

**ROBB EVANS &
ROBB EVANS & ASSOCIATES, LLC**

Receiver of

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

11450 Sheldon Street

Sun Valley, California 91352-1121

Telephone No.: (818) 768-8100

Facsimile No.: (818) 768-8802

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

v.

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

CASE No. 5:13-CV-123 GFVT-REW

**Notice of Filing of Receiver's Motion for Approval and Authorization for
Payment of Receiver's and Professionals' Fees and Expenses for the
Period from January 1, 2016 Through August 31, 2016**

Filed October 12, 2016

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY**

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.

No. 5:13-cv-123-GFVT-REW

**NOTICE OF FILING OF RECEIVER'S MOTION FOR APPROVAL
AND AUTHORIZATION FOR PAYMENT OF RECEIVER'S
AND PROFESSIONALS' FEES AND EXPENSES FOR THE PERIOD
FROM JANUARY 1, 2016 THROUGH AUGUST 31, 2016**

PLEASE TAKE NOTICE that the Receiver, Robb Evans and Robb Evans & Associates LLC ("Receiver"), has filed with the above-referenced Court the Receiver's Motion for Approval and Authorization for Payment of Receiver's and Professionals' Fees and Expenses for the Period From January 1, 2016 Through August 31, 2016 ("Motion"). Pursuant to the Motion, the Receiver moves the Court for an order approving and authorizing payment of the Receiver's and professionals' fees and expenses incurred in the eight-month period from January 1, 2016 through and including August 31, 2016 ("Expense Period"), including the following:

A. Receiver's fees of \$66,950.75 and Receiver's expenses of \$12,551.16, including outside accountant fees and expenses for tax return preparation of \$5,488.68 incurred to Squar Milner LLP, for a total of \$79,501.91;

B. Attorneys' fees in the amount of \$56,773.35 and costs of \$1,646.59 incurred to the Receiver's former counsel, Dentons US LLP ("Dentons"),¹ for a total of \$58,419.94;

C. Attorneys' fees in the amount of \$117,483.10 and costs of \$6,343.23 incurred to the Receiver's lead counsel Diamond McCarthy LLP, for a total of \$123,826.33; and

D. Attorneys' fees in the sum of \$3,095.00 and costs of \$101.07 incurred to the Receiver's local counsel, Wyatt Tarrant & Combs, LLP.

The Receiver further moves the Court for 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 Filing of the Motion on all known non-consumer, non-employee creditors of the receivership estate with the 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 Receiver's web site for this case.

PLEASE TAKE FURTHER NOTICE that the Motion is made pursuant to Local Civil Rule 7.1, the Stipulated Preliminary Injunction filed May 28, 2013 (Doc. No. 134) and the Stipulated Order for Permanent Injunction and Monetary Judgment entered on May 9, 2014 (Doc. No. 202) and is made and based on this separate Notice of Filing of the Motion, the Motion, the memorandum of points and authorities and declarations of Brick Kane and Gary Owen Caris and proposed order granting the Motion filed with the Court concurrently herewith, the other pleadings, records and files of the Court in this case of which the Receiver requests the Court take judicial notice, and on such further oral and documentary evidence and arguments of counsel as may be presented at any hearing that may hereafter be set on the Motion.

¹ On or about June 13, 2016, the Receiver's attorneys Gary Owen Caris and Lesley Anne Hawes moved their practice from Dentons to Diamond McCarthy LLP. Based on orders entered by the Court, Dentons was substituted out as counsel and Diamond McCarthy substituted in as counsel for the Receiver in this case (Doc. No. 311) and in the two related lawsuits pending before the Court filed by the Receiver, *Robb Evans and Robb Evans & Associates LLC as Receiver, etc. v. Armenta*, Case No. 5:14-cv-00329 GFVT ("Armenta Action") (see Doc. No. 115) and *Robb Evans and Robb Evans & Associates LLC as Receiver, etc. v. Burrell*, Case No. 5:14-cv-00330 GFVT ("Burrell Action") (see Doc. No. 69).

PLEASE TAKE FURTHER NOTICE that any interested party may request a complete copy of the Motion and all supporting pleadings and papers in writing directed to the Receiver as follows: Robb Evans & Associates LLC, Attn.: Imelda Perez, 11450 Sheldon Street, Sun Valley, CA 91352.

DATED: October 12, 2016

Respectfully submitted,

DIAMOND McCARTHY LLP

By: /s/ Gary Owen Caris
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