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Counsel for Stephen J. Donell, Liquidating Receiver

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ALLIEDWALLET, INC., ET AL.,

Defendants.

Case No. 2:19-cv-04355-SVW-E

NOTICE OF MOTION AND MOTION OF RECEIVER, STEPHEN J. DONELL, FOR ORDER:

(1) APPROVING FINAL REPORT AND ACCOUNTING;
(2) APPROVING NUNC PRO TUNC EMPLOYMENT OF ACCOUNTANT;
(3) APPROVING COMPENSATION OF RECEIVER AND PROFESSIONALS;
(4) AUTHORIZING SUBMISSION OF APPROPRIATE TAX RETURNS;
(5) AUTHORIZING DISTRIBUTION TO FEDERAL TRADE COMMISSION; AND
(6) CLOSING RECEIVERSHIP CASE, DISCHARGING RECEIVER AND RETAINING JURISDICTION

Date: April 20, 2020
Time: 1:30 pm
Place: 350 W. 1st St., Crtm 10A, 10th Fl., Los Angeles, CA 90012
Judge: Hon. Stephen V. Wilson

[Memorandum of Points and Authorities; Declaration of Stephen J. Donell; Declaration of Kathy Bazoian Phelps; and [Proposed] Order file Concurrently]

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, on April 20, 2020, at 1:30 p.m., or soon thereafter as counsel may be heard in the courtroom of the Honorable Stephen V. Wilson, Courtroom 10A. United States District Court for the Central District of California, 350 W. 1st Street, Courtroom 10A, 10th Floor, Los Angeles, CA 90012, Stephen J. Donell, the Court-appointed liquidating receiver herein (the "Receiver"), will and hereby moves for Order: (1) approving final report and accounting; (2) approving *nunc pro tunc* employment of accountant, SL Biggs; (3) approving compensation of receiver and professionals; (4) authorizing submission of appropriate tax returns; (5) authorizing distribution to Federal Trade Commission; (6) closing receivership case; (7) ratifying the Receiver's action; (8) discharging the Receiver; (9) barring all future claims against Receiver, Receiver's employees, attorneys, agents, and the receivership estate; (10) retaining jurisdiction; and (11) authorizing and instructing the Receiver to complete the outstanding wind-down and closing tasks, and thereafter closing the instant receivership case and discharging and releasing the Receiver, without further order of the Court, effective upon receipt of a Notice or Declaration from the Receiver reflecting the completion of the foregoing tasks.

The Receiver believes he has, with the assistance of his Professionals, to the fullest extent possible, fulfilled each of his responsibilities. The Receiver and his Professionals request that the Court approve the requested fees and expenses and authorize their payment as follows: (a) The Receiver: Fees of $73,507.05 and expenses of $753.05 incurred through February 13, 2020 for a total of $74,260.10; (b) Diamond McCarthy LLP: Fees of $99,675.00 and expenses of $863.56 incurred through February 29, 2020 for a total of $100,538.56; and (c) SL Biggs, a division of Singer Lewak: Fees of $4,831.50. The Receiver is also seeking the authority to create a reserve in the amount of $9,000.00 to pay fees and expenses associated with the wind-down and termination of the receivership.

The specific accomplishments of the Receiver and his Professionals are summarized in the Memorandum of Points and Authorities, Declaration of Stephen J. Donell, Declaration of Kathy Bazoian Phelps, and in the Receiver's Final Report and Accounting, submitted concurrently with this Motion.

Pursuant to L.R. 7-3, the Receiver informed the Federal Trade Commission and defendants that he would be moving for the relief sought in this Motion. The Federal Trade Commission have stated that it would not oppose the Motion and the defendants have not indicated that they would file an opposition.

This Motion is based on this notice of motion and motion, the accompanying memorandum of points and authorities, declaration of Stephen J. Donell, declaration of Kathy Bazoian Phelps, all pleadings and papers on file in this action, and such further evidence and argument as may be presented at or before the hearing on this matter.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7-9, any party who opposes the Motion must, not later than 21 days before the date of the hearing on the motion, serve upon all other parties and file with the Clerk either (a) the evidence upon which the opposing party will rely in opposition to the motion and a brief but complete memorandum which shall contain a statement of all the reasons in opposition thereto and the points and authorities upon which the opposing party will rely, or (b) a written statement that that party will not oppose the motion. Evidence presented in all opposing papers shall comply with the requirements of L.R. 7-6, 7-7 and 7-8.

DATED: March 18, 2020

DIAMOND McCARTHY LLP

By: /s/ *Kathy Bazoian Phelps*
Kathy Bazoian Phelps
Counsel for Stephen J. Donell, Liquidating Receiver