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ROBB EVANS & ASSOCIATES LLC
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 v.

14 FINBAR SECURITIES CORP., and
15 ROBERT TRINGHAM,

16 Defendants.
17

CASE NO. CV 09-2325 ODW (VBKx)

**NOTICE OF MOTION AND
MOTION BY RECEIVER FOR
ORDER APPROVING AND
AUTHORIZING PAYMENT OF
RECEIVERSHIP EXPENSES
FROM JANUARY 1, 2012
THROUGH JUNE 30, 2012;
MEMORANDUM OF POINTS AND
AUTHORITIES AND
DECLARATION OF GARY OWEN
CARIS IN SUPPORT THEREOF**

**[DECLARATION OF BRICK KANE
FILED CONCURRENTLY
HEREWITH]**

DATE: December 3, 2012
TIME: 1:30 p.m.
PLACE: Courtroom 11

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23 PLEASE TAKE NOTICE that on December 3, 2012 at 1:30 p.m. in
24 Courtroom 11 of the above-referenced Court, located at 312 North Spring Street,
25 Los Angeles, California, Robb Evans & Associates LLC as Permanent Receiver
26 (“Receiver”) for Defendant Finbar Securities Corp. (“Finbar”) and its subsidiaries
27 and affiliates, will move the Court for an Order approving and authorizing payment
28 of the Receiver’s and Receiver’s counsel’s fees and expenses incurred during the

1 period from January 1, 2012 through June 30, 2012 (“Third Expense Period”),
2 comprised of the fees of the Receiver, the Receiver’s deputies, agents, and staff of
3 \$4,759.20 and Receiver’s expenses of \$10.85 and legal fees of \$24,190.20 and
4 expenses of \$664.68 for the services of the Receiver’s counsel, McKenna Long &
5 Aldridge LLP, for a total sum of \$29,624.93.

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

14 PLEASE TAKE FURTHER NOTICE that a copy of this motion, exclusive
15 of exhibits, is posted on the Receiver’s website at
16 <http://www.robbevans.com/html/finbar.html> where it may be reviewed in its
17 entirety. Copies of this motion will be provided to any interested party upon receipt
18 of a written request which may be sent to: Robb Evans & Associates LLC, Attn:
19 Cherrie Eustaquio, 11450 Sheldon Street, Sun Valley, CA 91352-1121; Facsimile:
20 (818) 768-8802.

21 Dated: November 1, 2012

MCKENNA LONG & ALDRIDGE LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

22
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24
25 By: /s/ Gary Owen Caris

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

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On April 3, 2009, the Securities and Exchange Commission (“SEC”)
4 commenced this action against Robert Tringham (“Tringham”) and Finbar
5 Securities Corp. (“Finbar”) (collectively “Defendants”) for violations of the anti-
6 fraud provisions of federal securities laws. The SEC alleged that the Tringham
7 fraudulently raised at least \$6.4 million from at least four investors through Finbar,
8 an unregistered broker-dealer. Despite representations to investors to the contrary,
9 Finbar has never been registered with the SEC as a broker-dealer. The SEC alleged
10 that Defendants represented that Finbar offered and sold debt instruments and high
11 yield risk-free investment opportunities by using investors’ funds as collateral for
12 Finbar to make profitable trades. Finbar allegedly promised one investor returns of
13 30% per year. Finbar maintained account statements for investors which showed
14 large balances in the investors’ accounts; however, Defendants failed to honor
15 investors’ requests to withdraw the funds from the accounts. On February 26,
16 2010, Tringham was convicted of mail and wire fraud, obstruction of justice, tax
17 evasion and making false statements to federal investigators in a separate criminal
18 proceeding, involving a prior fraudulent scheme.

19 **A. Appointment of Receiver**

20 The Court issued its Amended Temporary Restraining Order and Orders: (1)
21 Freezing Assets; (2) Appointing A Temporary Receiver; (3) Prohibiting the
22 Destruction of Documents; (4) Granting Expedited Discovery; and (5) Requiring
23 Accounting; and Order to Show Cause re Preliminary Injunction and Appointment
24 of a Permanent Receiver (“Temporary Restraining Order”) on April 3, 2009.
25 Pursuant to Section VI of the Temporary Restraining Order, an asset freeze on all
26 assets of Finbar and Tringham was imposed. In addition, pursuant to Section VIII
27 of the Temporary Restraining Order, the Receiver was appointed as Temporary
28 Receiver of Finbar and its subsidiaries and affiliates (“Finbar” or “Receivership

1 Defendants”), with full powers of an equity receiver, including but not limited to
2 full power over all assets of Finbar, and the Receiver was authorized, empowered
3 and directed to have access to and to collect and take custody, control, possession
4 and charge of all funds and assets of Finbar.

5 On April 13, 2009, the Court issued its Preliminary Injunction and Orders:
6 (1) Freezing Assets; (2) Appointing A Permanent Receiver; (3) Requiring
7 Accounting; (4) Prohibiting the Destruction of Documents; and (5) Expediting
8 Discovery (“Preliminary Injunction”). Pursuant to Section VI of the Preliminary
9 Injunction, the asset freeze previously imposed upon Finbar and Tringham
10 remained in full force and effect. Additionally, pursuant to Section VIII of the
11 Preliminary Injunction, the Receiver was made Permanent Receiver of Finbar and
12 its subsidiaries and affiliates, with full powers of an equity receiver, and the
13 Receiver remained authorized, empowered and directed to have access to and
14 collect and take custody, control, possession and charge of all funds and assets of
15 Finbar.

16 No answer or other response was filed by either Tringham or Finbar. Default
17 was entered against Tringham on May 21, 2009. A Judgment of Permanent
18 Injunction was entered against Finbar on June 12, 2009. Final judgments providing
19 for both injunctive and monetary relief have since been entered against Tringham
20 on May 26, 2010 (Doc. No. 53) and against Finbar on June 17, 2010 (Doc. No. 57).
21 The Receiver has continued its duties as permanent receiver pursuant to the
22 Judgment of Permanent Injunction and the Final Judgment against Finbar.

23 **B. Fee Motion**

24 This is the Receiver’s third fee motion since the case commenced. The
25 Receiver filed its first fee motion on July 16, 2010, seeking approval and
26 authorization for payment of the Receiver’s and counsel’s fees and expenses
27 incurred from the inception of the case in April 2009 through January 31, 2010.
28 The first fee motion was taken under submission by the Court and granted without a

1 hearing. (Doc. No. 78). The Receiver's second fee motion was filed on June 15,
2 2012, seeking approval and authorization for payment of the Receiver's and
3 counsel's fees and expenses incurred from February 1, 2010 through December 31,
4 2011. The second fee motion was taken under submission by the Court and granted
5 without a hearing on July 3, 2012. (Doc. No. 116).

6 This fee motion covers services rendered during the six-month period from
7 January 1, 2012 through June 30, 2012 ("Third Expense Period"). The Receiver's
8 fees and costs for which approval is requested in this motion are set forth in the
9 summary entitled "Receivership Administration Expense by Month and Fund
10 Balance" ("Financial Summary") attached to the supporting Declaration of Brick
11 Kane as Exhibit 1. The Receiver specifically seeks approval and authorization for
12 payment from assets of the estate of the fees of the Receiver, the Receiver's
13 deputies, agents, and staff of \$4,759.20 and Receiver's expenses of \$10.85, and
14 legal fees of \$24,190.20 and expenses of \$664.68 for the services of the Receiver's
15 counsel, McKenna Long & Aldridge LLP, for a total sum of \$29,624.93. The
16 services rendered by the Receiver and its counsel during the Third Expense Period
17 are described in more detail hereafter and in the billing records attached to the
18 Declarations of Brick Kane and Gary Owen Caris in support of this motion.

19 **II. SUMMARY OF THE RECEIVER'S AND COUNSEL'S**
20 **ACTIVITIES DURING THE THIRD EXPENSE PERIOD**

21 The Third Expense Period covers a period spanning six months. The primary
22 activities of the Receiver and its counsel have focused on the Receiver's pursuit of
23 claims for the estate in three related civil forfeiture actions and the criminal action
24 against Tringham, all pending in the United States District Court for the Central
25 District of California before the Honorable James S. Otero. In addition, the
26 Receiver has continued its administrative activities and monitored related litigation
27 matters.

1 **A. Turnover of the Defendants' Assets**

2 As reported to the Court in the Receiver's prior fee motions, the assets of the
3 receivership estate are limited. A small amount of the Defendants' funds remained
4 in bank accounts and safe deposit boxes held at multiple financial institutions.
5 During the Third Expense Period, the Receiver recovered sums held by multiple
6 financial institutions in the total amount of \$4,473.32.

7 **B. Civil Forfeiture Actions**

8 During the Third Expense Period, the Receiver also pursued the estate's
9 interests in assets subject to the three pending civil forfeiture actions. These actions
10 had been stayed in light of the criminal proceedings against Tringham. The civil
11 forfeiture actions seek forfeiture of two sets of funds seized by the United States
12 totaling in excess of \$1.6 million as well as real property in Diamond Bar,
13 California which was allegedly purchased by Tringham with funds of defrauded
14 investors.

15 The Receiver asserted that the receivership estate may have claims to all or a
16 portion of the assets subject to the three civil forfeiture actions. In the prior
17 expense period, disputes arose with the United States over the Receiver's right to
18 assert claims in the three civil forfeiture cases. As a result, in the prior expense
19 period the Receiver filed and served three motions to participate in the three civil
20 forfeiture actions in order to assert this estate's claims to the assets. The three
21 motions were granted by the Court, and during the Third Expense Period, the
22 Receiver and its counsel prepared and filed answers and claims in the three civil
23 forfeiture actions. The Receiver and its counsel also prepared and filed a
24 petition/claim in the criminal action.

25 The two the civil forfeiture actions pertaining to the funds totaling
26 approximately \$1.6 million are no longer stayed. The Court set scheduling
27 conferences for the two non-stayed civil forfeiture actions for February 27, 2012.
28 The Receiver's counsel prepared the Receiver's portions of the parties' joint Rule

1 26(f) reports as required under Federal Rules of Civil Procedure, Rule 26. The
2 Receiver's counsel participated in the Rule 26(f) conference of counsel and also
3 appeared at the scheduling conferences for the two non-stayed actions.

4 At the scheduling conferences, the Court set trial dates and other deadlines
5 for those two civil forfeiture actions, with trial scheduled for November 27, 2012.
6 In addition, Judge Otero ordered the parties to participate in settlement conferences
7 in the two non-stayed actions. The Receiver and its counsel prepared and submitted
8 settlement conference statements and attended the settlement conferences in June
9 2012 as ordered by the Court. Although the two non-stayed actions were not
10 resolved at the settlement conferences, the parties have continued their settlement
11 dialogue and are attempting to resolve the Receiver's claims. The Receiver's
12 counsel continues to monitor the status of the third civil forfeiture action that
13 remains stayed.

14 **C. Receiver's and Counsel's Other Case Activities**

15 During the Third Expense Period, the Receiver and its counsel have
16 performed other administrative services in connection with the administration of the
17 receivership estate. The Receiver has continued to prepare bank reconciliations and
18 maintain accounting records. The Receiver's counsel also prepared and filed the
19 Receiver's second fee motion at no expense to the receivership estate, which was
20 granted by the Court on July 3, 2012.

21 The Receiver submits that its fees and costs and those of its counsel are
22 reasonable given the services rendered and the period covered by the motion. The
23 fees and costs should be approved in their entirety and authorized for payment from
24 receivership assets.

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1 **III. THE FEES AND EXPENSES OF THE RECEIVER, ITS STAFF**
2 **AND ITS ATTORNEYS SHOULD BE APPROVED AND**
3 **ORDERED PAID FROM RECEIVERSHIP ASSETS**

4 It is a fundamental tenet of receivership law that expenses of administration
5 incurred by the receiver, including those of the receiver, its counsel and others
6 employed by the receiver, constitute priority expenses for which compensation
7 should be paid from the assets of the receivership. As explained in the leading
8 treatise *Clark on Receivers*:

9 The obligations and expenses which the court creates in
10 its administration of the property are necessarily burdens
11 on the property taken possession of, and this, irrespective
12 of the question who may be the ultimate owner, or who
13 may have the preferred lien, or who may invoke the
14 receivership. The appointing court pledges its good faith
15 that all duly authorized obligations incurred during the
16 receivership shall be paid.

17 2 Clark, Ralph Ewing, *A Treatise on the Law and Practice of Receivers* § 637,
18 p. 1052 (3rd ed. 1992).

19 The motion establishes that the Receiver, its staff and its counsel rendered
20 important services for the receivership estate during the period covered by the Third
21 Expense Period. *See Federal Trade Commission v. Capital Acquisitions &*
22 *Management Corp.*, 2005 U.S. Dist. LEXIS 18504 (N.D. Ill. August 26, 2005).

23 The Receiver submits the fees and expenses are reasonable in light of the services
24 rendered and the results obtained and that the fees and expenses requested should
25 be awarded in their entirety.

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1 **IV. CONCLUSION**

2 For the foregoing reasons, the Receiver respectfully requests that the Court
3 grant this motion and issue an order approving and authorizing for payment the fees
4 and costs of the Receiver, its staff and counsel incurred for the six-month period
5 from January 1, 2012 through June 30, 2012.

6
7 Dated: November 1, 2012

MCKENNA LONG & ALDRIDGE LLP
GARY OWEN CARIS
LESLEY ANNE HAWES

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10 By: /s/ Gary Owen Caris
11 Gary Owen Caris
12 Attorneys for Permanent Receiver
13 ROBB EVANS & ASSOCIATES
14 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 Permanent 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 are billing summaries reflecting the services rendered, time spent and costs incurred by McKenna Long & Aldridge LLP (the “McKenna Firm”) pertaining to this case for the period from January 1, 2012 through June 30, 2012 (the “Third Expense Period”). The time records for the McKenna Firm and for the Receiver 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 \$24,190.20 and costs total \$664.68 for total legal fees and costs of \$24,854.88.

3. During the Third Expense Period, the McKenna Firm assisted the Receiver in pursuing interests in assets subject to three civil forfeiture actions pending in this Court before the Honorable James S. Otero. These actions had been stayed in light of the pending criminal proceedings against Tringham. In the prior expense period, disputes arose with the United States over the Receiver’s right to assert claims in the three civil forfeiture cases. As a result, in the prior expense period the McKenna firm prepared, filed and served three motions to participate in the three civil forfeiture actions in order to assert this estate’s claims to the assets. The three motions were granted by the Court.

4. During the Third Expense Period, the McKenna Firm, with the Receiver’s assistance, prepared and filed answers and claims in the three civil

1 forfeiture actions. In addition, the McKenna Firm prepared and filed a
2 petition/claim in the criminal action.

3 5. The two the civil forfeiture actions pertaining to the funds totaling
4 approximately \$1.6 million are no longer stayed. The Court set scheduling
5 conferences for the two non-stayed civil forfeiture actions. The McKenna Firm,
6 with the assistance of the Receiver, prepared the Receiver's portions of the parties'
7 joint Rule 26(f) reports, which were filed with the Court by Plaintiffs in the actions.
8 I attended the conference of counsel required under Rule 26(f) and appeared at the
9 scheduling conferences for February 27, 2012 in the two non-stayed actions. As the
10 scheduling conference, the Court set trial dates and other deadlines for those two
11 civil forfeiture actions, with trial scheduled for November 27, 2012. In addition,
12 the Court ordered settlement conferences to be held in June 2012 in the two non-
13 stayed actions. With assistance from the Receiver, the McKenna Firm prepared and
14 submitted settlement conference statements for the two non-stayed actions. The
15 McKenna Firm attended the settlement conferences with the Receiver. The two
16 non-stayed actions were not resolved at the settlement conferences, but the parties
17 have continued their settlement dialogue and are attempting to resolve the
18 Receiver's claims.

19 6. The McKenna Firm also prepared and filed the Receiver's second fee
20 motion during the Third Expense Period at no expense to the receivership estate,
21 which was granted by the Court without a hearing on July 3, 2012.

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

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

7 8. I have more than 32 years' experience as a business and commercial
8 litigator and also have extensive experience as a bankruptcy attorney representing
9 creditors in Chapter 11 and Chapter 7 bankruptcy cases. For over thirteen years I
10 have also specialized in representing receivers in federal equity receiverships. I am
11 familiar with the billing rates and practices of firms in the Los Angeles area
12 providing comparable services, and I believe my firm's rates and the amount
13 incurred by the Receiver for the services rendered during the Third Expense Period
14 are reasonable and appropriate based on the nature of the services rendered, the
15 quality and amount of services provided, the complexity of the issues involved and
16 other factors.

17 I declare under penalty of perjury that the foregoing is true and correct and
18 that this declaration was executed on this 1st day of November 2012 at Los
19 Angeles, California.

20 /s/ Gary Owen Caris
21 _____
22 GARY OWEN CARIS
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1 GARY OWEN CARIS (SBN 088918)
gcaris@mckennalong.com
2 LESLEY ANNE HAWES (SBN 117101)
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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
11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 v.

14 FINBAR SECURITIES CORP., and
15 ROBERT TRINGHAM,

16 Defendants.
17

CASE NO. CV 09-2325 ODW (VBKx)

**DECLARATION OF BRICK KANE
IN SUPPORT OF MOTION BY
RECEIVER FOR ORDER
APPROVING AND AUTHORIZING
PAYMENT OF RECEIVERSHIP
EXPENSES FROM JANUARY 1,
2012 THROUGH JUNE 30, 2012**

DATE: December 3, 2012
TIME: 1:30 p.m.
PLACE: Courtroom 11

18
19 I, Brick Kane, declare:

20 1. I am the President and Chief Operating Officer of Robb Evans &
21 Associates LLC, the duly appointed Receiver (“Receiver”) of Finbar Securities
22 Corp. and its subsidiaries and affiliates. I have personal knowledge of the matters
23 set forth in this declaration or have gained knowledge of these matters based upon
24 my supervision of other members and staff of Robb Evans & Associates LLC
25 involved in the day to day management of this receivership estate. If called upon to
26 testify as to these matters, I could and would competently testify based upon my
27 personal knowledge.
28

1 2. The Receiver was originally appointed as temporary receiver pursuant
2 to this Court’s Amended Temporary Restraining Order and Orders: (1) Freezing
3 Assets; (2) Appointing A Temporary Receiver; (3) Prohibiting the Destruction of
4 Documents; (4) Granting Expedited Discovery; and (5) Requiring Accounting; and
5 Order to Show Cause re Preliminary Injunction and Appointment of a Permanent
6 Receiver (“Temporary Restraining Order”) issued on April 3, 2009. Pursuant to
7 Section VI of the Temporary Restraining Order, an asset freeze on all assets of
8 Finbar Securities Corp. and Defendant Robert Tringham (“Tringham”) was
9 imposed. In addition, pursuant to Section VIII of the Temporary Restraining Order,
10 the Receiver was appointed as Temporary Receiver of Finbar Securities Corp., and
11 its subsidiaries and affiliates (“Finbar” or “Receivership Defendants”), with full
12 powers of an equity receiver, including but not limited to full power over all assets
13 of Finbar, and the Receiver was authorized, empowered and directed to have access
14 to and to collect and take custody, control, possession and charge of all funds and
15 assets of Finbar.

16 3. On April 13, 2009, the Court issued its Preliminary Injunction and
17 Orders: (1) Freezing Assets; (2) Appointing A Permanent Receiver; (3) Requiring
18 Accounting; (4) Prohibiting the Destruction of Documents; and (5) Expediting
19 Discovery (“Preliminary Injunction”). Pursuant to Section VI of the Preliminary
20 Injunction, the asset freeze previously imposed upon Finbar and Tringham
21 remained in full force and effect. Additionally, pursuant to Section VIII of the
22 Preliminary Injunction, the Receiver was made Permanent Receiver of Finbar and
23 its subsidiaries and affiliates, with full powers of an equity receiver, and the
24 Receiver remained authorized, empowered and directed to have access to and
25 collect and take custody, control, possession and charge of all funds and assets of
26 Finbar.

27 4. No answer or other response to the SEC’s complaint was filed by
28 either Tringham or Finbar. Default was entered against Tringham on May 21,

1 2009. A Judgment of Permanent Injunction was entered against Finbar on June 12,
2 2009. Final judgments providing for both injunctive and monetary relief have since
3 been entered against Tringham on May 26, 2010 (Doc. No. 53) and against Finbar
4 on June 17, 2010 (Doc. No. 57). The Receiver has continued its duties as
5 permanent receiver pursuant to the Judgment of Permanent Injunction and the Final
6 Judgment against Finbar.

7 5. The Receiver filed its first fee motion on July 16, 2010, seeking
8 approval and authorization for payment of the Receiver's and counsel's fees and
9 expenses incurred from the inception of the case in April 2009 through January 31,
10 2010. The first fee motion was taken under submission by the Court and granted
11 without a hearing. (Doc. No. 78). The Receiver's second fee motion was filed on
12 June 15, 2012, seeking approval and authorization for payment of the Receiver's
13 and counsel's fees and expenses incurred from February 1, 2010 through December
14 31, 2011. The second fee motion was taken under submission by the Court and
15 granted without a hearing on July 3, 2012. (Doc. No. 116).

16 6. This declaration is submitted in support of the Receiver's third fee
17 motion which seeks approval and authorization for payment for fees and costs
18 incurred by the Receiver and the Receiver's counsel during the six-month period
19 from January 1, 2012 through June 30, 2012 ("Third Expense Period"). Attached
20 hereto as Exhibit 1 is the Receiver's summary of receipts and expenses of the estate
21 entitled "Receivership Administration Expense by Month and Fund Balance"
22 ("Financial Summary"). Attached hereto collectively as Exhibit 2 are copies of the
23 Receiver's billing records covering the Third Expense Period which have been
24 redacted where appropriate to preserve descriptions containing confidential,
25 tactical, strategic, attorney-client privileged and/or attorney work-product
26 information. During the Third Expense Period, the Receiver has incurred fees of
27 the Receiver, the Receiver's deputies, agents, and staff of \$4,759.20 and Receiver's
28 expenses of \$10.85, and legal fees of \$24,190.20 and expenses of \$664.68 for the

1 services of the Receiver's counsel, McKenna Long & Aldridge LLP, for a total sum
2 of \$29,624.93.

3 7. During the Third Expense Period, the primary activities of the
4 Receiver and its counsel have focused on the Receiver's pursuit of claims for the
5 estate in the related civil forfeiture actions and a criminal action against Tringham,
6 all pending in the United States District Court for the Central District of California
7 before the Honorable James S. Otero. In addition, the Receiver has continued its
8 administrative activities and monitored related litigation matters.

9 8. As reported to the Court in the Receiver's prior fee motions, the assets
10 of the receivership estate are limited. A small amount of the Defendants' funds
11 remained in bank accounts and safe deposit boxes held at multiple financial
12 institutions. During the Third Expense Period, the Receiver recovered sums held
13 by multiple financial institutions in the total amount of \$4,473.32.

14 9. During the Third Expense Period, the Receiver also pursued the
15 estate's claims against assets subject to three civil forfeiture actions pending in this
16 Court. These actions had been stayed in light of the pending criminal proceedings
17 against Tringham. The civil forfeiture actions seek forfeiture of two sets of funds
18 seized by the United States totaling approximately \$1.6 million as well as real
19 property in Diamond Bar, California which was allegedly purchased by Tringham
20 with funds of defrauded investors. When disputes arose with the United States
21 concerning the Receiver's participation in the civil forfeiture actions, the Receiver
22 filed motions in the three civil forfeiture actions in order to participate in those
23 cases and pursue the receivership estate's claims to the assets subject to forfeiture,
24 including real property in Diamond Bar, California and over \$1.6 million in cash, as
25 further detailed in the Declaration of Gary Owen Caris in support of this motion.
26 The Receiver has also continued to prepare bank reconciliations and maintain
27 accounting records.
28

1 10. I have read the fee motion which this Declaration supports, and to the
2 best of my knowledge, information and belief formed after reasonable inquiry, I
3 certify that (a) the fee motion and all fees and expenses referenced therein are true
4 and accurate and comply with the Billing Instructions of plaintiff Securities and
5 Exchange Commission; (b) all fees contained in the fee motion are based on the
6 rates listed in the Receiver's fee schedule and the fees are reasonable, necessary and
7 commensurate with the skill and experience required for the activity performed; and
8 (c) the Receiver has not included in the amount for which reimbursement is sought
9 the amortization of the cost of any investment, equipment or capital outlay (except
10 to the extent that any such amortization is included within the permitted allowance
11 amounts set forth in the Billing Instructions and the costs requested herein for
12 photocopies and facsimile transmission); and (d) in seeking reimbursement for
13 service which the Receiver justifiably purchased or contracted for from a third party
14 (such as copying, imaging, bulk mail, messenger service, overnight courier,
15 computerized research, or title and lien searches), the Receiver has requested
16 reimbursement only for the amount billed to the Receiver by the third party vendor
17 and paid by the Receiver to such vendor.

18 11. The Receiver believes that its fees and costs and those of its counsel
19 are reasonable given the services rendered and the period covered by the motion,
20 and the Receiver requests that the Court approve the fees and costs in their entirety
21 and authorize payment from the receivership assets.

22 12. As a member of Robb Evans & Associates LLC, I am familiar with the
23 methods and procedures used by the Receiver and its staff and employees to record
24 the time spent rendering services to receivership estates over which the Receiver
25 has been appointed. The records attached hereto collectively as Exhibit 2 are
26 regularly prepared by the members, staff and employees of the Receiver at or about
27 the time of the services rendered and each of whom has a business duty to
28 accurately record the information regarding their services set forth in these records.

1 The records are reviewed by the Receiver's accounting staff and summarized in the
2 Financial Summary, attached hereto as Exhibit 1. Based upon my experience with
3 Robb Evans & Associates LLC, I believe the Receiver's methods and procedures
4 for recording and accounting for time and services for the receivership estates over
5 which Robb Evans and Robb Evans & Associates LLC have been appointed are
6 reliable and accurate.

7 I declare under penalty of perjury that the foregoing is true and correct and
8 that this declaration was executed on October 30, 2012 at Sun Valley, California.

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11 BRICK KANE
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Exhibit 1

#1945

REA LLC Rec of Finbar Securities Corp
Receivership Administration Expense by Month and Fund Balance
 From Inception (April 3, 2009) to June 30, 2012

	Previously Reported & Approved	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12	1/1/12 ~ 6/30/12	TOTAL
Fund Transferred In									
Chase-7382	0.00	0.00	0.00	224.37	0.00	0.00	0.00	224.37	224.37
EWB-80991680	0.00	0.00	0.00	516.94	0.00	0.00	0.00	516.94	516.94
EWB-22714992	0.00	0.00	0.00	6.89	0.00	0.00	0.00	6.89	6.89
EWB-22714984	0.00	0.00	0.00	18.05	0.00	0.00	0.00	18.05	18.05
Chase-4114267241	97.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	97.50
BOA-Finbar Asia 1218	17.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.19
BOA-Finbar Holdings 984	2,674.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,674.91
BOA-Finbar Holdings W78-278483	25,472.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,472.08
BOA-Finbar Securities 1283	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
BOA-First Nat'l 1352	8,324.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,324.48
BOA-RJ Properties 67383	5,004.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,004.22
BOA-RJ Properties 7991	454.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	454.00
BOA-SG Group 1025	4,188.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,188.05
BOA-Swiss Global 1035	109.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.02
BOA-Ultimate Marketing 1289	934.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	934.74
BOA - 8890	0.00	0.00	0.00	3,707.07	0.00	0.00	0.00	3,707.07	3,707.07
Union Bk-First Nat'l-0720105314	736.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	736.38
Union Bk-Robert Tringham	492.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	492.50
Union Bk-Tringham-5720003718	942.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	942.51
Union Bk-Tringham-5720006091	303.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	303.88
Union Bk-Tringham-5721025384	69.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	69.99
Union Bk-Tringham-5721026457	812.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	812.66
Union Bk-Tringham-5721026465	173.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	173.78
Total Fund Transferred In	50,907.89	0.00	0.00	4,473.32	0.00	0.00	0.00	4,473.32	55,381.21
Funds from Emilio Law Group	4,456.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,456.25
Collection from Byrne & Nixon	89,289.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	89,289.93
Sale of Cars	78,200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	78,200.00
Proceeds from Auction	2,122.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,122.38
Miscellaneous Income	885.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	885.66
Total Funds Collected	225,862.11	0.00	0.00	4,473.32	0.00	0.00	0.00	4,473.32	230,335.43
Expense									
Asset Preservation									
Gasoline for Cars	30.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.00
Asset/Credit Searches	5.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.52
Insurance	455.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	455.91
Rent	8,905.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,905.00

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REA LLC Rec of Finbar Securities Corp
Receivership Administration Expense by Month and Fund Balance
 From Inception (April 3, 2009) to June 30, 2012

	Previously Reported & Approved	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12	1/1/12 ~ 6/30/12	TOTAL
Rekey/Lock changes	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
Total Asset Preservation	9,496.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,496.43
Receivership Operation Expenses									
Receiver's Fees									
Legal Activity									
Asset Analysis and Recovery									
L. Lee	0.00	0.00	662.40	374.40	0.00	0.00	0.00	1,036.80	1,036.80
B. Kane	2,880.00	86.40	144.00	0.00	0.00	0.00	1,094.40	1,324.80	4,204.80
K. Johnson	2,131.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,131.20
A. Jen	2,131.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,131.20
N. Wolf	1,200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,200.00
Total Asset Analysis and Recovery	8,342.40	86.40	806.40	374.40	0.00	0.00	1,094.40	2,361.60	10,704.00
Asset Disposition									
B. Kane	115.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	115.20
K. Chapin	577.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	577.50
Total Asset Disposition	692.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	692.70
Case Administration									
P. Chung	5,673.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,673.60
R. Evans	552.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	552.50
B. Kane	10,627.20	0.00	0.00	0.00	0.00	0.00	57.60	57.60	10,684.80
K. Johnson	4,464.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,464.00
A. Jen	7,430.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,430.40
C. DeCius	330.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
Total Case Administration	29,077.70	0.00	0.00	0.00	0.00	0.00	57.60	57.60	29,135.30
Employee Benefits/Pensions									
N. Wolf	228.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	228.00
Total Employee Benefits/Pension	228.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	228.00
Total Legal Activity	38,340.80	86.40	806.40	374.40	0.00	0.00	1,152.00	2,419.20	40,760.00
Financial Activity									
Tax Issues									
A. Jen	201.60	0.00	0.00	0.00	28.80	0.00	0.00	28.80	230.40
Total Tax Issues	201.60	0.00	0.00	0.00	28.80	0.00	0.00	28.80	230.40

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REA LLC Rec of Finbar Securities Corp
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 From Inception (April 3, 2009) to June 30, 2012

	Previously Reported & Approved	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12	1/1/12 ~ 6/30/12	TOTAL
Accounting/Auditing									
F. Jen	201.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	201.60
A. Jen	172.80	86.40	172.80	57.60	0.00	0.00	0.00	316.80	489.60
L. Lee	316.80	0.00	0.00	0.00	28.80	0.00	0.00	28.80	345.60
N. Wolf	1,488.00	0.00	12.00	84.00	96.00	156.00	60.00	408.00	1,896.00
Total Accounting/Auditing	2,179.20	86.40	184.80	141.60	124.80	156.00	60.00	753.60	2,932.80
Corporate Finance									
L. Lee	57.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	57.60
Total Corporate Finance	57.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	57.60
Data Analysis									
B. Kane	28.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	28.80
E. Roop	900.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	900.00
K. Chapin	4,132.50	0.00	0.00	0.00	0.00	0.00	60.00	60.00	4,192.50
Total Data Analysis	5,061.30	0.00	0.00	0.00	0.00	0.00	60.00	60.00	5,121.30
Forensic Accounting									
B. Kane	604.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	604.80
A. Jen	4,521.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,521.60
P. Chung	77,328.00	0.00	0.00	0.00	0.00	0.00	1,497.60	1,497.60	78,825.60
Total Forensic Accounting	82,454.40	0.00	0.00	0.00	0.00	0.00	1,497.60	1,497.60	83,952.00
Total Financial Activity	89,954.10	86.40	184.80	141.60	153.60	156.00	1,617.60	2,340.00	92,294.10
Total Receiver's Fees	128,294.90	172.80	991.20	516.00	153.60	156.00	2,769.60	4,759.20	133,054.10
Total Receivership Operation Expenses	128,294.90	172.80	991.20	516.00	153.60	156.00	2,769.60	4,759.20	133,054.10
Receiver Expenses									
Out of Pocket - Parking Fees	27.00	0.00	0.00	0.00	0.00	0.00	8.00	8.00	35.00
Tax Preparation	6,422.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,422.54
Postage/Delivery	92.71	0.00	0.00	1.35	1.50	0.00	0.00	2.85	95.56
Bank service charges	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Receiver Expenses	6,542.25	0.00	0.00	1.35	1.50	0.00	8.00	10.85	6,553.10

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REA LLC Rec of Finbar Securities Corp
Receivership Administration Expense by Month and Fund Balance
 From Inception (April 3, 2009) to June 30, 2012

	Previously Reported & Approved	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12	1/1/12 ~ 6/30/12	TOTAL
Legal Fees & Costs									
McKenna Long & Aldridge									
Fees									
Claims Admin & Objection	49.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49.50
Case Administration	33,424.16	135.00	0.00	0.00	148.50	0.00	49.50	333.00	33,757.16
Asset Disposition	1,732.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,732.50
Asset Analysis and Recover	32,224.50	3,908.70	3,885.75	346.50	573.75	877.50	14,265.00	23,857.20	56,081.70
Total Fees	<u>67,430.66</u>	<u>4,043.70</u>	<u>3,885.75</u>	<u>346.50</u>	<u>722.25</u>	<u>877.50</u>	<u>14,314.50</u>	<u>24,190.20</u>	<u>91,620.86</u>
Costs	1,873.46	241.66	81.90	0.00	6.30	0.00	334.82	664.68	2,538.14
Total McKenna Long & Aldridge	<u>69,304.12</u>	<u>4,285.36</u>	<u>3,967.65</u>	<u>346.50</u>	<u>728.55</u>	<u>877.50</u>	<u>14,649.32</u>	<u>24,854.88</u>	<u>94,159.00</u>
Total Legal Fees & Costs	<u>69,304.12</u>	<u>4,285.36</u>	<u>3,967.65</u>	<u>346.50</u>	<u>728.55</u>	<u>877.50</u>	<u>14,649.32</u>	<u>24,854.88</u>	<u>94,159.00</u>
Total Expense	<u>213,637.70</u>	<u>4,458.16</u>	<u>4,958.85</u>	<u>863.85</u>	<u>883.65</u>	<u>1,033.50</u>	<u>17,426.92</u>	<u>29,624.93</u>	<u>243,262.63</u>
Net Transactions		<u>(4,458.16)</u>	<u>(4,958.85)</u>	<u>3,609.47</u>	<u>(883.65)</u>	<u>(1,033.50)</u>	<u>(17,426.92)</u>	<u>(25,151.61)</u>	
Fund Balance	<u>12,224.41</u>								<u>(12,927.20)</u>