

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 19-cv-02594-RM-SKC

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MEDIATRIX CAPITAL INC., et al.,

Defendants,

And

MEDIATRIX CAPITAL FUND LTD., et al.,

Relief Defendants.

**ORDER GRANTING UNOPPOSED MOTION FOR ORDER APPROVING
ORIGINAL RECEIVER'S LAST REPORT AND ACCOUNTING; REQUEST FOR
APPROVAL AND PAYMENT OF ORIGINAL RECEIVER'S AND PROFESSIONAL'S
FEES AND COSTS FROM JULY 1, 2021 THROUGH OCTOBER 20, 2021 AND FOR
PAYMENT OF PREVIOUSLY APPROVED AMOUNTS SUBJECT TO 20%
HOLDBACK; FOR DISCHARGE OF ORIGINAL RECEIVER AND RELATED RELIEF**

The Court, having read and considered the Unopposed Motion for Order Approving Original Receiver's Last Report and Accounting; Request for Approval and Payment of Original Receiver's and Professional's Fees and Costs From July 1, 2021 Through October 20, 2021 ("Motion") (ECF No. 293) brought by Robb Evans & Associates LLC ("Robb Evans"), acting for the original receiver, Brick Kane of Robb Evans & Associates LLC ("Original Receiver")

and all pleadings and evidence filed in support thereof, and there being no opposition to the Motion, and good cause appearing therefore, it is

ORDERED that:

1. The Motion and all relief sought therein is granted in its entirety.
2. The Original Receiver's last report as receiver, covering the period from July 1, 2021 through October 20, 2021, the date the Court issued its Order substituting Marc Conlan ("Conlan") of Gibbons P.C. as receiver in this case (Doc. 284), which is Section II to the Memorandum of Points and Authorities submitted in support of the Motion, and the Original Receiver's last accounting as receiver, which is attached hereto as Exhibit A to the Motion, are both approved.
3. All actions and activities taken by or on behalf of the Original Receiver and Robb Evans, and all proposed actions to be taken and all payments made by the Original Receiver and Robb Evans in connection with the administration of the receivership estate are hereby approved and confirmed.
4. The following fees and costs incurred from July 1, 2021 through October 20, 2021 ("Fourth Expense Period"), together with receivership fees incurred in prior expense periods which were approved but were the subject of a 20% holdback for fees ("Holdback") are hereby approved and authorized to be paid from the assets in the receivership estate: (a) fees of the Original Receiver and his deputies, and reimbursement of costs, comprised of the Original Receiver's fees, including the Original Receiver's deputies, of \$43,457.85 and the Original Receiver's costs of \$5,153.98 for the Fourth Expense Period, and Holdback fees of the Original

Receiver and his deputies of \$19,746.09, for a total of \$68,357.92; (b) fees of Receiver's lead counsel Barnes & Thornburg LLP ("Barnes & Thornburg") and reimbursement of its costs, comprised of fees of \$60,990.80 and costs of \$1,349.11 for the Fourth Expense Period, and Holdback fees of Barnes & Thornburg of \$25,603.08, for a total of \$87,942.99; and (c) Holdback fees of the Original Receiver's Arizona counsel Engelman Berger, P.C. ("Engelman") of \$860.70.


5. Robb Evans and its counsel may submit additional bills to Conlan for services rendered and costs incurred after October 20, 2021 in connection with the wind up of its services, the transition of the receivership from the Original Receiver to Conlan and Robb Evans's and its counsel's assistance provided to Conlan in connection therewith, which bills shall be submitted by Conlan to the Court for approval and payment in connection with Conlan's future fee applications.

6. The Original Receiver, Robb Evans, and the deputies, agents, employees, members, officers, independent contractors, attorneys, accountants and representatives of the Original Receiver and/or Robb Evans shall have no liability to any person or entity for any action taken or not taken in connection with carrying out the Original Receiver's administration of the receivership estate, and the exercise of any powers, duties and responsibilities in connection therewith, and the Original Receiver, Robb Evans, and the deputies, agents, employees, members, officers, independent contractors, attorneys, accountants and representatives of the Original Receiver and/or Robb Evans are discharged, released from all

claims and liabilities arising out of and/or pertaining to the receivership, and relieved of all duties and responsibilities pertaining to the receivership.

Dated this 2nd day of December, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge