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6 Attorneys for Temporary Receiver
6 Robb Evans & Associates, LLC

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Federal Trade Commission,

No. CV12-02368-PHX-GMS

10 Plaintiff,

11 vs

12 American Business Builders, LLC, et
al.,

**TEMPORARY RECEIVER'S
MOTION FOR APPROVAL OF
RECEIVER'S REASONABLE
COMPENSATION**

13 Defendants.

14 Pursuant to the *Temporary Restraining Order with Asset Freeze, Appointment of*
15 *Temporary Receiver and Other Equitable Relief, and Order to Show Cause Why a*
16 *Preliminary Injunction Should Not Be Appointed* (“Order”), entered on November 06, 2012,
17 the Temporary Receiver, Robb Evans & Associates LLC (“Temporary Receiver”), hereby
18 requests that this Court approve the Temporary Receiver’s request for the payment of its
19 reasonable compensation as set forth herein.

20 Specifically, the Temporary Receiver was appointed as temporary receiver by the
21 Order dated November 06, 2012, and began performing its court-appointed duties at that time.
22 Pursuant to this Court’s Order, the Temporary Receiver is entitled to compensation for its
23 services rendered. On November 30, 2012, the Temporary Receiver filed a detailed report of
24 its activities made during November 8, 2012 through November 27, 2012. Attached hereto as
25 **Exhibit A** is the detailed report of the Temporary Receiver’s *Administrative Expenses and*
26 *Fund Balance*, detailing the activity from the inception of the receivership through December
27 31, 2012.

1 The Temporary Receiver requests payment in the total amount of \$101,376.11. That
 2 total amount during the expense period is itemized as follows:

3		
4	Fees of the Temporary Receiver, his deputies, agents and staff	\$ 89,855.05
5	Temporary Receiver's expenses	\$ 9,072.06
6	Temporary Receiver's legal fees	\$ 2,449.00
7	Total	\$101,376.11
8		

9 The amounts listed above are supported by the following documents. Attached hereto
 10 as **Exhibit B** is the Temporary Receiver's Invoice for services rendered by the Temporary
 11 Receiver through November 30, 2012. Accompanying the Invoice are the detailed time
 12 records of the Temporary Receiver, which specify the date, description of task, time keeper
 13 and amount of time spent regarding the identified task. Attached hereto as **Exhibit C** is the
 14 Temporary Receiver's Invoice for services rendered by the Temporary Receiver through
 15 December 31, 2012. As with the November Invoice, accompanying the December Invoice
 16 are the detailed time records of the Temporary Receiver, which specify the date, description
 17 of task, time keeper and amount of time spent regarding the identified task. Attached hereto
 18 as **Exhibit D** is the Temporary Receiver's attorneys' invoice for services rendered by
 19 Temporary Receiver's attorney through November 30, 2012. Attached hereto as **Exhibit E** is
 20 the Temporary Receiver's attorneys' invoice for services rendered by the Temporary
 21 Receiver's attorney through December 31, 2012. Finally, as verified in the accompanying
 22 Declaration of Brick Kane, President and Chief Operating Offer of Robb Evans & Associates
 23 LLC, attached hereto as **Exhibit F**, the Exhibits B and C accurately reflect the time spent by
 24 the Temporary Receiver in the performance of its duties for the months of November and
 25 December, 2012.

26 In light of the foregoing, the Temporary Receiver hereby requests that this Court
 27 approve the Temporary Receiver's request for payment of its reasonable compensation in the

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 One Columbus Plaza, Suite 700
 3636 North Central Avenue
 Phoenix, Arizona 85012

1 total amount of \$101,376.11. (The Temporary Receiver reserves its rights to submit
2 additional periodic requests for approval of additional fees and expenses from time to time.)

3 A form of Order is submitted herewith.

4 **DATED** this 17th day of January, 2013.

5 ENGELMAN BERGER, P.C.

6
7 By /s/ Kevin M. Judiscak #012764
8 Kevin M. Judiscak
9 3636 North Central Avenue, Suite 700
10 Phoenix, Arizona 85012
11 Attorneys for Robb Evans & Associates, LLC

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Phoenix, Arizona 85012

ROBB EVANS ASSOCIATES LLC
Temporary Receiver of
American Business Builders, LLC, et al.
Receivership Administration Expenses and Fund Balance
From Inception (November 6, 2012) to December 31, 2012

	<u>Nov 30, 12</u>	<u>Dec 31, 12</u>	<u>TOTAL</u>
Funds Transferred In			
Arizona Federal Credit Union			
Safe Card *8995	0.00	13,525.00	13,525.00
Total Arizona Federal Credit Union	<u>0.00</u>	<u>13,525.00</u>	<u>13,525.00</u>
Bank of America			
Complete Market Share *7782	364.60	0.00	364.60
Complete Market Share *7818	324.90	0.00	324.90
ENF LLC *6942	4,781.00	0.00	4,781.00
ENF LLC *6955	32.13	0.00	32.13
ENF LLC *6968	2,003.30	0.00	2,003.30
United Merchant *0310	1,443.15	0.00	1,443.15
Universal Marketing *4208	6,540.31	0.00	6,540.31
Universal Marketing *6560	21,915.44	0.00	21,915.44
Universal Marketing *6573	22,040.80	0.00	22,040.80
Universal Marketing *6710	50.43	0.00	50.43
Total Bank of America	<u>59,496.06</u>	<u>0.00</u>	<u>59,496.06</u>
Compass			
Am Business Bldrs *7403	0.00	187.86	187.86
UMS Groups *9972	0.00	6.10	6.10
Total Compass	<u>0.00</u>	<u>193.96</u>	<u>193.96</u>
EVO Merchant Services, LLC			
Miscellaneous (wire in error)	0.00	0.00	0.00
Pinnacle Marketing Group *0344	31,152.64	0.00	31,152.64
Safe Card, LLC *2266	2,871.51	0.00	2,871.51
Safe Card, LLC *2464	2.90	0.00	2.90
Total EVO Merchant Services, LLC	<u>34,027.05</u>	<u>0.00</u>	<u>34,027.05</u>
Global Payments			
Am Bs Brokers dba UMS *2317	0.00	144,755.25	144,755.25
Cash Flow Capital *9327	9,059.91	0.00	9,059.91
E3BIZ LLC *9241	12,816.78	0.00	12,816.78
Pinnacle Marketing *3823	15,878.55	0.00	15,878.55
Total Global Payments	<u>37,755.24</u>	<u>144,755.25</u>	<u>182,510.49</u>

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	<u>Nov 30, 12</u>	<u>Dec 31, 12</u>	<u>TOTAL</u>
Nevada State Bank			
American Business Brokers *2702	70.00	0.00	70.00
American Business Brokers *2710	70.00	0.00	70.00
American Business Brokers *2728	70.00	0.00	70.00
American Business Brokers *4047	70.00	0.00	70.00
ENF, LLC *4054	70.00	0.00	70.00
ENF, LLC *4062	70.00	0.00	70.00
ENF, LLC *4070	70.00	0.00	70.00
ENF, LLC *4088	70.00	0.00	70.00
Total Nevada State Bank	<u>560.00</u>	<u>0.00</u>	<u>560.00</u>
Total Funds Transferred In	<u>131,838.35</u>	<u>158,474.21</u>	<u>290,312.56</u>
Total Funds Collected	131,838.35	158,474.21	290,312.56
Expense			
Business Expenses			
Alarm/Security	0.00	420.00	420.00
Postage/Delivery	96.36	0.00	96.36
Rent	0.00	10,351.60	10,351.60
Utilities	0.00	3,735.00	3,735.00
Total Business Expenses	<u>96.36</u>	<u>14,506.60</u>	<u>14,602.96</u>
Receiver's Fees & Costs			
Receiver Fees			
Receiver			
A. Jen	2,743.65	0.00	2,743.65
B. Kane	9,678.15	0.00	9,678.15
K. Johnson	8,683.20	452.25	9,135.45
R. Evans	306.00	0.00	306.00
V. Miller	17,426.70	1,266.30	18,693.00
Total Receiver	<u>38,837.70</u>	<u>1,718.55</u>	<u>40,556.25</u>
Accounting and Senior Staff			
C. DeCius	2,106.00	0.00	2,106.00
F. Jen	13,235.85	6,663.15	19,899.00
L. Lee	7,778.70	1,688.40	9,467.10
N. Wolf	468.00	492.00	960.00

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Receivership Administration Expenses and Fund Balance
From Inception (November 6, 2012) to December 31, 2012

	<u>Nov 30, 12</u>	<u>Dec 31, 12</u>	<u>TOTAL</u>
C. Callahan	6,277.50	382.50	6,660.00
Total Accounting and Senior Staff	<u>29,866.05</u>	<u>9,226.05</u>	<u>39,092.10</u>
IT Management			
E. Roop	8,235.00	0.00	8,235.00
Total IT Management	<u>8,235.00</u>	<u>0.00</u>	<u>8,235.00</u>
Support Staff	<u>1,418.80</u>	<u>552.90</u>	<u>1,971.70</u>
Total Receiver Fees	<u>78,357.55</u>	<u>11,497.50</u>	<u>89,855.05</u>
Receiver's Costs			
Asset/Credit Searches	127.12	397.29	524.41
Bank Fees	30.00	0.00	30.00
Bond premium	0.00	100.00	100.00
Locksmith/Lock Change	243.00	771.00	1,014.00
Postage/Delivery	89.19	140.70	229.89
Supplies/Telephone	26.07	2.43	28.50
Travel Expense	6,910.05	115.44	7,025.49
Miscellaneous Expenses	119.77	0.00	119.77
Total Receiver's Costs	<u>7,545.20</u>	<u>1,526.86</u>	<u>9,072.06</u>
Legal			
Fees	487.50	1,961.50	2,449.00
Total Legal	<u>487.50</u>	<u>1,961.50</u>	<u>2,449.00</u>
Total Receiver's Fees & Costs	<u>86,390.25</u>	<u>14,985.86</u>	<u>101,376.11</u>
Total Expense	<u>86,486.61</u>	<u>29,492.46</u>	<u>115,979.07</u>
Fund Balance	<u>45,351.74</u>	<u>128,981.75</u>	<u>174,333.49</u>

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9 Federal Trade Commission,
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No. CV12-02368-PHX-GMS

**DECLARATION OF BRICK KANE
IN SUPPORT OF TEMPORARY
RECEIVER'S MOTION FOR
APPROVAL OF RECEIVER'S
REASONABLE COMPENSATION**

14 I, Brick Kane, declare under penalty of perjury that:

15 1. I am the President and Chief Operating Officer and a deputy to the Temporary
16 Receiver in this lawsuit, Robb Evans & Associates LLC, and am authorized to make this
17 Declaration on its behalf.

18 2. I am familiar with the activities of the Temporary Receiver in this lawsuit. I
19 have reviewed the *Administrative Expenses by Month and Fund Balance* report and the
20 accompanying invoices and time entry records. The report accurately reflects the time spent
21 by the Temporary Receiver and the Temporary Receiver's attorney in the performance of its
22 duties in this lawsuit for the months of November and December, 2012.

23 Further affiant sayeth not.

24 DATED this 17 day of January, 2013.

25
26 
27 BRICK KANE