by serving copies of all
17 motion papers on the parties to the action and by serving copies on all known non-
18 consumer creditors. The Receiver submits that such service provides sufficient notice and
19 an opportunity for hearing to the interested parties and should be approved as adequate.
20 This limited notice is consistent with the notice approved by the court concerning prior
21 fee motions. (*See e.g.*, ECF Nos. 421, 429, 448, 481, 495, 507, 536, 547).

22 There is ample authority for approval of the scope and method of notice as set
23 forth above. This Court, as a court of equity supervising the receivership estate, may
24 make appropriate administrative orders governing the receivership, including limitations
25 on and changes in notice and other procedures. *See* Fed. R. Civ. Proc. 5(a) and (c)
26 (authorizing the court to modify service procedures when numerous defendants are
27 involved in litigation).

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VI. Conclusion.

For the foregoing reasons, it is respectfully requested that the Court grant relief as requested in the Motion in its entirety.

Dated April 2, 2020.

LYNCH LAW PRACTICE, PLLC

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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 SECURITIES AND EXCHANGE
COMMISSION,

11 Plaintiff,

12 vs.

13 EDWIN YOSHIHIRO FUJINAGA and
MRI INTERNATIONAL, INC.,

14 Defendants,

15 and

16 CSA SERVICE CENTER, LLC
THE FACTORING COMPANY,
17 JUNE FUJINAGA, and
18 THE YUNJU TRUST,

19 Relief Defendants.

Case No.: 2:13-cv-01658-JCM-CWH

**DECLARATION OF BRICK KANE IN
SUPPORT OF MOTION FOR ORDER**

- (1) APPROVING AND AUTHORIZING
PAYMENT OF RECEIVER'S AND
PROFESSIONALS' FEES AND
EXPENSES FROM JULY 1, 2019
THROUGH DECEMBER 31, 2019;
AND**
- (2) GRANTING RELIEF FROM LOCAL
RULE 66-5 PERTAINING TO NOTICE
TO CREDITORS**

20 I, Brick Kane, declare:

21 1. I am the president and chief operating officer of Robb Evans & Associates
22 LLC, the court-appointed equitable receiver (the "Receiver") in the above-entitled case. I
23 am one of the members of the Receiver primarily responsible for the supervision and
24 administration of the Receivership estate. If called upon to testify as to the facts set forth
25 in this declaration, I could and would testify competently thereto as the facts are
26 personally known to me to be true or I have gained knowledge of the facts through my
27 supervision and administration of the Receivership estate.

28 2. On January 27, 2015, the Clerk of Court entered judgment against

1 Defendants (ECF No. 189) (the “Judgment”) pursuant to the Court’s order granting
2 summary judgment in favor of plaintiff Securities and Exchange Commission (the
3 “SEC”).

4 3. On February 23, 2015, the Court issued its Order Appointing an Equitable
5 Receiver (ECF No. 194) pursuant to which the Receiver was appointed as receiver for
6 various commercial properties and their rents and profits as more fully set forth therein.

7 4. On February 25, 2015, the Court issued its Rule 54(b) Certification (ECF
8 No. 195) pursuant to which the judgment was made final as to the Defendants.¹

9 5. The Receiver’s duties and responsibilities were enlarged by that certain
10 Order Appointing a Full Equitable Receiver to Assume Control over the Defendants’
11 Assets and Enforce the Final Judgment entered on May 15, 2015 (the “Order Appointing
12 Receiver”) (ECF No. 226). The Order Appointing Receiver supersedes the previous
13 order, and without limitation, directs Receiver to take and retain immediate possession,
14 custody, and control of all assets owned or controlled, directly or indirectly, by any of the
15 Defendants in the SEC Receivership Litigation. *Id.*

16 6. On July 16, 2015, the Receiver filed its first motion for approval and
17 payment of Receiver’s fees and expenses, which was approved by order of this Court
18 entered on August 10, 2015 (ECF Nos. 244, 258).

19 7. On November 30, 2015, the Receiver filed its second motion for approval
20 and payment of Receiver’s fees and expenses, which was approved by order of this Court
21 entered on December 24, 2015 (ECF Nos. 284, 294).

22 8. On March 14, 2016, the Receiver filed its third motion for approval of fees
23 and costs, which covered the period of October 1, 2015 through December 31, 2015,
24

25 ¹ Subsequently, the Court entered Amended Final Judgment Against Relief Defendants June
26 Fujinaga and the Yunju Trust on March 14, 2016 (ECF No. 317) (the “Final Judgment”), which
27 provides: “This Final Judgment, and the assets and funds of June Fujinaga and The Yunju Trust
28 up to the amount of the Final Judgment [of \$2,333,382.18], are included in the Receivership
Estate established by the Court’s May 20, 2015 Order Appointing a Full Equitable Receiver
(ECF No. 226), and all of the provisions of that Order are incorporated by reference and
applicable herein.” ECF No. 317 at §§ A, F.

1 which was approved by order of this Court entered on April 1, 2016 (ECF Nos. 313,
2 319).

3 9. On May 31, 2016, the Receiver filed its fourth motion for approval of fees
4 and costs, which covered the period of January 1, 2016 through March 31, 2016, which
5 was approved by order of this Court entered on June 22, 2016 (ECF Nos. 337, 344).

6 10. On August 29, 2016, the Receiver filed its fifth motion for approval of fees
7 and costs, which covered the period of April 1, 2016 through June 30, 2016, which was
8 approved by order of this Court entered on September 23, 2016 (ECF Nos. 352, 360).

9 11. On December 21, 2016, the Receiver filed its sixth motion for approval of
10 fees and costs, which covered the period of July 1, 2016 through September 30, 2016,
11 which was approved by order of this Court entered on February 2, 2017 (ECF Nos. 376,
12 385).

13 12. On April 28, 2017, the Receiver filed its seventh motion for approval of
14 fees and costs, which covered the period of October 1, 2016 through December 31, 2016,
15 which was approved by order of this Court entered on May 15, 2017 (ECF Nos. 415,
16 421).

17 13. On May 25, 2017, the Receiver filed its eighth motion for approval of fees
18 and costs, which covered the period of January 1, 2017 through March 31, 2017, which
19 was approved by order of this Court entered on June 9, 2017 (ECF Nos. 423, 429).

20 14. On August 14, 2017, the Receiver filed its ninth motion for approval of fees
21 and costs, which covered the period of April 1, 2017 through June 30, 2017, which was
22 approved by order of this Court entered on September 5, 2017 (ECF Nos. 441, 448).

23 15. On December 20, 2017, the Receiver filed its tenth motion for approval of
24 fees and costs, which covered the period of July 1, 2017 through September 30, 2017,
25 which was approved by order of this Court entered on February 23, 2018 (ECF Nos. 461,
26 481).

27 16. On February 28, 2018, the Receiver filed its eleventh motion for approval
28 of fees and costs, which covered the period from October 1, 2017 through December 31,

1 2017, which was approved by order of this Court entered on May 3, 2018 (ECF Nos. 483,
2 495).

3 17. On October 12, 2018, the Receiver filed its twelfth motion for approval of
4 fees and costs, which covered the period from January 1, 2018 through June 30, 2018,
5 which was approved by order of this Court entered on November 16, 2018 (ECF Nos.
6 501, 507).

7 18. On May 9, 2019, the Receiver filed its thirteenth motion for approval of
8 fees and costs, which covered the period from July 1, 2018 through December 31, 2018,
9 which was approved by order of this court entered on June 12, 2019 (ECF Nos. 524,
10 536).

11 19. On November 20, 2019, the Receiver filed its fourteenth motion for
12 approval of fees and costs, which covered the period from January 1, 2019 through June
13 30, 2019, which was approved by order of this court entered on December 9, 2019 (ECF
14 Nos. 543, 547).

15 20. The Receiver filed its detailed Report of Receiver's Activities from July 1,
16 2019 through December 31, 2019 (the "Receiver's Report"). (ECF No. 548).

17 21. The term "Reporting Period" shall refer to the period July 1, 2019 through
18 December 31, 2019.

19 22. This Declaration is made and submitted in support of the Receiver's
20 Motion for Order (1) Approving and Authorizing Payment of Receiver's and
21 Professionals' Fees and Expenses from July 1, 2019 through December 31, 2019; and (2)
22 Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors, filed
23 contemporaneously herewith.

24 23. As a member of Robb Evans & Associates LLC, I am familiar with the
25 methods and procedures used by the Receiver and its staff and employees to record the
26 time spent rendering services to receivership estates over which the Receiver has been
27 appointed. The invoices attached hereto as **Exhibit "1"** are regularly prepared by the
28 members, staff and employees of the Receiver at or about the time of the services


1 rendered and each of whom has a business duty to accurately record the information
2 regarding their services set forth in these records. The records are reviewed by the
3 Receiver's accounting staff, summarized in the Receiver's financial summary included
4 within the Receiver's Report, and redacted only as the Receiver has deemed necessary to
5 preserve confidential, sensitive, tactical, strategic, attorney-client privileged and/or
6 attorney work-product information. Based upon my experience with Robb Evans &
7 Associates LLC, I believe the Receiver's methods and procedures for recording and
8 accounting for time and services for the Receivership estates over which the Receiver has
9 been appointed are reliable and accurate.

10 24. The applicant has not entered into any agreement, written or oral, express
11 or implied, with any other person concerning the amount of compensation paid or to be
12 paid from the assets of the estate, or any sharing thereof.

13 25. I have carefully read, reviewed, and assisted in drafting the Receiver's
14 Report of its activities during the Reporting Period, which report is incorporated herein
15 by this reference, and I hereby affirm that the statements, figures, and calculations made
16 therein are true, accurate, and correct to the best of my information, knowledge and
17 belief.

18 This declaration is made under penalty of perjury under the laws of the State of
19 Nevada and the United States of America.

20 Dated: April 2, 2020



21 Brick Kane
22 President and Chief Operating Officer of
23 the Receiver, Robb Evans & Associates
24 LLC
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2 Nevada Bar No. 8555
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9 *Attorney for the Receiver*
10 *Robb Evans & Associates LLC*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 vs.

17 EDWIN YOSHIHIRO FUJINAGA and
18 MRI INTERNATIONAL, INC.,

19 Defendants,

20 and

21 CSA SERVICE CENTER, LLC
22 THE FACTORING COMPANY,
23 JUNE FUJINAGA, and
24 THE YUNJU TRUST,

25 Relief Defendants.

Case No.: 2:13-cv-01658-JCM-CWH

**DECLARATION OF MICHAEL LYNCH
IN SUPPORT OF MOTION FOR ORDER**

**(1) APPROVING AND AUTHORIZING
PAYMENT OF RECEIVER'S AND
PROFESSIONALS' FEES AND
EXPENSES FROM JULY 1, 2019
THROUGH DECEMBER 31, 2019;
AND**

**(2) GRANTING RELIEF FROM LOCAL
RULE 66-5 PERTAINING TO
NOTICE TO CREDITORS**

26 I, Michael F. Lynch, declare:

27 1. I am an attorney at law duly licensed and authorized to practice before all
28 courts in the State of Nevada, and before the Ninth Circuit Court of Appeals, and am the
managing member of Lynch Law Practice, PLLC ("Lynch Law"), court-appointed
counsel for Robb Evans & Associates LLC, the court-appointed equitable receiver (the
"Receiver"). If called upon to testify as to the facts set forth in this declaration, I could
and would testify competently thereto as the facts are personally known to me to be true.

2. On July 16, 2015, the Court appointed Lynch Law as counsel for the
Receiver by minute order (ECF No. 247), and the proposed Order Appointing Counsel

1 for Receiver (ECF No. 250) which was approved by minute order of the Court entered on
2 August 20, 2015 (the “Order Appointing Counsel”). (ECF No. 261).

3 3. The Order Appointing Counsel provides that, upon the request of the
4 Receiver, the Receiver’s counsel shall provide legal assistance to the Receiver in
5 connection with the discharge of the Receiver’s duties and responsibilities pursuant to the
6 Order Appointing Receiver,¹ and directed the Receiver’s counsel to neither perform, nor
7 seek compensation for, any of the non-legal tasks enumerated in the Order Appointing
8 Receiver.

9 4. The Order Appointing Counsel authorizes Lynch Law to provide legal
10 assistance in connection with the following:

11 a. Providing legal advice to the Receiver concerning the Order
12 Appointing Receiver, including the legal interpretation of any provisions
13 contained therein, or any other order or filing in this case concerning the Receiver;

14 b. Providing legal advice to the Receiver concerning the disposition or
15 possession of any assets subject to the Order Appointing Receiver, including
16 records containing personal, financial or medical information and controlled
17 substances;

18 c. Providing legal advice and representation in connection with
19 obtaining cooperation, compliance or assistance from the Defendants or any other
20 entities claiming to have an interest in the assets subject to the Order Appointing
21 Receiver;

22 d. Providing legal advice and representation in connection with any
23 civil or criminal actions in which one or more of the Defendants is a party, but not
24 including *Takiguchi v. MRI International, Inc.*, Case No. 2:13-cv-01183-JAD-
25 VCF (D. Nev.);

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27
28 ¹ The “Order Appointing Receiver” means the Order Appointing a Full Equitable Receiver to Assume Control over the Defendants’ Assets and Enforce the Final Judgment entered on May 15, 2015. (ECF No. 226).

1 e. Providing legal advice and representation in connection with any
2 legal claims made against the Defendants or any assets subject to the Order
3 Appointing Receiver; and

4 f. Providing legal advice and representation in connection with any
5 civil or other actions in which the Receiver is a party, including any legal actions
6 instituted by the Receiver pursuant to the Order Appointing Receiver, such as
7 levying on assets, filing collection actions or filing fraudulent transfer actions, and
8 any legal filings requiring the assistance of counsel.

9 5. The Order Appointing Counsel further provides that the compensation of
10 Lynch Law shall be fixed at \$310.50 per hour, which rate reflects a 10% discount on
11 Lynch Law's regular rate.

12 6. This Declaration is made and submitted in support of the Receiver's
13 Motion for Order (1) Approving and Authorizing Payment of Receiver's and
14 Professionals' Fees and Expenses from July 1, 2019 through December 31, 2019; and (2)
15 Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors (the "Motion")
16 filed contemporaneously herewith.

17 7. The Motion seeks, among other relief, approval and authorization for
18 payment of receivership fees, costs, and expenses for the six-month period from July 1,
19 2019 through December 31, 2019 (the "Receiver's Report"). (ECF No. 548).

20 8. Lynch Law has acted as counsel for the Receiver since the Order
21 Appointing Counsel was entered. Lynch Law and the Receiver have coordinated their
22 efforts to ensure that the Receiver's and Lynch Law's responsibilities for work were
23 strictly maintained to prevent duplication of efforts.

24 9. Attached hereto as **Exhibit "1"**, are true and correct copies of Lynch Law's
25 invoices for fees and costs during the Reporting Period. The detailed descriptions of work
26 done on these invoices have been redacted where appropriate to preserve descriptions
27 containing confidential, sensitive, tactical, strategic, and attorney/client privileged and/or
28 attorney work-product information.

