

**ROBB EVANS & ASSOCIATES LLC**

**Receiver of**

**The Rodis Law Group, Inc.**

**America's Law Group**

**The Financial Group, Inc. dba Tax Relief ASAP**

**Federal Trade Commission v. Data Medical Capital, Inc, et al.**

**CASE No. SA-CV-99-1266 AHS (EEx)**

**Notice of Motion and Motion for Order:**

- (1) Approving and Authorizing Payment of Receiver's Fees and Expenses and Attorneys' Fees and Expenses from July 1, 2009 Through October 31, 2009;**
- (2) Granting Relief from Local rule 66-7 Pertaining to Notice to Creditors;**

**Memorandum of Points and Authorities and Declaration of Gary Owen Caris in Support Thereof;**

**Declaration of Brick Kane in Support Thereof**

**Filed February 5, 2010**

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 ROBB EVANS & ASSOCIATES LLC  
 7

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**  
 10 **SOUTHERN DIVISION**

12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 DATA MEDICAL CAPITAL, INC.,  
 16 *et al.*,

17 Defendants.

Case No. 8:99-cv-01266 AHS (EEEx)

**NOTICE OF MOTION AND  
 MOTION FOR ORDER: (1)  
 APPROVING AND AUTHORIZING  
 PAYMENT OF RECEIVER'S FEES  
 AND EXPENSES AND  
 ATTORNEYS' FEES AND  
 EXPENSES FROM JULY 1, 2009  
 THROUGH OCTOBER 31, 2009;  
 AND (2) GRANTING RELIEF  
 FROM LOCAL RULE 66-7  
 PERTAINING TO NOTICE TO  
 CREDITORS; MEMORANDUM OF  
 POINTS AND AUTHORITIES AND  
 DECLARATION OF GARY OWEN  
 CARIS IN SUPPORT THEREOF**

**[DECLARATION OF BRICK KANE  
 IN SUPPORT THEREOF FILED  
 UNDER SEPARATE COVER]**

DATE: March 8, 2010  
 TIME: 10:00 a.m.  
 PLACE: Courtroom 10A

1 PLEASE TAKE NOTICE that on March 8, 2010 commencing at 10:00 a.m.,  
2 or as soon thereafter as the parties may be heard in Courtroom 10A of the above-  
3 entitled Court located at 411 West Fourth Street, Santa Ana, California, Robb  
4 Evans & Associates LLC, as permanent Receiver (“Receiver”), will and does  
5 hereby move the Court for an order:

6 1. Approving and authorizing payment of the Receiver’s fees and  
7 expenses and attorneys’ fees and expenses for the period July 1, 2009 through  
8 October 31, 2009, comprised of fees of the Receiver and its staff of \$54,139.21 and  
9 Receiver’s costs of \$7,578.89, and attorneys’ fees of \$70,888.95 and costs of  
10 \$2,062.81 incurred by the Receiver’s counsel, for a total of \$134,669.86; and

11 2. Granting relief from Local Rule 66-7 pertaining to the giving of notice  
12 to all creditors of the receivership estate and finding that notice of this motion is  
13 sufficient if the motion and supporting papers are served on the parties to this  
14 action, the motion and supporting papers but exclusive of voluminous exhibits is  
15 posted on the Receiver’s website, and a notice of hearing is served on the known  
16 non-investor creditors of the Receivership Entities.

17 PLEASE TAKE FURTHER NOTICE that this motion is made pursuant to  
18 Local Rule 66-7(f), and is based upon this notice of motion and motion, the  
19 accompanying memorandum of points and authorities and declarations of Brick  
20 Kane and Gary Owen Caris, upon the pleadings, records and files of this case of  
21 which the Receiver requests the Court take judicial notice, the separate notice of  
22 hearing served concurrently herewith, and upon all other further pleadings, oral and  
23 documentary evidence and argument of counsel as may be presented by the  
24 Receiver at or before the time of the hearing on the motion.

25 PLEASE TAKE FURTHER NOTICE that a copy of this motion, exclusive  
26 of voluminous exhibits, is posted on the Receiver’s website at  
27 [www.robbevans.com/html/dmedcap.html](http://www.robbevans.com/html/dmedcap.html), where it may be reviewed in its entirety.  
28 Copies of this motion will be provided to any interested party upon receipt of a

1 written request which may be sent to: Robb Evans & Associates LLC, Attn:  
2 Cherrie Eustaquio, 11450 Sheldon Street, Sun Valley, CA 91352-1121; Facsimile:  
3 (818) 768-8802.

4  
5 Dated: February 5, 2010

MCKENNA LONG & ALDRIDGE LLP  
Gary Owen Caris  
Lesley Anne Hawes

7

8 By: /s/ Gary Owen Caris

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Gary Owen Caris  
Attorneys for Permanent Receiver,  
ROBB EVANS & ASSOCIATES  
LLC

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**MEMORANDUM OF POINTS AND AUTHORITIES****I. INTRODUCTION**

Robb Evans & Associates LLC (“Receiver”) was originally appointed as Temporary Receiver over The Rodis Law Group, Inc. (“RLG”), America’s Law Group (“ALG”), The Financial Group, Inc. dba Tax Relief ASAP (“TFG”), and any successors, assigns, affiliates and fictitious business names of the aforementioned entities (collectively, the “Receivership Defendants”) pursuant to the Temporary Restraining Order With Asset Freeze, Appointment of a Temporary Receiver and Other Equitable Relief filed May 27, 2009 (“Temporary Restraining Order”). The Receiver was appointed pursuant to an ex parte application filed by plaintiff Federal Trade Commission (“FTC”) to hold Bryan D’Antonio (“D’Antonio”) in contempt of court for violating a ban on certain telemarketing activities issued against him in connection with his role in the company Data Medical Capital, Inc. The FTC has alleged that D’Antonio as principal of TFG organized and operated a telemarketing operation to promote and sell foreclosure prevention and loan modification services to consumers purportedly to be performed by attorneys from RLG and ALG. On June 22, 2009, the Court conducted a hearing on the FTC’s motion for a preliminary injunction and to make the Receiver permanent receiver of the Receivership Defendants. The FTC’s motion was granted, and the Receiver became permanent receiver over the Receivership Defendants pursuant to the Preliminary Injunction Order entered June 26, 2009. On November 18, 2009, the Court held a hearing on the Order to Show Cause Why Contempt Defendants Should Not be Held in Civil Contempt. On January 15, 2010, the Court issued its ruling holding Defendants Bryan D’Antonio, ALG, RLG and TFG in contempt.

By this motion, the Receiver seeks a Court order approving and authorizing the payment of fees and expenses of the Receiver, the Receiver’s staff, and the Receiver’s counsel for the four-month period from July 1, 2009 through October 31, 2009 (“Second Expense Period”) in the total sum of \$134,669.86. The Receiver

1 filed an initial fee motion on August 19, 2009. At the hearing on the motion, the  
2 Court requested additional information regarding certain time entries, which  
3 included travel time of the Receiver's deputies. On September 24, 2009, the  
4 Receiver submitted the supplemental declaration of Brick Kane which further  
5 explained the Receiver's time entries. After submission of the supplemental  
6 declaration, the Court approved and authorized the payment the fees and expenses  
7 of the Receiver, the Receiver's counsel and other professionals for the period from  
8 the inception of the receivership estate through June 30, 2009, but deducted  
9 \$1,506.60 from the sum of the Receiver's fees. The Receiver's fees and costs for  
10 which approval is requested in this motion are set forth in the summary entitled  
11 "Receivership Administrative Expenses and Fund Balance by Month" ("Financial  
12 Summary") attached to the supporting Declaration of Brick Kane as Exhibit 1. The  
13 services rendered by the Receiver and its counsel during the Second Expense  
14 Period are described in more detail hereafter and in the billing records attached to  
15 the Declarations of Brick Kane and Gary Owen Caris in support of this motion.

16 The Receiver also seeks relief from the requirement of Local Civil Rule 66-7  
17 that would otherwise require notice of hearing on the motion to be served on all  
18 known creditors of the receivership estate. There are a total of approximately 2,168  
19 consumer clients of RLG and ALG, plus approximately 1,100 consumer clients of  
20 TFG. The extent to which the consumer clients are creditors of these entities has  
21 not been determined. In addition, there are approximately 20 non-consumer  
22 creditors of the Receivership Defendants whom the Receiver has identified to date.  
23 The receivership estate, which has limited assets, would incur significant expense in  
24 serving a notice of hearing on this motion on all 2,168 consumer clients of RLG  
25 and ALG as well as all 1,100 consumer clients of TFG. The Receiver instead  
26 proposes to serve the motion and all supporting papers on the parties to this action,  
27 to serve a notice of hearing on the motion on the non-consumer creditors, and to  
28 post a copy of the motion, without voluminous billing record exhibits, on the

1 Receiver's website for this receivership at  
2 [www.robbevans.com/html/dmedcap.html](http://www.robbevans.com/html/dmedcap.html). The Receiver will also provide a copy to  
3 any interested party who requests a copy in writing.

4 **II. SUMMARY OF ACTIVITIES OF THE RECEIVER IN THE**  
5 **SECOND EXPENSE PERIOD**

6 The primary activities of the Receiver and its counsel in the Second Expense  
7 Period have included implementing the Court's protective order requested by the  
8 Receiver providing for the terms and conditions of access to the records of the  
9 Receivership Defendants protecting attorney-client privileged documents and  
10 personal and private consumer information from being publicly disclosed or  
11 disseminated. The Receiver also addressed requests by two of the defendants for  
12 release of funds from the receivership estate. In addition, the Receiver (a)  
13 responded to multiple demands by Ron Rodis to perform work on consumer files  
14 and to the subsequent ex parte application filed by Ron Rodis on that issue; (b)  
15 responded to multiple discovery requests propounded by D'Antonio; and (c)  
16 monitored filings pertaining to the hearing on the FTC's contempt application  
17 which was originally set for September 30, 2009 and continued to November 18,  
18 2009 and at which one or more deputies of the Receiver were scheduled to be  
19 potential witnesses.

20 **Access to Receivership Defendants' Records**

21 As previously reported in the Receiver's first motion for approval of fees and  
22 expenses, the records of the Receivership Defendants included physical client files  
23 created by RLG and ALG, as well as e-mail communications between various  
24 individuals managing the operations of the Receivership Defendants, including  
25 Bryan D'Antonio, Ron Rodis, Wayne Farris, and Nadir Qsar. Since shortly after  
26 the inception of the receivership, various parties to the litigation requested that the  
27 Receiver grant access to the records in the custody of the Receiver and produce  
28 documents and records of the Receivership Defendants.

1 On June 30, 2009, the Receiver through its counsel filed an ex parte  
2 application for an order providing instructions to the Receiver regarding the nature  
3 and extent of the access to the records to be granted to the parties and for entry of a  
4 protective order covering the records produced to protect those records from  
5 dissemination or public disclosure. In response to the ex parte application, the  
6 Receiver's counsel had discussions and email exchanges with counsel for the  
7 various parties regarding additional and alternative provisions for the order for  
8 instructions and the protective order and reviewed the responses filed to the ex parte  
9 application by the FTC and other parties. The Court granted the Receiver's ex parte  
10 application and granted the relief sought with some modification based on the  
11 additional terms proposed by the parties and issued a protective order on July 8,  
12 2009.

13 After the Court's July 8, 2009 orders were issued on the Receiver's ex parte  
14 application, the Receiver and its counsel responded to the parties regarding requests  
15 for records, including coordinating the production of electronic records and on-site  
16 access to the records of the Receivership Defendants. Under the protective order  
17 issued by the Court on July 8, the Receiver was obligated to have a representative  
18 on-site at the Receivership Defendants' premises in order to preserve the integrity  
19 of the records and ensure the security of the facility and the records. The  
20 Receiver's deputies spent considerable hours supervising the defendants while the  
21 defendants or their agents reviewed and copied documents and records. Time spent  
22 supervising the defendants during the document and records review was dependent  
23 upon how much time the defendants or their agents chose to spend reviewing  
24 records and documents.

25 In addition, a significant amount of the Receiver's time during the Second  
26 Expense Period was focused on working with the electronic records of the  
27 Receivership Defendants. The initial stages of producing the documents were  
28 technologically extensive and required technological expertise. Because of the



1 volume of data involved, substantial time was required to preserve the electronic  
 2 records and information. The Receiver's IT staff also had to run various time-  
 3 consuming queries to locate relevant electronic records for the parties. The  
 4 Receiver's IT staff created copies of the electronic records for the parties pursuant  
 5 to the protective orders issued by the Court on July 8, 2009.

#### 6 **Document Discovery Issues**

7 In response to requests for production, subpoena duces tecum, interrogatories  
 8 and deposition notices propounded by D'Antonio, the Receiver worked with its  
 9 counsel to respond including reviewing its records and locating documents relevant  
 10 to the requests.

#### 11 **Consumer/Client Issues**

12 During the Second Expense Period, the Receiver continued to address issues  
 13 regarding the consumer clients of RLG and ALG. The Receiver's staff responded  
 14 to numerous consumer inquiries regarding their files and other issues concerning  
 15 the receivership estate.

#### 16 **Other Administrative Services**

17 The Receiver continued to perform other administrative services in  
 18 connection with the administration of the receivership estate. The Receiver  
 19 addressed payroll, accounts payable reconciliations, and other issues concerning  
 20 employees of the Receivership Defendants. The Receiver also continued to work  
 21 with financial institutions where the Receivership Defendants had bank accounts to  
 22 freeze funds in those accounts. The Receiver also analyzed and addressed issues  
 23 concerning credit card chargebacks.

### 24 **III. SUMMARY OF SERVICES OF THE RECEIVER'S COUNSEL** 25 **DURING THE SECOND EXPENSE PERIOD**

#### 26 **Access to the Receivership Defendants' Records**

27 During the Second Expense Period the Receiver's counsel worked with the  
 28 Receiver and the parties to produce documents pursuant to the Court's protective

1 order issued on July 8, 2009. Implementing the Court's protective order required  
2 the participation of the Receiver's counsel in numerous telephone conferences and  
3 email exchanges with counsel for the parties involved to coordinate compliance  
4 with the Court's order regarding the production of documents and records and the  
5 protective order.

### 6 **Discovery Issues**

7 The Receiver's counsel analyzed and responded to multiple discovery  
8 requests propounded upon the Receiver. Specifically the Receiver was served with  
9 a subpoena duces tecum, Interrogatories, Requests for Production and Deposition  
10 Notice propounded by D'Antonio in connection with his defense of the contempt  
11 application. The Receiver's counsel exchanged a number of communications with  
12 D'Antonio's counsel regarding the scope of the discovery sought. With the  
13 assistance of the Receiver, the Receiver's counsel prepared responses and  
14 objections to the subpoena duces tecum, Interrogatories, Requests for Production  
15 and Deposition Notice. The Receiver's counsel also reviewed and prepared  
16 documents for production to D'Antonio's counsel.

### 17 **Pleadings and Hearings**

18 During the Second Expense Period, the parties filed numerous ex parte  
19 applications which the Receiver's counsel opposed. Defendant Bryan D'Antonio  
20 filed an ex parte application to release additional funds for his defense of this  
21 action. With the assistance of the Receiver, the Receiver's counsel filed an  
22 opposition to Bryan D'Antonio's ex parte application. The Court ultimately denied  
23 the ex parte application. The Receiver's counsel also prepared and filed an  
24 opposition to ALG's ex parte application to release assets for attorneys fees. The  
25 Court denied ALG's ex parte application. In addition, RLG requested in an ex  
26 parte application that Ron Rodis be permitted to work on certain consumer and  
27 client files to continue loan modifications. After numerous conference calls and e-  
28 mails regarding this issue, the Receiver and the Receiver's counsel did not agree to

1 let Ron Rodis work on the files.<sup>1</sup> As a result, RLG filed an ex parte application for  
2 an order permitting Ron Rodis to work on RLG files. The Receiver opposed the  
3 application and filed a written opposition supported by a declaration with evidence  
4 as to why the application should be denied both on procedural and substantive  
5 grounds. The Court denied RLG's application.

6 The Receiver's counsel also prepared and filed an initial fee motion for  
7 authorization to pay the Receiver's and Receiver's counsel's fees and expenses.  
8 The Receiver's counsel attended the hearing on the fee motion and at the hearing on  
9 the motion, the Court requested additional information regarding certain time  
10 entries, which included travel time of the Receiver's deputies. On September 24,  
11 2009, the Receiver submitted the supplemental declaration of Brick Kane which  
12 further explained the Receiver's time entries. After submission of the supplemental  
13 declaration, the Court approved and authorized the payment the fees and expenses  
14 of the Receiver, the Receiver's counsel and other professionals for the period from  
15 the inception of the receivership estate through June 30, 2009, but deducted  
16 \$1,506.60 from the Receiver's fees and costs sought. The Receiver's counsel also  
17 negotiated and documented a stipulation for an order authorizing the Receiver to  
18 sell property of TFG and at the Court's request, supplemented the stipulation by  
19 preparing and filing a declaration by the Receiver concerning the ownership of the  
20 personal property subject to the stipulation.

21 Throughout the Second Expense Period, the Receiver's counsel monitored  
22 and analyzed the court filings pertaining to the FTC's contempt application which  
23 was originally set for hearing on September 30, 2009 and was postponed to  
24 November 18, 2009. The Receiver and its counsel needed to monitor the filings  
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27 <sup>1</sup> Ultimately, the Receiver did not agree to let Ron Rodis continue to work on  
28 RLG's consumer and client files because the Receiver and Receiver's counsel  
determined that it was not in the best interests of the consumers and clients. In  
October 2009 Ron Rodis resigned from the California Bar.

1 because one or more of the Receiver's deputies were scheduled to participate as a  
2 witness in the contempt hearing.

3 Based on these services and activities of the Receiver and its counsel, the  
4 Receiver seeks approval and authorization for payment of the Receiver's and  
5 counsel's fees and expenses incurred in the Second Expense Period, consisting of  
6 fees of the Receiver and its staff of \$54,139.21 and Receiver's costs of \$7,578.89,  
7 and attorneys' fees of \$70,888.95 and costs of \$2,062.81 incurred by the Receiver's  
8 counsel, for a total of \$134,669.86. The Receiver contends that the fees and  
9 expenses incurred are reasonable and appropriate under the circumstances and  
10 based on the services performed.

11 **IV. THE RECEIVER REQUESTS THAT THIS MOTION BE**  
12 **GRANTED WITHOUT REQUIRING THE RECEIVER TO**  
13 **GIVE WRITTEN NOTICE TO ALL CREDITORS**

14 The Receiver requests that this motion be granted without requiring the  
15 Receiver to give written notice of the hearing on the motion to all known creditors  
16 pursuant to Local Rule 66-7. Local Rule 66-7 applies to the following: (a)  
17 petitions for payment of dividends to creditors; (b) petitions for confirmation of  
18 sales of real property and personal property; (c) reports of the Receiver; (d)  
19 applications for instructions concerning administration of the estate; (e) applications  
20 for discharge of the Receiver; and (f) applications for fees and expenses of the  
21 Receiver, the attorney for the Receiver and any other person appointed to aid the  
22 Receiver (collectively referred to as "Rule 66-7 Motions"). The Receiver seeks an  
23 order for limited notice of the hearing on this motion by which the Receiver would  
24 be authorized to serve the motion on the parties and serve notice of the hearing on  
25 the motion on all known non-consumer creditors (approximately 20 creditors) and  
26 to post the motion on the Receiver's web site for the case. The Receiver would also  
27 provide a complete copy of the motion to any interested consumer who requested a  
28 copy in writing.

1 Local Rule 66-7 requires that all “known” creditors of the Receivership  
2 Defendants receive notice by mail of the hearing on all Rule 66-7 Motions. In this  
3 case, there are approximately 3,268 potential consumer creditors in this case based  
4 on the number of consumers whom the Receiver has determined engaged RLG,  
5 ALG and TFG to perform services in this case. If the Receiver were required to  
6 give notice to all consumer creditors, such a requirement would be burdensome,  
7 time-consuming and expensive for the receivership estate, causing the estate to  
8 incur substantial photocopying and postage costs.

9 The Receiver seeks an order providing that the notice requirement for the  
10 hearing on this motion shall be deemed satisfied if copies of this motion are served  
11 on all parties to this action and on all parties who request a copy of the motion in  
12 writing directed to: Robb Evans & Associates LLC, Attn: Cherrie Eustaquio,  
13 11450 Sheldon Street, Sun Valley, CA 91352-1121; Telephone: (818) 768-8100;  
14 Facsimile: (818) 768-8802. In addition, the Receiver will serve a notice of hearing  
15 on the motion on all known non-investor creditors. The Receiver will post a copy  
16 of this motion, exclusive of voluminous billing record exhibits, on the Receiver’s  
17 website for this case at [www.robbevans.com/html/dmedcap.html](http://www.robbevans.com/html/dmedcap.html), allowing all  
18 interested parties an opportunity to review the motion and to submit a written  
19 request for service thereof. This procedure for limited notice is reasonable in light  
20 of the large number of potential creditors, and provides adequate notice while  
21 allowing for efficient, cost-effective administration of the receivership estate.

22 There is ample authority for approval of the scope and method of limited  
23 notice as set forth above. Local Rule 66-7 provides that the provisions of Local  
24 Rule 6-1 apply to notice of Rule 66-7 Motions. Local Rule 6-1 in turn provides for  
25 the filing and service of written notices of motion “unless otherwise provided by  
26 rule or ordered by the Court.” This Court, as a court of equity supervising the  
27 receivership estate, may make appropriate administrative orders governing the  
28 receivership, including limitations on and changes in notice and other procedures.

1 See F.R.Civ.P. 5(a) and (c) (authorizing the court to modify service procedures  
2 when numerous defendants are involved in litigation). Pursuant to Local Rules 66-  
3 8, a receiver is directed to administer receivership estates “as nearly as possible in  
4 accordance with the practice in the administration of estates in bankruptcy.” Orders  
5 limiting notice when the Bankruptcy Code or Rules would otherwise require notice  
6 to all creditors are routinely granted in bankruptcy cases to promote the expeditious  
7 and economical administration of bankruptcy estates. See In re First Alliance  
8 Mortgage Co., 269 B.R. 428, 442 (C.D. Cal. 2001) (referencing in dicta in the  
9 court’s recitation of facts the bankruptcy court’s order limiting notice issued in that  
10 case); 11 U.S.C. § 102(1)(A) (defining the phrase “after notice and a hearing” to  
11 mean “after such notice as is appropriate in the particular circumstances, and such  
12 opportunity for hearing as is appropriate in the particular circumstances”);  
13 11.U.S.C. § 105(a) and (s) (granting broad equitable powers to the court to issue  
14 orders “necessary or appropriate to carry out the provisions” of Title 11 including  
15 “prescribing such limitations and conditions as the court deems appropriate to  
16 ensure the case is handled expeditiously and economically”); and F.R.Bankr.P.  
17 2002(m) (authorizing the court to enter “orders designating the matters in respect to  
18 which, the entity to whom, and the form and manner in which notices shall be sent  
19 except as otherwise provided by these rules”).

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1 **V. CONCLUSION**

2 For the reasons set forth herein, the Receiver respectfully requests that the  
3 Court grant relief as requested in the motion.

4  
5 Dated: February 5, 2010

McKENNA LONG & ALDRIDGE LLP  
GARY OWEN CARIS  
LESLEY ANNE HAWES

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8 By: /s/ Gary Owen Caris

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Gary Owen Caris  
Attorneys for Temporary Receiver  
ROBB EVANS & ASSOCIATES  
LLC

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**DECLARATION OF GARY OWEN CARIS**

I, Gary Owen Caris, declare:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and the United States District Court of the Central District of California. I am lead counsel for the Receiver Robb Evans & Associates LLC in connection with this matter. I have personal knowledge of the matters set forth in this declaration, and if I were called upon to testify I could and would competently testify thereto.

2. Attached hereto as Exhibit 1 is a billing summary reflecting the services rendered, time spent and costs incurred by McKenna Long & Aldridge LLP (the "McKenna Firm") pertaining to this matter for the period from July 1, 2009 through October 31, 2009 (the "Second Expense Period"). The time records, as well as the time records for the Receiver and its staff, have been redacted by my firm where appropriate to preserve descriptions containing confidential, tactical, strategic, attorney-client privileged and/or attorney work-product information. Attorneys' fees incurred by my firm during this time period total \$70,888.95 and costs of \$2,062.81 for total legal fees and costs of \$72,951.76.

3. On June 30, 2009, my office filed an ex parte application for an order providing instructions to the Receiver regarding the nature and extent of the access to the records to be granted to the parties and for entry of a protective order covering the records produced to protect those records from dissemination or public disclosure. The Court granted the ex parte application on July 8, 2009. Implementing the Court's protective order required my participation in numerous telephone conferences and e-mail exchanges with counsel for the parties involved. Among other things, my firm along with the Receiver had to address the physical copying of electronic records given the size and number of records involved, the cost of creating copies of such records and coordinating the transmission of the records to the parties. My firm assisted the Receiver in addressing the review and



1 copying of the physical records at the premises, including coordinating dates and  
2 times for on-site supervision of the defendants and requiring on-site copy services  
3 to be arranged by the defendants requesting records.

4 4. I analyzed and responded to multiple discovery requests propounded  
5 upon the Receiver. Specifically the Receiver was served with a subpoena duces  
6 tecum, Interrogatories, Requests for Production and Deposition Notice propounded  
7 by Bryan D'Antonio in connection with his defense of the contempt application. I  
8 exchanged a number of communications with Bryan D'Antonio's counsel regarding  
9 the scope of the discovery sought. With the assistance of the Receiver, I prepared  
10 responses and objections to the subpoena duces tecum, Interrogatories, Requests for  
11 Production and Deposition Notice. I also reviewed and prepared documents for  
12 production to D'Antonio's counsel.

13 5. During the Second Expense Period, the parties filed numerous ex parte  
14 applications which my office opposed. Defendant Bryan D'Antonio filed an ex  
15 parte application to release additional funds for his defense of this action. With the  
16 assistance of the Receiver, I filed an opposition to Bryan D'Antonio's ex parte  
17 application. The Court ultimately denied the ex parte application. I also prepared  
18 and filed an opposition to ALG's ex parte application to release assets for attorneys  
19 fees. The Court denied ALG's ex parte application. In addition, RLG requested in  
20 an ex parte application that Ron Rodis be permitted to work on certain consumer  
21 and client files to continue loan modifications. After numerous conference calls  
22 and e-mails regarding this issue, the Receiver and my office did not agree to let Ron  
23 Rodis work on the files. As a result, RLG filed an ex parte application for an order  
24 permitting Ron Rodis to work on RLG files. The Receiver opposed the application  
25 and I filed a written opposition supported by a declaration with evidence as to why  
26 the application should be denied both on procedural and substantive grounds. The  
27 Court denied RLG's application. Ultimately, the Receiver did not agree to let Ron  
28 Rodis continue to work on RLG's consumer and client files because the Receiver

1 and I determined that it was not in the best interests of the consumers and clients.  
2 In October 2009 Ron Rodis resigned from the California Bar.

3 6. My firm also prepared and filed an initial fee motion for authorization  
4 to pay the Receiver's and our firm's fees and expenses. I attended the hearing on  
5 the fee motion on behalf of the Receiver and at the hearing on the motion, the Court  
6 requested additional information regarding certain time entries, which included  
7 travel time of the Receiver's deputies. My firm prepared and filed a supplemental  
8 declaration of Brick Kane which further explained the Receiver's time entries.  
9 After submission of the supplemental declaration, the Court approved and  
10 authorized the payment the fees and expenses of the Receiver, my firm and other  
11 professionals for the period from the inception of the receivership estate through  
12 June 30, 2009, but deducted \$1,506.60 from the Receiver's fees and costs sought. I  
13 also negotiated and documented a stipulation for an order authorizing the Receiver  
14 to sell property of TFG and at the Court's request, supplemented the stipulation by  
15 preparing and filing a declaration by the Receiver concerning the ownership of the  
16 personal property subject to the stipulation.

17 7. Throughout the Second Expense Period, the my firm monitored and  
18 analyzed the court filings pertaining to the FTC's contempt application which was  
19 originally set for hearing on September 30, 2009 and was postponed to November  
20 18, 2009. My firm needed to monitor the filings because one or more of the  
21 Receiver's deputies were scheduled to participate as a witness in the contempt  
22 hearing.

23 8. I am a partner in the McKenna Firm and am familiar with the methods  
24 and procedures used to create, record and maintain billing records for the firm's  
25 clients. The billing summaries attached hereto as Exhibit 1 are prepared from  
26 computerized time records prepared contemporaneously with the services rendered  
27 by each attorney and paralegal billing time to this matter. These computerized  
28 records are prepared in the ordinary course of business by the attorneys and

1 paralegals employed by the firm who have a business duty to accurately record their  
2 time spent and services rendered on the matters on which they perform work. The  
3 time records are transferred into a computerized billing program that generates  
4 monthly invoices under the supervision of the firm's accounting department. Based  
5 upon my experience with the firm, I believe the McKenna Firm's methods and  
6 procedures for recording and accounting for time and services for its clients are  
7 reliable and accurate.

8 9. I have more than 30 years' experience as a business and commercial  
9 litigator and also have extensive experience as a bankruptcy attorney representing  
10 creditors in Chapter 11 and Chapter 7 bankruptcy cases. For eleven years I have  
11 also specialized in representing receivers in federal equity receiverships. I am  
12 familiar with the billing rates and practices of firms in the Los Angeles area  
13 providing comparable services, and I believe my firm's rates and the amount  
14 incurred by the Receiver for the services rendered during the Second Expense  
15 Period are reasonable and appropriate based on the nature of the services rendered,  
16 the quality and amount of services provided, the complexity of the issues involved  
17 and other factors under the circumstances, including the results obtained.

18 I declare under penalty of perjury that the foregoing is true and correct and  
19 that this declaration was executed on this 5th day of February 2010 at Los Angeles,  
20 California.

21  
22 /s/ Gary Owen Caris

23 

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GARY OWEN CARIS

1 GARY OWEN CARIS (SBN 088918)  
gcaris@mckennalong.com  
2 LESLEY ANNE HAWES (SBN 117101)  
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4 Los Angeles, CA 90071-3124  
Telephone: (213) 688-1000  
5 Facsimile: (213) 243-6330

6 Attorneys for Permanent Receiver  
ROBB EVANS & ASSOCIATES LLC  
7

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **SOUTHERN DIVISION**

12 FEDERAL TRADE COMMISSION,  
13 Plaintiff,  
14 v.  
15 DATA MEDICAL CAPITAL, INC.,  
16 *et al.*,  
17 Defendants.

Case No. 8:99-cv-01266 AHS (EEEx)

**DECLARATION OF BRICK KANE  
IN SUPPORT OF MOTION FOR  
ORDER: (1) APPROVING AND  
AUTHORIZING PAYMENT OF  
RECEIVER’S FEES AND  
EXPENSES AND ATTORNEYS’  
FEES AND EXPENSES FROM  
JULY 1, 2009 THROUGH  
OCTOBER 31, 2009; AND (2)  
GRANTING RELIEF FROM  
LOCAL RULE 66-7 PERTAINING  
TO NOTICE TO CREDITORS**

DATE: March 8, 2010  
TIME: 10:00 a.m.  
PLACE: Courtroom 10A

22  
23 **DECLARATION OF BRICK KANE**

24 I, Brick Kane, declare:

25 1. I am a principal of Robb Evans & Associates LLC, the entity  
26 appointed by this Court as permanent receiver of The Rodis Law Group, Inc.  
27 (“RLG”), America’s Law Group (“ALG”) and The Financial Group, Inc. dba Tax  
28

1 Relief ASAP (“TFG”) and any successors, assigns, affiliates and fictitious business  
2 names of the aforementioned entities (collectively, the “Receivership Defendants”)  
3 in connection with the above referenced matter. I have personal knowledge of the  
4 matters set forth in this declaration or have gained knowledge of these matters  
5 based upon my supervision of other members and staff of Robb Evans &  
6 Associates LLC involved in the day to day management of this receivership estate.  
7 If called upon to testify as to these matters, I could and would competently testify  
8 thereto.

9       2. Robb Evans & Associates LLC (“Receiver”) was originally appointed  
10 as Temporary Receiver over the Receivership Defendants pursuant to the  
11 Temporary Restraining Order With Asset Freeze, Appointment of a Temporary  
12 Receiver and Other Equitable Relief filed May 27, 2009 (“Temporary Restraining  
13 Order”). The Receiver was appointed pursuant to an ex parte application filed by  
14 plaintiff Federal Trade Commission (“FTC”) to hold Bryan D’Antonio  
15 (“D’Antonio”) in contempt of court for violating a ban on certain telemarketing  
16 activities issued against him in connection with his role in the company Data  
17 Medical Capital, Inc. The FTC alleged that Bryan D’Antonio as principal of TFG  
18 has organized and operated a telemarketing operation to promote and sell  
19 foreclosure prevention and loan modification services to consumers purportedly to  
20 be performed by attorneys from RLG and ALG. On June 24, 2009, the Court  
21 conducted a hearing on the FTC’s motion for a preliminary injunction and to make  
22 the Receiver permanent receiver of the Receivership Defendants. The FTC’s  
23 motion was granted, and the Receiver became permanent receiver over the  
24 Receivership Defendants pursuant to the Preliminary Injunction Order entered June  
25 26, 2009. On November 18, 2009, the Court held a hearing on the Order to Show  
26 Cause Why Contempt Defendants Should Not be Held in Civil Contempt. On  
27 January 15, 2010, the Court issued its ruling holding Defendants Bryan D’Antonio,  
28 ALG, RLG and TFG in contempt.

1           3.       By this motion, the Receiver seeks a Court order approving and  
2 authorizing the payment of fees and expenses of the Receiver, the Receiver's staff,  
3 and the Receiver's counsel for the four-month period from July 1, 2009 through  
4 October 31, 2009 ("Second Expense Period") in the total sum of \$134,669.86. The  
5 fees and costs for which approval is requested are set forth in the summary which  
6 my office has prepared entitled "Receivership Administrative Expenses and Fund  
7 Balance by Month" ("Financial Summary") attached hereto as Exhibit 1. The fees  
8 and costs are further detailed in Exhibit 2 hereto, which consists of the billing  
9 records of the Receiver's members and staff for the Second Expense Period,  
10 redacted by the Receiver's counsel as explained in the Declaration of Gary Owen  
11 Caris in support of the motion. The Receiver has incurred \$54,139.21 and  
12 \$7,578.89 in expenses, during the Second Expense Period for the Receiver's fees  
13 and expenses and those of its staff, and has incurred legal fees of \$70,888.95 and  
14 costs of \$2,062.81 for services rendered by the Receiver's counsel, McKenna Long  
15 & Aldridge LLP ("McKenna Firm") during the Second Expense Period, for an  
16 aggregate total of Receiver's and counsel's fees and expenses of \$134,669.86 for  
17 the period.

18           4.       The activities of the Receiver and its counsel in the Second Expense  
19 Period have included the implementation of the Court's protective order requested  
20 by the Receiver providing for the terms and conditions of access to the records of  
21 the Receivership Defendants protecting attorney-client privileged documents and  
22 personal and private consumer information from being publicly disclosed or  
23 disseminated. The Receiver also addressed requests by two of the defendants for  
24 release of funds from the receivership estate. In addition, the Receiver (a)  
25 responded to multiple demands by Ron Rodis to perform work on consumer files  
26 and to the subsequent ex parte application filed by Ron Rodis on that issue; (b)  
27 responded to multiple discovery requests propounded by Bryan D'Antonio; and (c)  
28 monitored filings pertaining to the hearing on the FTC's contempt application

1 which was originally set for September 30, 2009 and continued to November 18,  
2 2009 and at which one or more deputies of the Receiver were scheduled to be  
3 potential witnesses.

4 5. As previously reported in the Receiver's first motion for approval of  
5 fees and expenses, the records of the Receivership Defendants included physical  
6 client files created by RLG and ALG, as well as e-mail communications between  
7 various individuals managing the operations of the Receivership Defendants,  
8 including Bryan D'Antonio, Ron Rodis, Wayne Farris, and Nadir Qsar. Since  
9 shortly after the inception of the receivership, various parties to the litigation  
10 requested that the Receiver grant access to the records in the custody of the  
11 Receiver and produce documents and records of the Receivership Defendants.

12 6. On June 30, 2009, the Receiver through its counsel filed an ex parte  
13 application for an order providing instructions to the Receiver regarding the nature  
14 and extent of the access to the records to be granted to the parties and for entry of a  
15 protective order covering the records produced to protect those records from  
16 dissemination or public disclosure. The Court granted the Receiver's ex parte  
17 application and granted the relief sought with some modification based on the  
18 additional terms proposed by the parties and issued a protective order on July 8,  
19 2009.

20 7. After the Court's July 8, 2009 orders were issued on the Receiver's ex  
21 parte application, the Receiver and counsel have responded to the parties regarding  
22 requests for records, including coordinating the production of electronic records and  
23 on-site access to the records of the Receivership Defendants. Under the protective  
24 order issued by the Court on July 8, the Receiver was obligated to have a  
25 representative on-site at the Receivership Defendants' premises in order to preserve  
26 the integrity of the records and ensure the security of the facility and the records.  
27 The Receiver's deputies spent considerable time supervising the defendants while  
28 the defendants or their agents reviewed and copied documents and records. Time

1 spent supervising the defendants during the document and records review was  
2 dependent upon how much time the defendants or their agents chose to spend  
3 reviewing records and documents.

4 8. A significant amount of the Receiver's time during the Second  
5 Expense Period was focused on working with the electronic records of the  
6 Receivership Defendants. The initial stages of producing the documents were  
7 technologically extensive and required technological expertise. Because of the  
8 volume of data involved, substantial time was required to preserve the electronic  
9 records and information. The Receiver's IT staff had to run various time-  
10 consuming queries to locate relevant electronic records for the parties. The  
11 Receiver's IT staff created copies of the electronic records for the parties pursuant  
12 to the protective orders issued by the Court on July 8, 2009.

13 9. In response to requests for production, subpoena duces tecum,  
14 interrogatories and deposition notices propounded by D'Antonio, the Receiver  
15 worked with its counsel to respond including reviewing its records and locating  
16 documents relevant to the requests.

17 10. During the Second Expense Period, the Receiver continued to address  
18 issues regarding the consumer clients of RLG and ALG. The Receiver's staff  
19 responded to numerous consumer inquiries regarding their files and other issues  
20 concerning the receivership estate.

21 11. The Receiver continued to perform other administrative services in  
22 connection with the administration of the receivership estate. The Receiver  
23 addressed payroll, accounts payable reconciliations, and other issues concerning  
24 employees of the Receivership Defendants. The Receiver also continued to work  
25 with financial institutions where the Receivership Defendants had bank accounts to  
26 freeze funds in those accounts. The Receiver also analyzed and addressed issues  
27 concerning credit card chargebacks.

28



1           12. As a member of Robb Evans & Associates LLC, I am familiar with the  
2 methods and procedures used by the Receiver and its staff and employees to record  
3 the time spent rendering services to receivership estates over which the Receiver  
4 has been appointed. The records attached hereto as Exhibit 2 are regularly prepared  
5 by the members, staff and employees of the Receiver at or about the time of the  
6 services rendered and each of whom has a business duty to accurately record the  
7 information regarding their services set forth in these records. The records are  
8 reviewed by the Receiver's accounting staff and summarized in the Receivership  
9 Collection, Expenses and Fund Balance by Month, attached hereto as Exhibit 1.  
10 Based upon my experience with Robb Evans & Associates LLC, I believe the  
11 Receiver's methods and procedures for recording and accounting for time and  
12 services for the receivership estates over which it has been appointed are reliable  
13 and accurate.

14           13. The Receiver seeks an order for limited notice of the hearing on this  
15 motion by which the Receiver would be authorized to serve the motion on the  
16 parties and serve notice of the hearing on the motion on all known non-consumer  
17 creditors (approximately 20 creditors) and to post the motion on the Receiver's web  
18 site for the case. The Receiver would also provide a complete copy of the motion  
19 to any interested consumer who requested a copy in writing. In this case, there are  
20 approximately 3,268 potential consumer creditors in this case based on the number  
21 of consumers whom the Receiver has determined engaged RLG, ALG and TFG to  
22 perform services in this case. If the Receiver were required to give notice to all  
23 consumer creditors, such a requirement would be burdensome, time-consuming and  
24 expensive for the receivership estate, causing the estate to incur substantial  
25 photocopying and postage costs.


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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 4, 2010, at Sun Valley, California.

  
\_\_\_\_\_  
BRICK KANE

# Kane Exhibit 1

Robb Evans & Associates LLC  
Receiver of  
Data Medical Capital, Inc. et al  
Receivership Administrative Expenses and Fund Balance by Month  
from Inception (May 27, 2009) to October 31, 2009

Expense	Previously Reported and Approved	Jul 09	Aug 09	Sep 09	Oct 09	7/1/09-		TOTAL
						10/31/09		
<b>Funds Transferred In</b>								
US Bk-Compass-153462340180	0.00	0.00	0.00	0.00	20,642.00	20,642.00	20,642.00	20,642.00
F & M Bank -TFG - 15067726	49,959.05	0.00	0.00	0.00	0.00	0.00	0.00	49,959.05
F & M Bank -TFG - 15711579	100,001.54	0.00	0.00	0.00	0.00	0.00	0.00	100,001.54
US Bk-Law Office-153462959740	240,000.00	0.00	0.00	0.00	0.00	0.00	0.00	240,000.00
US Bk-RLG-153462339570	90,000.00	0.00	0.00	0.00	0.00	0.00	0.00	90,000.00
US Bk-TFG-153462340362	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
US Bk-TFG-153462340370	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
US Bk-TFG-153462340388	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
<b>Total Funds Transferred In</b>	<b>879,960.59</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>20,642.00</b>	<b>20,642.00</b>	<b>20,642.00</b>	<b>900,602.59</b>
<b>Miscellaneous Income</b>	<b>0.00</b>	<b>600.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>600.00</b>	<b>600.00</b>	<b>600.00</b>
<b>Total Funds Transferred In and Other</b>	<b>879,960.59</b>	<b>600.00</b>	<b>0.00</b>	<b>0.00</b>	<b>20,642.00</b>	<b>21,242.00</b>	<b>901,202.59</b>	<b>901,202.59</b>
<b>Expense</b>								
<b>Operating Expenses</b>								
Security/Alarm	0.00	0.00	0.00	126.10	0.00	126.10	126.10	126.10
Out of Pocket	0.00	0.00	302.97	0.00	0.00	302.97	302.97	302.97
Insurance	0.00	2,322.75	0.00	0.57	0.00	2,323.32	2,323.32	2,323.32
Rent	48,849.60	0.00	1,230.50	57,699.20	615.25	59,544.95	108,394.55	108,394.55
Moving/Storage	0.00	1,237.50	0.00	0.00	1,035.00	2,272.50	2,272.50	2,272.50
Telephone	11,173.14	6,791.37	159.58	0.00	0.00	6,950.95	18,124.09	18,124.09
Bank service fees	326.00	(326.00)	0.00	0.00	0.00	(326.00)	0.00	0.00
Payroll Expenses	384,657.20	8,215.90	9,412.50	10,817.00	0.00	28,445.40	413,102.60	413,102.60
<b>Total Operating Expenses</b>	<b>445,005.94</b>	<b>18,241.52</b>	<b>11,105.55</b>	<b>68,642.87</b>	<b>1,650.25</b>	<b>99,640.19</b>	<b>544,646.13</b>	<b>544,646.13</b>

**Robb Evans & Associates LLC**  
**Receiver of**  
**Data Medical Capital, Inc. et al.**  
**Receivership Administrative Expenses and Fund Balance by Month**  
 from Inception (May 27, 2009) to October 31, 2009

	Previously Reported and Approved	Jul 09	Aug 09	Sep 09	Oct 09	7/1/09-10/31/09	TOTAL
<b>Receiver's Fees &amp; Costs</b>							
<b>Receiver's Fees</b>							
<b>Receiver</b>							
R. Evans	1,036.80	162.00	0.00	0.00	0.00	162.00	1,198.80
A. Jen	11,113.20	907.20	604.80	623.70	283.50	2,419.20	13,532.40
B. Kane	32,475.00	5,000.00	1,450.00	600.00	650.00	7,700.00	40,175.00
E. Lanna	5,953.50	0.00	0.00	0.00	0.00	0.00	5,953.50
K. Johnson	10,451.70	642.60	302.40	585.90	321.30	1,852.20	12,303.90
L. Candler	2,986.20	0.00	0.00	0.00	0.00	0.00	2,986.20
V. Miller	23,625.00	756.00	132.30	0.00	0.00	888.30	24,513.30
<b>Total Receiver</b>	<b>87,641.40</b>	<b>7,467.80</b>	<b>2,489.50</b>	<b>1,809.60</b>	<b>1,254.80</b>	<b>13,021.70</b>	<b>100,663.10</b>
<b>Senior &amp; Accounting Staff</b>							
C. DeCius	30.00	0.00	0.00	30.00	0.00	30.00	60.00
F. Jen	14,345.10	0.00	0.00	0.00	0.00	0.00	14,345.10
L. Lee	5,405.40	1,549.80	907.20	1,417.50	226.80	4,101.30	9,506.70
N. Wolf	1,725.00	600.00	430.00	255.00	260.00	1,545.00	3,270.00
C. Callahan	1,738.80	0.00	548.10	491.40	170.10	1,209.60	2,948.40
P. Chung	15,535.80	0.00	0.00	340.20	472.50	812.70	16,348.50
<b>Total Senior &amp; Accounting Staff</b>	<b>38,780.10</b>	<b>2,149.80</b>	<b>1,885.30</b>	<b>2,534.10</b>	<b>1,129.40</b>	<b>7,698.60</b>	<b>46,478.70</b>
<b>IT Management</b>							
E. Roop	18,575.00	11,162.50	875.00	1,737.50	1,537.50	15,312.50	33,887.50
K. Chapin	2,155.90	208.49	84.28	936.00	66.54	1,295.31	3,451.21
<b>Total IT Management</b>	<b>20,730.90</b>	<b>11,370.99</b>	<b>959.28</b>	<b>2,673.50</b>	<b>1,604.04</b>	<b>16,607.81</b>	<b>37,338.71</b>

**Robb Evans & Associates LLC**  
 Receiver of  
**Data Medical Capital, Inc. et al.**  
**Receivership Administrative Expenses and Fund Balance by Month**  
 from Inception (May 27, 2009) to October 31, 2009

	Previously Reported and Approved	Jul 09	Aug 09	Sep 09	Oct 09	7/1/09-10/31/09	TOTAL
<b>Support Staff</b>	3,292.30	5,488.80	4,125.60	4,375.00	2,821.70	16,811.10	20,103.40
<b>Total Receiver's Fees</b>	150,444.70	26,477.39	9,459.68	11,392.20	6,809.94	54,139.21	204,583.91
<b>Receiver's Costs</b>							
Copying/Reproduction	0.00	0.00	0.00	1,598.14	0.00	1,598.14	1,598.14
Asset/Credit Searches	0.00	0.64	0.00	0.00	0.00	0.64	0.64
Mass Mailing Expenses	0.00	300.00	0.00	0.00	0.00	300.00	300.00
Bond Premium	100.00	0.00	0.00	0.00	0.00	0.00	100.00
Supplies/Telephone	19.36	748.87	1,281.74	22.37	24.08	2,077.06	2,096.42
Computer/Hardware	247.80	520.93	0.00	0.00	0.00	520.93	768.73
Postage/Delivery	2,174.12	402.12	106.82	205.22	292.69	1,006.85	3,180.97
Travel Expense	6,836.03	1,051.17	448.80	421.30	154.00	2,075.27	8,911.30
<b>Total Receiver's Costs</b>	9,377.31	3,023.73	1,837.36	2,247.03	470.77	7,578.89	16,956.20
<b>Legal Fees &amp; Costs</b>							
Legal Fees	34,051.50	23,228.10	21,383.55	20,616.75	5,660.55	70,888.95	104,940.45
Legal-Costs	350.31	1,130.68	439.88	386.54	105.71	2,062.81	2,413.12
<b>Total Legal Fees &amp; Costs</b>	34,401.81	24,358.78	21,823.43	21,003.29	5,766.26	72,951.76	107,353.57
<b>Total Receiver's Fees &amp; Costs</b>	194,223.82	53,859.90	33,120.47	34,642.52	13,046.97	134,669.86	328,893.68
<b>Total Expense</b>	639,229.76	72,101.42	44,226.02	103,285.39	14,697.22	234,310.05	873,539.81
<b>Fund Balance</b>	240,730.83	(71,501.42)	(44,226.02)	(103,285.39)	5,944.78	(213,068.05)	27,662.78