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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 **CERTIFICATE OF NOTICE REQUIRED BY LR 66-5 AND NOTICE OF NON-**
 19 **OPPOSITION TO RECEIVER’S THIRD QUARTERLY APPLICATION FOR**
 20 **PAYMENT OF FEES AND REIMBURSEMENT OF EXPENSES OF**
 21 **RECEIVER AND RECEIVER’S COUNSEL GREENBERG TRAURIG FOR**
 22 **PERIOD JANUARY 1, 2023 THROUGH MARCH 31, 2023**

22 Geoff Winkler, the Court-appointed Receiver (the “Receiver”), respectfully submits this
 23 Certificate of Notice Required by LR 66-5 and Notice of Non-Opposition to his Third Quarterly
 24 Application for Payment of Fees and Reimbursement of Expenses of Receiver Receiver’s
 25 Counsel Greenberg Traurig For Period January 1, 2023 Through March 31, 2023 (the
 26 “Application”) (ECF No. 55).

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

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1 and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion
2 for attorneys' fees constitutes a consent to the granting of the motion." LR 7-2(d). Under Local
3 Rule 66-5, a receiver is required to also provide all interested parties and potential creditors at
4 least fourteen (14) days' notice before the Court hears and resolves certain matters. See
5 LR 66- 5.

6 The Receiver filed and electronically served the Application on May 12, 2023. (See
7 ECF No. 55). Any response in opposition to the Application was therefore due on or before
8 May 26, 2023.

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

12 A proposed form of order was attached to the Application as Exhibit 3.

13 DATED this 2nd day of June, 2023.

14 **GREENBERG TRAUERIG, LLP**

15 By: */s/ Kara B. Hendricks*

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CERTIFICATE OF SERVICE

I hereby certify that on **June 2, 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

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