

1 Gary Owen Caris (SBN 088918)
2 gcaris@btlaw.com
3 **BARNES & THORNBURG LLP**
4 2029 Century Park East, Suite 300
5 Los Angeles, California 90067
6 Telephone: (310) 284-3880
7 Facsimile: (310) 284-3894

FILED
CLERK, U.S. DISTRICT COURT
September 5, 2019
CENTRAL DISTRICT OF CALIFORNIA
BY: VPC DEPUTY

5 Attorneys for Receiver
6 **ROBB EVANS & ASSOCIATES LLC**

7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 FEDERAL TRADE COMMISSION,
11 Plaintiff,
12 v.
13 A1 DOCPREP INC., et al.,
14 Defendants.
15

Case No. 2:17-cv-07044-SJO(JCx)
XXXXXXXXXX
[PROPOSED] ORDER GRANTING
MOTION FOR ORDER APPROVING
FINAL REPORT AND
ACCOUNTING; FINAL REQUEST
FOR APPROVAL AND PAYMENT
OF RECEIVER'S AND
PROFESSIONAL'S FEES AND
COSTS FROM MAY 1, 2018
THROUGH CLOSING; AND FOR
DISCHARGE AND EXONERATION
OF BOND AND RELATED RELIEF

Date: April 15, 2019
Time: 10:00 a.m.
Courtroom: 10C

16
17
18
19
20
21
22
23 The Motion for Order Approving Final Report and Accounting; Final
24 Request for Approval and Payment of Receiver's and Professional's Fees and Costs
25 From May 1, 2018 Through Closing; and For Discharge and Exoneration of Bond
26 and Related Relief ("Wind Up Motion") brought by Robb Evans & Associates
27 LLC ("Receiver") came on regularly for hearing on April 15, 2019 at 10:00 a.m. in
28 Courtroom 10C of the above-entitled Court, the Honorable S. James Otero, United

1 States District Judge presiding. Gary Owen Caris of Barnes & Thornburg LLP
2 appeared on behalf of the Receiver and other appearances were made as noted in
3 the record.

4 The Court, having read and considered the Motion and all pleadings and
5 evidence filed in support thereof, and opposition to the Motion, if any, and good
6 cause appearing therefore, it is

7 ORDERED that:

8 1. The Motion and all relief sought therein is granted in its entirety;

9 2. Without limiting the generality of the foregoing:

10 A. The Receiver's Final Report, attached as Section II to the
11 Memorandum of Points and Authorities in the Motion, and Final Accounting,
12 attached as Exhibit 1 to the Declaration of Brick Kane, are hereby approved in their
13 entirety;

14 B. The Receiver is authorized to wind up the receivership estate
15 created in this action;

16 C. All actions and activities taken by or on behalf of the Receiver
17 and all proposed actions to be taken, and all payments made by the Receiver and all
18 proposed payments to be made in connection with the administration of the
19 receivership estate are hereby approved and confirmed;

20 D. The Court hereby approves and authorizes payment of the fees
21 of the Receiver, the Receiver's members, staff and professionals, and
22 reimbursement of costs, comprised of (a) Receiver's fees, including the Receiver's
23 members and staff, of \$3,597.60 and Receiver's costs of \$556.16, for a total of
24 \$4,153.76 for the period of May 1, 2018 through January 31, 2019, plus estimated
25 Receiver's fees of \$3,393.00 and costs of \$15,396.54 (which includes an estimated
26 \$15,000 for the Receiver's outside accountant Squar Milner LLP which prepares
27 tax returns and receivership returns), for the period from February 1, 2019 through
28 closing of the estate, for a total of \$22,943.30; (b) Receiver's counsel Barnes &

1 Thornburg LLP's ("Barnes & Thornburg") fees of \$12,154.60 and its costs of
2 \$488.52, for a total of \$12,643.12 for the period from May 1, 2018 through January
3 31, 2019, plus estimated legal fees of \$10,000.00 and costs of \$500.00, for the
4 period from February 1, 2019 through closing of the estate, for a total of
5 \$23,143.12, all as set forth in the Final Accounting. *De minimis* amounts incurred
6 above the estimated amounts may be paid only with the approval of the Federal
7 Trade Commission ("FTC") and without further Court order. Amounts below the
8 estimated amounts shall be paid to the FTC or its designated agent along with the
9 other sums to be paid to the FTC or its designated agent as set forth in the following
10 paragraph E;

11 E. The Receiver is authorized to distribute the remaining assets of
12 the receivership estate held by the Receiver after the payment of administrative
13 expenses, to the FTC or the FTC's designated agent, in accordance with Section IX
14 of the Stipulated Order for Permanent Injunction and Monetary Judgment Against
15 A1 DocPrep, Stream Lined Marketing, and Homan Ardalan (Doc. 93);

16 F. The Receiver is authorized to destroy all records of the
17 Receivership Entities, as hereinafter defined, in the Receiver's possession, custody
18 or control within 30 days after the Receiver serves written notice on the FTC of the
19 Receiver's intention to destroy such records, unless the FTC requests possession of
20 the records or another government agency issues a subpoena for such records, in
21 which case the Receiver is authorized to turn over the records to the FTC or to the
22 government agency which issued the subpoena;

23 G. Effective upon the completion of the administration of the
24 receivership estate and the distribution of the remaining funds in the Receiver's
25 possession and custody to the FTC or its agent, (a) neither the Receiver nor any
26 agent, employee, member, officer, independent contractor, attorney, accountant or
27 representative of the Receiver shall have any liability to any person or entity for any
28 action taken or not taken in connection with carrying out the Receiver's

1 administration of the receivership estate, and the exercise of any powers, duties and
2 responsibilities in connection therewith; and (b) the Receiver, its agents, employees,
3 members, officers, independent contractors, attorneys, accountants and
4 representatives are discharged, released from all claims and liabilities arising out of
5 and/or pertaining to the receivership, and relieved of all duties and responsibilities
6 pertaining to the receivership;

7 H. The bond posted by the Receiver in this case shall be exonerated
8 effective upon completion of the administration of the receivership estate and
9 distribution of the remaining funds in the Receiver's possession and custody to the
10 FTC or its agent;

11 I. Notice of this Motion is hereby deemed to be sufficient under
12 Local Rule 66-7 based on the service of this Motion on all parties and all known
13 non-consumer creditors of the estate.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: 9/5/19 _____

S. James Otero

HONORABLE S. JAMES OTERO,
UNITED STATES DISTRICT JUDGE

14169984v1