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5 Attorneys for the Receiver

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR MARICOPA COUNTY

8 ARIZONA CORPORATION
9 COMMISSION,

10 Plaintiff,

11 v.

13 TREND MANAGEMENT GROUP,
14 INC.; TREND CAPITAL, L.L.C.,

15 Defendants.

Cause No. CV 2006-016822

MOTION FOR ORDER APPROVING
REVISED PROFESSIONAL FEES OF
GUTTILLA MURPHY ANDERSON, PC,
THE RECEIVER, AND ANDERSON &
NOWAK, PLC RE: PETITION NO. 51

(Assigned to the Honorable A. Craig
Blakey, II)

16 On November 25, 2008, the Receiver filed with the Court his Petition No. 51 seeking
17 an Order approving the fees and costs incurred by the Receiver, Guttilla Murphy Anderson,
18 P.C., Cleveland Estes Avellone, PLLC, Jennings Strouss & Salmon, PLC, and Anderson &
19 Nowak, PLC.¹ Petition No. 51 sought court approval of the professional fees of the
20 Receiver, his attorneys and accountants, for the month of September, 2008. No objections
21

¹ On November 25, 2008, the Receiver mailed all persons on the Master Service List a notice of the hearing re: Petition No. 51 which noted the hearing on Petition No. 51 would be conducted on December 15, 2008.

1 were filed to Petition No. 51, but at the hearing held regarding Petition No. 51, the Court
2 requested counsel for the Receiver to revise billings from Guttilla Murphy Anderson, P.C. to
3 eliminate charges related to overhead of the professional staff of Guttilla Murphy Anderson,
4 P.C. and charges related to meetings between and among professionals at Guttilla Murphy
5 Anderson, P.C. The Court also requested the Receiver to revise the billings of Simon
6 Consulting, LLC to eliminate charges related to multiple meetings between the professionals
7 of Simon Consulting, LLC and the law firm of Guttilla Murphy Anderson, P.C. Additionally,
8 the Court requested Special Counsel for the Receiver, Anderson & Nowak, PLC to eliminate
9 all charges related to the review and presentment of invoices to the Receiver for review and
10 submission to the Court.

11 Pursuant to the instructions of the Court, the following time entries were

12 "no charged" to the estate by Guttilla Murphy Anderson, P.C.:

- 13 • 9/2/08 JK Draft Proof of Mailing Orders re: Petition Nos. 40, 41, 42,
and 43; scan and email Orders. (.3) (\$25.50)
- 14 • 9/4/08 JK Internet research regarding whereabouts of Frederick
Howard. (1.0) (\$85.00)
- 15 • 9/5/08 JC Research Tennessee Rules of Civil Procedure and Statutes
16 on-line; telephone call to Clerk of the Court; telephone call
to Registrar of Deeds; draft memorandums to files. (2.0)
(\$170.00)
- 17 • 9/16/08 RWA Read e-mail from Sara Beretta regarding follow-up with
18 Claimants who have failed to provide releases; draft
response. (.2) (\$45.00)
- 19 • 9/16/08 CS Conference with Pat Murphy; conduct IQ Data search on Nora
Washington; telephone call to Nora Washington regarding
20 claim; send responsive e-mail to Pat Murphy. (.3) (\$25.50)
- 9/18/08 CMA Telephone call to Dawn Dell'Acqua. Re: email address. (.2)
(\$17.00)
- 21 • 9/18/08 JK Prepare Petition No. 46; draft Notice of Hearing; Proof of

1 Mailing and Order; conference with Kathleen O'Connell to
2 obtain court date; draft instructions to process server; mail to all
parties; docket hearing date and update chronology. (1.7)
(\$144.50)

- 3 • 9/24/08 SRN Conference with Pat Murphy regarding Larry Beard claim.
(.2) (\$40.00)
- 4 • 9/29/08 CMA Meet with attorney; meeting with Kathleen O'Connell
5 regarding hearing date; review of file; draft and finalize
6 Motion, Notice, Order and Proof of Mailing Motion to Modify
Orders re: Petition Nos. 18 and 32; transmittal to Receiver. (1.4)
(\$119.00)
- 7 • 9/30/08 CMA Meet with attorney; draft and finalize Petition No. 47,
8 proposed Order; Notice of Hearing & Proof of Mailing;
correspondence to Court; transmittal letter to Peter Davis; update
the chronology. (1.0) (\$85.00)
- 9 • 9/30/08 CMA Meet with attorney; draft and finalize Motion to Modify
10 Order Approving Claims and Order Approving First Interim
Distribution Re: Petition Nos. 18 and 32; Notice of Hearing;
11 Proposed Order and Proof of Mailing which where filed with the
Court on September 30, 2008; transmittal letter to Peter Davis.
(1.0) (\$85.00)

12 Originally, Guttilla Murphy Anderson P.C. sought payment of \$19,486.73. After the
13 revisions set forth above, the Receiver seeks approval of fees and costs of Guttilla Murphy
14 Anderson P.C. in the amount of \$18,645.23, a reduction of \$841.50. A revised copy of
15 Guttilla Murphy Anderson, P.C.'s September billing is being provided to the Court for *in*
16 *camera* viewing in connection with this motion.

17 Pursuant to the instructions of the Court, Special Counsel, Anderson & Nowak, PLC,
18 have deleted the following time entry:

- 19 • 09/08/08 TAN Review/revise invoices for work from 4-08 to 8-08; forward
20 to R. Anderson and P. Davis. (.5) (\$125.00)

21 Originally, Anderson and Nowak, PLC sought payment of \$850.00. After the revisions
set forth above, the Receiver seeks approval of fees and cots of Anderson and Nowak P.C. in

1 the amount of \$725.00. A revised copy of Anderson & Nowak, PLC's September billing is
2 being provided to the Court for *in camera* viewing in connection with this motion.

3 During the hearing on December 15, 2008, the Court expressed concern related to the
4 certain time entries of the Receiver's staff on September 29, 2008. As detailed in the time
5 entries of Sara Beretta on September 29, 2008, Ms. Beretta dealt with numerous issues in the
6 Trend receivership including a settlement with Trend agent, Larry Beard, a claim distribution
7 to investor, the sale of the Lincoln Navigator, and a settlement with ponzi winner Patrick
8 Marshall. The Receiver believes the detail on his invoice accurately describes the task
9 completed by Ms. Beretta. However, given the Court's concern, the Receiver has agreed to
10 discount his September fees by \$150.00 and has submitted an invoice for *in camera* viewing
11 reflecting the discount. Originally, the Receiver sought payment of \$4,433.50. After the
12 revisions set forth above, the Receiver seeks approval of fees and costs of the Receiver in the
13 amount of \$4,283.50.

14 The Court advised during the hearing on December 15, 2008 it had no objection to the
15 fees and costs of Cleveland Estes Avellone, PLLC and Jennings Strouss & Salmon, PLC.

16 Accordingly the Receiver seeks the approval of the following amounts of professional
17 fees:

18 1. The amount of \$4,283.50 to Simon Consulting, LLC for services rendered and
19 costs incurred or paid during the period September 1, 2008 through September 30, 2008;
20
21

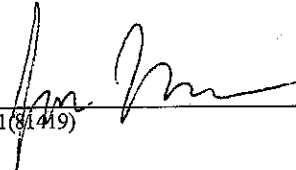
Guttilla Murphy Anderson, P.C.
4150 West Northern Ave.
Phoenix, Arizona 85051
(623) 937-2795

1 Copy of the foregoing delivered
this 22nd day of December, 2008 to:

2
3 Honorable A. Craig Blakey, II
4 Maricopa County Superior Court
201 W. Jefferson
Phoenix, AZ 85003

5 Copy of the foregoing mailed
this 22nd day of December, 2008 to:

6
7 All parties listed on the attached
Master Service List

8
9 By 
10 1027-001(81419)

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MASTER SERVICE LIST

Arizona Corporation Commission v. Trend Management Group, Inc.

Maricopa County Superior Court

CV 2006-16822

(Rev. 10/16/08)

Honorable A. Craig Blakey, II
Maricopa County Superior Court
201 W. Jefferson
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1027-001(57246)