

**ROBB EVANS &  
ROBB EVANS & ASSOCIATES, LLC  
Temporary Receiver of  
Fortune Hi-Tech Marketing, Inc., et al.**

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**Federal Trade Commission, State of Illinois,  
Commonwealth of Kentucky and State of North Carolina**

**v.**

**Fortune Hi-Tech Marketing, Inc., et al.**

**CASE No. 13-CV-578 JWD**

**Notice of Hearing and Notice of  
Temporary Receiver's First Motion for Approval and Payment of  
Temporary Receiver's and Professionals' Fees and Expenses for the  
Period from the Inception of the Receivership Through February 28, 2013**

**Filed April 2, 2013**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

FEDERAL TRADE COMMISSION, STATE  
OF ILLINOIS, COMMONWEALTH OF  
KENTUCKY, and STATE OF NORTH  
CAROLINA,

Plaintiffs

v.

FORTUNE HI-TECH MARKETING, INC., a  
Kentucky corporation, et al.,

Defendants.

Civil No. 13cv578

Judge John W. Darrah  
Magistrate Arlander Keys

**NOTICE OF HEARING AND NOTICE OF TEMPORARY RECEIVER'S FIRST  
MOTION FOR APPROVAL AND PAYMENT OF TEMPORARY RECEIVER'S AND  
PROFESSIONALS' FEES AND EXPENSES FOR THE PERIOD FROM THE  
INCEPTION OF THE RECEIVERSHIP THROUGH FEBRUARY 28, 2013**

PLEASE TAKE NOTICE that on April 10, 2013 at 9:30 a.m., Temporary Receiver Robb Evans and Robb Evans & Associates LLC ("Temporary Receiver"), will present the Temporary Receiver's **FIRST MOTION FOR ORDER FOR APPROVAL AND PAYMENT OF TEMPORARY RECEIVER'S AND PROFESSIONALS' FEES AND EXPENSES FOR THE PERIOD FROM THE INCEPTION OF THE RECEIVERSHIP THROUGH FEBRUARY 28, 2013**, which is being served concurrently herewith, before Judge John W. Darrah, in Room 1203, the room usually occupied by him as a Courtroom in the U.S. Courthouse, 219 S. Dearborn Street, Chicago, IL. or in his absence, before such judge sitting in his place and stead and shall pray for the entry of an order in conformity with the prayer of said pleading, **AT WHICH TIME AND PLACE** you may appear if you so see fit.

PLEASE TAKE FURTHER NOTICE, pursuant to the Motion, the Temporary Receiver moves the Court for an order approving and authorizing payment of the Temporary Receiver's and professionals' fees and expenses incurred from the inception of the receivership through February 28, 2013 (the "initial expense period"). The Motion is made pursuant to Section VII.G. of the Ex Parte Temporary Restraining Order with Asset Freeze, Appointment of Receiver, Other Equitable Relief and Order to Show Cause Why A Preliminary Injunction Should Not Issue (Doc. No. 23) ("Temporary Restraining Order") and Local Rule 66.1(a)(1).

Pursuant to the Motion, the Temporary Receiver moves the Court for an order for the following relief:

- A. An order approving and authorizing payment of the fees and expenses of the Temporary Receiver, including Receiver's fees, Senior Staff fees, and Support Staff fees totaling \$238,433.65, and Receiver's expenses totaling \$59,701.34;
- B. An order approving and authorizing payment of attorneys' fees in the sum of \$24,235.65 and costs of \$146.71 incurred to the Temporary Receiver's lead counsel, McKenna Long & Aldridge LLP, for the total sum of \$24,382.36;
- C. An order approving and authorizing payment of attorneys' fees in the sum of \$10,453.00 and costs of \$157.02 incurred to the Temporary Receiver's counsel in Lexington, Kentucky, Wyatt Tarrant & Combs LLP, for the total sum of \$10,610.02;
- D. An order approving and authorizing payment of attorneys' fees in the sum of \$3,985.00 incurred to the Temporary Receiver's local counsel in Chicago, Illinois, Barnes & Thornburg LLP; and
- E. An order approving notice of the Motion as sufficient based on (a) service of the Motion and all supporting papers on the parties to this action; (b) service of this Notice of

Hearing and Notice of Motion on all known non-consumer creditors of the receivership estate with the Temporary Receiver offering to provide a complete copy of the Motion to any interested party upon written request; and (c) posting of the Motion and supporting pleadings, exclusive of time and billing records, on the Temporary Receiver's web site for this case.

The Motion is made pursuant to Local Civil Rule 66.1(a)(1) and the Temporary Restraining Order (Doc. No. 23) and is made and based on this Notice of Hearing and Notice of Motion, the separate Notice of Hearing, the Motion, the supporting memorandum of facts and law and declarations of Brick Kane and Gary Owen Caris filed concurrently herewith, the Report of Temporary Receiver's Activities for the period from January 24, 2013 through February 19, 2013 (Doc. No. 58) ("Temporary Receiver's Report"), the other pleadings, records and files of the Court in this case of which the Temporary Receiver requests the Court take judicial notice, and on such further oral and documentary evidence and arguments of counsel as may be presented at the hearing on the Motion.

PLEASE TAKE FURTHER NOTICE that a complete copy of the Motion and supporting papers is on file with the Court where it may be viewed or copied in its entirety. A copy of the Motion and supporting papers, exclusive of billing and time records, is posted on the Temporary Receiver's web site for the case at [www.robbevans.com/html/fortune.html](http://www.robbevans.com/html/fortune.html). A complete copy of the Motion and supporting papers may also be obtained by written request to the Temporary

Receiver sent to Robb Evans & Associates LLC, Attn: Cherrie Eustaquio, 11450 Sheldon Street,  
Sun Valley, CA 91352-1121; Telephone (818) 768-8100; Facsimile: (818) 768-8802.

DATED: April 2, 2013

Respectfully Submitted,

McKENNA LONG & ALDRIDGE LLP

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DATED: April 2, 2013

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