

1 KARA B. HENDRICKS, Bar No. 7743  
hendricksk@gtlaw.com  
2 KYLE A. EWING, Bar No 14051  
ewingk@gtlaw.com  
3 CHRISTIAN T. SPAULDING, Bar No. 14277  
spauldingc@gtlaw.com  
4 **GREENBERG TRAUIG, LLP**  
5 10845 Griffith Peak Drive, Suite 600  
6 Las Vegas, Nevada 89135  
7 Telephone: (702) 792-3773  
Facsimile: (702) 792-9002

8 *Attorneys for Receiver Geoff Winkler*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 SECURITIES AND EXCHANGE  
12 COMMISSION,

CASE NO. 2:20-CV-02303-RFB-DJA

13 Plaintiff,

14 vs.

15 CAPSOURCE, INC., STEPHEN J. BYRNE,  
16 AND GREGORY P. HERLEAN, .

17 Defendants.

18  
19 **NOTICE OF NON-OPPOSITION TO SECOND QUARTERLY APPLICATION**  
20 **FOR PAYMENT OF FEES AND REIMBURSEMENT OF EXPENSES OF RECEIVER**  
21 **AND RECEIVER’S COUNSEL GREENBERG TRAUIG FOR**  
**PERIOD OCTOBER 1, 2022-DECEMBER 31, 2022**

22 Geoff Winkler, the Court-appointed Receiver (the “Receiver”), respectfully submits this  
23 Notice of Non-Opposition to the Second Quarterly Application for Payment of Fees and  
24 Reimbursement of Expenses of Receiver and Receiver’s counsel Greenberg Traurig for Period  
25 October 1, 2022 through December 31, 2022 (“Second Fee Application”) (ECF No. 32).

26 Under Local Rule 7-2(b), any response in opposition to a motion is due 14 days after the  
27 motion is filed. *See* LR 7-2(b). “The failure of an opposing party to file points and authorities

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(702) 792-3773 (702) 792-9002 (fax)

1 in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorneys’  
2 fees, constitutes a consent to the granting of the motion.” LR 7-2(d).<sup>1</sup>

3 The Receiver filed his Second Fee Application on February 6, 2023. (See ECF No. 32).  
4 Any response in opposition to the Application was therefore due February 21, 2023.<sup>2</sup>

5 No party, interested party, or creditor filed any opposition to the Second Fee Application.  
6 That being the case, and also in consideration of the substantive points and legal authorities set  
7 forth therein, the Receiver requests that the Court grant the same.

8 DATED this 24th day of February, 2023.

9 **GREENBERG TRAUERIG, LLP**

10 By: /s/ Kara B. Hendricks

11 KARA B. HENDRICKS, ESQ.

12 Nevada Bar No. 7743

13 KYLE A. EWING, ESQ./

14 Nevada Bar No. 14051

15 CHRISTIAN T. SPAULDING, ESQ.

16 Nevada Bar No. 14277

17 10845 Griffith Peak Drive, Suite 600

18 Las Vegas, Nevada 89135

19 *Attorneys for Receiver Geoff Winkler*

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26 <sup>1</sup> Although this rule provides an exception for motions for attorneys’ fees, and the Receiver’s  
27 Second Quarterly Application for Payment of fees seeks, among other things, payment of the  
Receiver’s undersigned counsel’s fees, the Court may still grant the unopposed motion “after  
independent review of the record.” See LR 54-14(d).

28 <sup>2</sup> The fourteen day response time fell on February 20, 2023 which was President’s Day and a  
Court holiday.

**CERTIFICATE OF SERVICE**

I hereby certify that on **February 24, 2023**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Evelyn Escobar-Gaddi  
An employee of GREENBERG TRAURIG, LLP

Greenberg Traurig, LLP  
10845 Griffith Peak Drive, Suite 600, Las Vegas, NV 89135  
(702) 792-3773 (702) 792-9002 (fax)

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