

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

RALPH T. IANNELLI and ESSEX
CAPITAL CORP.,

Defendants.

Case No. 2:18-cv-05008-FMO-AFM
[PROPOSED] ORDER GRANTING
FIFTH INTERIM APPLICATION OF
RECEIVER, GEOFF WINKLER, AND
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP, GENERAL
COUNSEL TO THE RECEIVER, FOR
PAYMENT OF FEES AND
REIMBURSEMENT OF EXPENSES
[January 1, 2020 - March 31, 2020]

Ctrlm: 6D
Judge Hon. Fernando M. Olguin

19 Before the Court is the Fifth Interim Application of Receiver, Geoff Winkler,
20 and Allen Matkins Leck Gamble Mallory & Natsis LLP, General Counsel to the
21 Receiver, for Payment of Fees and Reimbursement of Expenses (the "Fee
22 Application"), filed by Geoff Winkler (the "Receiver"), the Court-appointed
23 permanent receiver for Defendant Essex Capital Corporation and its subsidiaries and
24 affiliates (collectively, the "Receivership Entities"), for services rendered during the
25 period from January 1, 2020 through March 31, 2020 (the "Application Period").

26 The Receiver requests approval of 100% of his fees and expenses
27 (\$131,848.20 and \$752.96, respectively) incurred during the Application Period, and
28 payment, on an interim basis, of 80% of his fees (\$105,478.56) and 100% of his

1 expenses (\$752.96). The Receiver and his counsel of record, Allen Matkins Leck
2 Gamble Mallory & Natsis LLP ("Allen Matkins"), request approval of 100% of
3 Allen Matkins' fees and expenses (\$141,294.15 and \$3,970.07, respectively)
4 incurred during the Application Period, and payment, on an interim basis, of 80% of
5 its fees (\$113,035.32) and 100% of its expenses (\$3,970.07).

6 The Fee Application having been considered, and good cause appearing
7 therefor, this Court orders as follows:

8 1. The Fee Application is granted, in its entirety;

9 2. The fees and expenses incurred by the Receiver during the Application
10 Period, in the respective amounts of \$131,848.20 and \$752.96, are approved;

11 3. The Receiver is authorized to pay himself, on an interim basis, 80% of
12 his fees incurred during the Application Period, in the amount of \$105,478.56,
13 and 100% of his expenses incurred during the Application Period, in the amount of
14 \$752.96, from the assets of the Receivership Entities;

15 4. The fees and expenses incurred by Allen Matkins during the
16 Application Period, in the respective amounts of \$141,294.15 and \$3,970.07, are
17 approved;

18 5. The Receiver is authorized to pay Allen Matkins, on an interim
19 basis, 80% of the fees it incurred during the Application Period, in the amount of
20 \$113,035.32, and 100% of the expenses it incurred during the Application Period, in
21 the amount of \$3,970.07, from the assets of the Receivership Entities; and

22 6. The fees approved, but not paid, pursuant to this Order, shall be subject
23 to final review by the Court in connection with the Receiver's and Allen Matkins'
24 final fee and expense application, to be submitted contemporaneously with the
25 wind-down and termination of the receivership in the above-entitled matter.

26 **SO ORDERED.**

27 Dated: _____

Hon. Fernando M. Olguin
Judge, United States District Court

28

PROOF OF SERVICE

Securities and Exchange Commission v. Ralph T. Iannelli and Essex Capital Corporation
USDC, Central District of California – Case No. 2:18-cv-05008-FMO-AFM

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 865 S. Figueroa Street, Suite 2800, Los Angeles, California 90017-2543.

On **September 18, 2020**, I caused to be served on all the parties to this action addressed as stated on the attached service list the document entitled: **[PROPOSED] ORDER GRANTING FIFTH INTERIM APPLICATION OF RECEIVER, GEOFF WINKLER, AND ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP, GENERAL COUNSEL TO THE RECEIVER, FOR PAYMENT OF FEES AND REIMBURSEMENT OF EXPENSES**

- OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.
- OVERNIGHT DELIVERY:** I deposited in a box or other facility regularly maintained by express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in sealed envelope(s) or package(s) designed by the express service carrier, addressed as indicated on the attached service list, with fees for overnight delivery paid or provided for.
- HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.
- ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.
- E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.
- FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on **August 12, 2020** at Los Angeles, California.

/s/ Martha Diaz
Martha Diaz

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

Securities and Exchange Commission v. Ralph T. Iannelli and Essex Capital Corporation
USDC, Central District of California – Case No. 2:18-cv-05008-FMO-AFM

Mark Riera, Esq.
Jeffer Mangels Butler & Mitchell LLPP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067-4308