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14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 SECURITIES AND EXCHANGE  
COMMISSION,

17 Plaintiff,

18 vs.

19 MATTHEW WADE BEASLEY *et al.*

20 Defendants;

21 THE JUDD IRREVOCABLE TRUST *et al.*

22 Relief Defendants.  
23

Case No. 2:22-CV-00612-CDS-EJY

**COURT-APPOINTED RECEIVER  
GEOFF WINKLER'S RESPONSE TO  
KAMILLE DEAN'S OBJECTION,  
REQUEST FOR DE NOVO REVIEW,  
AND APPEAL FROM  
MAGISTRATE'S 12-29-22 ORDER  
[ECF NO. 423]**

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1 Comes now, Geoff Winkler, the Court-appointed Receiver (the “Receiver”), by and  
2 through his counsel of record the law firm of Greenberg Traurig, LLP, and hereby submits this  
3 Response to “Non-Party Kamilie Dean’s Request for De Novo Review, and Appeal From  
4 Magistrate’s 12-29-22 Order (DKT. 417) [Local Rule IB3-1]” (ECF No. 423) (the “Objection”).

5 This Response is based upon the following Memorandum of Points and Authorities,  
6 attached hereto, the pleadings and papers on file herein, and such other and further arguments and  
7 evidence as may be presented to the Court in connection with the Objection.

8 DATED this 26<sup>th</sup> day of January 2023.

9 **GREENBERG TRAUIG, LLP**

10 By: /s/ Kara B. Hendricks

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21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. INTRODUCTION**

23 Frivolous *adj.* “Lacking a legal basis or legal merit; manifestly insufficient as a  
24 matter of law.”<sup>1</sup>

25 One would be hard pressed to describe Ms. Dean’s Objection, Request for De Novo  
26 Review and Appeal From Magistrate’s 12-29-22 Order as anything but frivolous.

27 \_\_\_\_\_  
28 <sup>1</sup> FRIVOLOUS, Black’s Law Dictionary (11th ed. 2019)

1 Presently before this Court is Ms. Dean’s purported “objection” to the December 29, 2022  
 2 order issued by Magistrate Judge Youchah in which the Receiver was awarded \$33,755.24 as  
 3 reimbursement to the Receivership Estate for costs necessitated by Ms. Dean’s failure to comply  
 4 with court order and her filing of unnecessary motions. Although Ms. Dean has titled her most  
 5 recent filing as an “Objection”, Ms. Dean has actually filed a fugitive document filled with  
 6 inapplicable and improper arguments. What is more, the relatively small portion of Ms. Dean’s  
 7 filing that actually relates to the award of attorneys’ fees is almost entirely copied and pasted from  
 8 the filed response to the Receiver’s Memorandum of Fees and Costs.

9 As established herein, Ms. Dean has not only failed to meet the requisite legal standard to  
 10 show the Fee Order was clearly erroneous or contrary to law, but the Objection demonstrates a  
 11 willful and intentional waste of judicial and receivership resources. It is time for the posturing and  
 12 gamesmanship to end and the Receiver should be awarded additional attorneys’ fees and costs  
 13 incurred as a result of Ms. Dean’s Objection.

## 14 **II. SUMMARY OF PREVIOUS PROCEEDINGS**

15 Although Ms. Dean titled the Objection as a “Request for De Novo Review and Appeal  
 16 From Magistrate’s 12-29-22 Order”, the Objection is actually Ms. Dean’s latest attempt to re-hash  
 17 her previously failed arguments. This dispute has its foundation in the Receiver’s August 1, 2022  
 18 Motion to Compel through which the Receiver sought an order from this Court directing Ms. Dean  
 19 to turn over funds she had received from Defendant Jeffrey Judd (“Motion to Compel”).  
 20 ECF No. 210. The Motion to Compel followed months of wasted communications and numerous  
 21 unfulfilled assurances by Ms. Dean that she would file a motion with this Court to retain the fees  
 22 she held. *Id.*

23 Rather than filing a response to the Motion to Compel, Ms. Dean filed four (4) separate  
 24 pleadings attacking the Receiver and/or his counsel in various respects. The Receiver filed an  
 25 Omnibus Response.<sup>2</sup> ECF No. 275. Ms. Dean thereafter submitted three (3) reply briefs.  
 26 ECF Nos. 295, 296, 297. Despite flooding this Court with filings, each of Ms. Dean’s submissions  
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28 <sup>2</sup> ECF No. 368, at n. 1.

1 proved to be meritless. On November 17, 2022, Magistrate Judge Elayna Youchah entered an  
 2 Order granting the Motion to Compel and denying each of Ms. Dean’s four (4) filings relating to  
 3 the same (the “Order”). ECF No. 368.

4 Spanning twenty pages, the Order goes into great detail of each of the Receiver’s arguments  
 5 and Ms. Dean’s positions in response. Additionally, the Order evaluated the applicable authority  
 6 and applied the facts of this matter to the same prior to reaching its conclusion. The Order found,  
 7 among other things, the funds held by Ms. Dean were Receivership Property and ordered Ms. Dean  
 8 to turn over the same within thirty (30) days. ECF No. 368 at p. 20. Additionally, the Court  
 9 awarded the Receiver his attorneys’ fees and costs incurred in bringing the Motion to Compel. *Id.*  
 10 Specifically, the Court’s order provides:

11 “In his moving papers, Receiver requests that the Court award to the receivership  
 12 estate attorneys’ fees and costs associated with bringing the subject Motion to  
 13 Compel. [] Having considered the facts and positions of the parties, the Court  
 14 agrees that fees and costs are warranted. *See Federal Trade Commission v.*  
 15 *Consumer Defense LLC*, Case No. 2:18-cv-0030-JCM-PAL, 2019 WL 861385, at  
 2-3 (D. Nev. Feb. 22, 2019) (awarding attorneys’ fees to replenish the receivership  
 estate following the filing of unnecessary motions).” ECF No. 368 at p. 19.

16 The Receiver was directed to submit a memorandum of fees and costs associated with  
 17 bringing the Motion to Compel. ECF No. 368 at p. 20. Following the Court’s order, the Receiver  
 18 submitted his Memorandum of Fees on December 1, 2022. ECF No. 378. Despite the Receiver  
 19 providing the requested information relating to the fees incurred, Ms. Dean filed an “Opposition  
 20 to Receiver’s Memorandum of Fees and Costs.” ECF No. 394.<sup>3</sup> Given that the Receiver’s  
 21 Memorandum was not a “Motion for Attorneys’ Fees” as Ms. Dean had opined, the Receiver  
 22 moved to strike portions of her Opposition on December 21, 2022. ECF No. 409. Thereafter, on  
 23 December 29, 2022, Magistrate Judge Youchah entered an Order granting the Receiver’s  
 24 Memorandum of Fees in the reduced amount of \$33,755.24. ECF No. 417 (the “Fee Order”).  
 25

26 <sup>3</sup> Additionally, Ms. Dean filed an “Appeal From and Objection to Magistrate’s 11-17-22 Order and Request  
 27 for De Novo Review Under Federal Rules of Civil Procedure, Rule 72.3.” ECF No. 380. The Receiver  
 28 filed a Response to Ms. Dean’s Objection on December 15, 2022. ECF No. 391. Ms. Dean thereafter filed  
 a Reply to Receiver’s Opposition to Ms. Dean’s Objection and Request for Trial De Novo on December 22,  
 2022. ECF No. 412. This matter has not yet been ruled upon.

1 Through the Fee Order, which consists of just three (3) pages, the Court notes that it considered  
 2 the Memorandum of Fees and Ms. Dean’s Opposition thereto. ECF No. 417. Ultimately,  
 3 Magistrate Judge Youchah found the rates charged by the Receiver’s counsel to be “well within  
 4 the range of rates charged in Nevada for legal services” and opined that a reduction in the hourly  
 5 rates was not warranted. *Id.* Additionally, the Fee Order expressly indicates “[t]he Court reviewed  
 6 the time entries and finds the vast majority of them are appropriate under the Ninth Circuit’s *Van*  
 7 *Gerwen* analysis.” *Id.* However, the Court did not award fees for time spent by the Receiver’s  
 8 counsel “discussing and corresponding with Ms. Dean prior to the filing of the Motion to Compel”  
 9 and reduced Ms. Hendricks’ time by 1.7 hours and Mr. Zaro’s time by 1.1 hours accordingly. *Id.*  
 10 As a result, the Court found the Receiver was entitled to an award in the amount of \$33,755.24.  
 11 *Id.* In response to the Fee Order, Ms. Dean filed the instant “Objection” on January 12, 2023.  
 12 ECF No. 423.

### 13 III. ARGUMENT

14 The subject Objection is, replete with frivolous arguments that (a) have no merit or (b) have  
 15 been previously ruled upon by this Court. What is more, Ms. Dean has provided this Court with  
 16 no valid authority to demonstrate the Fee Order was clearly erroneous or contrary to law. Instead,  
 17 Ms. Dean spends twenty-four (24) pages in the Objection voicing displeasure regarding the  
 18 payment of fees incurred by the Receiver and re-hashing old arguments.

#### 19 a. This Court Should Strike the Portions of Ms. Dean’s Objection Not Related 20 to the Fees Awarded or their Reasonableness

21 Matters included in the Objection that are outside the scope of the Fee Order should be  
 22 stricken and disregarded by the Court. Courts “have the inherent power to strike a party’s  
 23 submissions other than pleadings.” *Tagle v. Bean*, No. 2:15-cv-01402-JAD-VCF, 2017 U.S. Dist.  
 24 LEXIS 75922, at \* 8 (D. Nev. May 18, 2017) (collecting cases) (citations omitted). “Indeed, the  
 25 alternative basis for striking improper filings is the district court’s ‘inherent power over the  
 26 administration of its business.’” *Id.* (citing *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995)).  
 27 “‘It has inherent authority to regulate the conduct of attorneys who appear before it [and] to  
 28 promulgate and enforce rules for the management of litigation...’” *Id.* (citing *Spurlock*) (brackets

1 in original). “A document not allowed by Local Rule 7-2, or otherwise permitted by order of this  
2 Court, is a fugitive document and must be stricken from the record.” *Id.* (citation omitted)  
3 (emphasis added).

4 Here, the majority of the Objection concerns matters outside the scope of the Fee Order.  
5 Specifically, Ms. Dean asserts arguments related to the following matters not contemplated by the  
6 Fee Order and should be stricken:

7 (1) That the Receiver’s request for fees is “moot” because Ms. Dean  
8 delivered the client trust funds at issue to the Receiver, following the Court’s order<sup>4</sup>;

9 (2) That the Receiver failed to satisfy the requirements of 28 USC  
10 § 754, thereby depriving him of jurisdiction over Ms. Dean<sup>5</sup>;

11 (3) That there is no basis for the award of attorneys’ fees<sup>6</sup>;

12 (4) That the Receiver “played fast and loose with the phrase ‘Motion to  
13 Compel’” because this was not a discovery matter<sup>7</sup>;

14 (5) That the Magistrate did not award sanctions and, as a result, “a  
15 Turnover proceeding [cannot] support an award”<sup>8</sup>

16 (6) That the Magistrate “ignored the Receiver’s concealment of his  
17 jurisdictional failure to file notice of his appointment in Arizona within 10-days of  
18 his June 3, 2022 Appointment.”<sup>9</sup>

19 Indeed, it is not until page 16<sup>10</sup> of the Objection that Ms. Dean first addresses the nature of  
20 the fee award. Given that the lion's share of Ms. Dean’s Objection is outside the scope of the Fee  
21 Order, all arguments from page 1, line 5 through page 16, line 11 should be stricken. *See Spurlock*,  
22 69 F.3d at 1016.

23 ///

24 \_\_\_\_\_  
25 <sup>4</sup> See ECF No. 423 at p. 3-10.

26 <sup>5</sup> *Id.* at p. 10-16.

27 <sup>6</sup> *Id.* at p. 4-5.

28 <sup>7</sup> *Id.*

<sup>8</sup> *Id.* at p. 5-8.

<sup>9</sup> *Id.* at 10-16.

<sup>10</sup> This page number refers to the number located at the bottom of Ms. Dean’s Objection. The body of Ms. Dean’s filing does not begin until page 9 of 75 as identified by this Court’s filing system. Page 16 of the Objection is page 24 of 75 in the Court’s filing.

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1           **b.       Ms. Dean Misconstrues the Nature of the Order**

2           Throughout the Objection, Ms. Dean repeatedly refers to the Receiver’s Memorandum of  
3 Fees as an “Application for Fees” or a “Motion for Fees”.<sup>11</sup> However, there was no motion or  
4 application for attorneys’ fees. Rather, the Court awarded the Receiver his reasonable attorneys’  
5 fees and costs incurred in moving to compel Ms. Dean’s compliance. ECF No. 368. The Order at  
6 issue in this proceeding is simply the Court’s determination as to the amount and reasonableness  
7 of the Receiver’s fees. As such, any argument regarding the Receiver’s “Motion” or “Application”  
8 for attorneys’ fees should be disregarded as it does not accurately relate to the nature of the matter  
9 before this Court.

10           **c.       Ms. Dean has Failed to Meet the Requisite Standard**

11           Ms. Dean brings the instant Objection seeking review of the Fee Order pursuant to FRCP 72  
12 and LR IB3-1. Under FRCP 72(b)(2), within 14 days after being served with a copy of a  
13 recommended disposition, “a party may serve and file specific written objections to the proposed  
14 findings and recommendations.” Fed. R. Civ. P. 72(b)(2). Similarly, Local Rule IB 3-1 provides  
15 permits review of a magistrate judge’s order and provides:

16                           “A district judge may consider any pretrial matter referred to a  
17                           magistrate judge in a civil or criminal case under LR IB 3-1, **when**  
18                           **it has been shown the magistrate judge’s order is clearly**  
                              **erroneous or contrary to law.**”

19 LR IB 3-1 (emphasis added).

20           When presented with a valid objection under Rule 72 and LR IB 3-1, the district judge is  
21 to review the magistrate’s order under the “clearly erroneous or contrary to law” standard.  
22 28 U.S.C. § 636(b)(1)(A); LR IB 3-1(a) (“A district judge may reconsider any pretrial matter  
23 referred to a magistrate judge in a civil or criminal case pursuant to LR IB 1-3, where it has been  
24 shown that the magistrate judge’s ruling is clearly erroneous or contrary to law.”); *Heyman v.*

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28 <sup>11</sup> See e.g. ECF No. 423 at p. 1:5, 1:12, 1:23-24.

1 *Nevada ex rel. Bd. of Regents of Nevada Sys. of Higher Educ.*, 2019 WL 7602241, at \*2 (D. Nev.  
2 Feb. 28, 2019).<sup>12</sup>

3 A magistrate judge's order is “clearly erroneous” only if the court has “a definite and firm  
4 conviction that a mistake has been committed.” *United States v. U.S. Gypsum Co.*, 333 U.S. 364,  
5 395, 68 S. Ct. 525, 92 L. Ed. 746 (1948). Similarly, “[a]n order is contrary to law when it fails to  
6 apply or misapplies relevant statutes, case law, or rules of procedure.” *Toromanova v. First Am.*  
7 *Tr. Servicing Sols. LLC*, No. 2:18-cv-01482-APG-VCF, 2019 U.S. Dist. LEXIS 75440, at \*3 (D.  
8 Nev. May 2, 2019) (citing *Jadwin v. Cty. of Kern*, 767 F. Supp. 2d 1069, 1110-11 (E.D. Cal.  
9 2011)). “The ‘contrary to law’ standard allows independent, plenary review of purely legal  
10 determinations by the Magistrate Judge.” *Jadwin*, 767 F. Supp. 2d at 1110. Ultimately, the text  
11 of the Magistrates Act suggests that the magistrate judge’s decision is entitled to great deference  
12 by the district court. *United States v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir. 2001); *see also*  
13 *Mayorga v. Ronaldo*, 491 F. Supp. 3d 840, 846 (D. Nev. 2020) (quoting *Concrete Pipe & Prods.*  
14 *of Cal., Inc. v. Constr. Laborers Pension Tr. for S. Cal.*, 508 U.S. 602, 623 (1993)). Through a  
15 review of a magistrate’s order, the district court “may not substitute [its] judgment for that of the  
16 Magistrate Judge.” *Id.* (citing *Grimes v. Cty. of San Francisco*, 951 F.2f 236, 241 (9th Cir 1991).

17 Thus, de novo review of the Fee Order in this case is appropriate only where the objector  
18 (Ms. Dean) has demonstrated the Magistrate Judge’s ruling was clearly erroneous or contrary to  
19 law. “This standard is extremely deferential and should be considered the final decisions of the  
20 district court.” *Wi-Lan, Inc. v. LG Elecs., Inc.*, No. C 10-80254-JF PSG, 2011 U.S. Dist. LEXIS  
21 29400, 2011 WL 841271, at \*1 (N.D. Cal. Mar. 8, 2011) (citing *EEOC v. Lexus of Serramonte*,  
22 No. C 05-0962 SBA, 2006 U.S. Dist. LEXIS 67895, 2006 WL 2619367, at \*2 (N.D. Cal. Sept. 5,  
23 2006). The district court’s review is limited to “determining whether the [magistrate judge]  
24 reached a decision that falls within any of the permissible choices the court could have made.”  
25 *Hinkson*, 585 F.3d at 1261.

26 ///

27 \_\_\_\_\_  
28 <sup>12</sup> As discussed herein, the Objection presently before this Court is not valid and therefore this Court need not reach a consideration as to whether the Order was clearly erroneous or contrary to law.



1 Through the instant Objection, Ms. Dean has not demonstrated that the Fee Order was  
 2 clearly erroneous nor has she demonstrated that the Fee Order was contrary to law. Rather,  
 3 Ms. Dean simply disagrees with the Court’s decision and re-hashes old and irrelevant arguments.  
 4 Given that the Objection does not meet the legal standard, Ms. Dean’s Objection should be  
 5 summarily overruled.

6 **d. Ms. Dean Copied and Pasted Arguments From Her Opposition to the**  
 7 **Receiver’s Memorandum of Fees.**

8 As noted above, following the Court’s November 17, 2022 Order on the Receiver’s Motion  
 9 to Compel, the Receiver submitted his Memorandum of Fees on December 1, 2022. ECF No. 378.  
 10 Although the Receiver’s Memorandum was not a motion, Ms. Dean filed an “Opposition to  
 11 Receiver’s Memorandum of Fees and Costs” on December 15, 2022. ECF No. 394. On  
 12 December 29, 2022, the Fee Order was entered detailing the Magistrate Judge’s findings on the  
 13 reasonableness of the Receiver’s fees. ECF No. 417. Notably, the Fee Order expressly states  
 14 “[t]he Court has considered the Memorandum of Fees and the Opposition thereto. ECF No. 394.”  
 15 ECF No. 417.

16 Two weeks later, Ms. Dean filed the instant Objection which, as noted above, improperly  
 17 asserts arguments related to the merits of the underlying Motion to Compel. Notably, the actual  
 18 objections to the fees awarded to the Receiver are not addressed until page 16 of the brief.  
 19 However, no new arguments are presented. Instead, the entirety of Ms. Dean’s position, from  
 20 page 16 through the conclusion of the brief, is copied and pasted from the arguments made in the  
 21 Opposition (ECF No. 394). Indeed, as set forth below, the exact headings, arguments, and citations  
 22 are provided in both filings, with only minor revisions to select words and summaries of citations.

ARGUMENT	LOCATION IN OPPOSITION (ECF No. 394)	LOCATION IN OBJECTION (ECF No. 423)
<i>“The Receiver’s Attorneys Engaged in Improper Block Billing”</i>	P. 4:17-6:2	P. 16:14-17:10
<i>“Block billing prevents any determination of reasonableness”</i>	P. 6:14-7:1	P. 17:11-21
<i>“Block billing for evaluation and review is improper”</i>	P. 7:2-19	P. 17:22-18:9

ARGUMENT	LOCATION IN OPPOSITION (ECF No. 394)	LOCATION IN OBJECTION (ECF No. 423)
"Lumping evaluation for issues and emails is baseless"	P. 7:20-8:19	P. 18:10-24
"Attorney Hendricks engaged in excessive and improper block billing"	P. 8:19-10:24	P. 18:25-20:8
"The Receiver's Request for Fees is Unreasonable and Padded"	P. 10:24-13:16	P. 20:10-22:1
"The \$17,416.57 response to Ms. Dean's Motions was unreasonable"	P. 13:16-14:17	P. 22:2-23:2
"The Receiver's Fees-on-Fees Motion is Unreasonable"	P. 14:17-16:6	P. 23:3-24:14

Tellingly, the Objection is sparse when it comes to any reference to the requisite legal standard. Indeed, the Objection mentions the phrase "clearly erroneous" only once:

"The Magistrate's Order stated the Receiver complied with 28 U.S.C. section 754 because the Receiver obtained an Amendment to the Receivership Order on July 28, 2022, and the Amendment constituted a Reappointment (11-17-22 Order, p.15, lines 17-28). However, an Amendment was not a Reappointment, and Ms. Dean seeks *de novo review* of the clearly erroneous ruling." ECF No. 423 at p. 11:15-18.

Thus, the only time Ms. Dean even mentions the standard she must satisfy is with respect to a ruling in a separate order, not the Fee Order at issue.

Additionally, the Objection does not even attempt to demonstrate error on behalf of the Magistrate Judge. Rather, Ms. Dean has simply pieced her Objection together from a filing previously submitted and denied by this Court. Re-arguing the same position taken in the underlying filings does not demonstrate that the Order was clearly erroneous or contrary to law. *See Kwasniewski v. Sanofi-Aventis U.S., LLC*, No. 2:12-cv-00515-GMN-NJK, 2018 U.S. Dist. LEXIS 55218, at \*11 (D. Nev. Mar. 30, 2018) (citing *U.S. Gypsum*, 333 U.S at 395 in finding by making the same arguments, "[n]othing in Plaintiffs' Second Objection gives rise to 'a definite and firm conviction that a mistake has been committed.'").

As such, Ms. Dean's Objection not only fails to meet the requisite standard but should be stricken in its entirety as it contains nothing more than a retread of the same arguments made in her Opposition to the Receiver's Memorandum of Fees.

**viii. An Additional Award of Attorneys’ Fees is Warranted With Respect to Ms. Dean’s Objection**

Despite being faced with an award of attorneys’ fees and costs incurred as a result of her failure to comply with Court orders, Ms. Dean submitted a frivolous Objection, consisting of nothing more than improper arguments that were copied and pasted from a previously filed document. Ms. Dean’s erratic, repetitive and improper filings demonstrate a willful disregard of the Local Rules of this Court, the Federal Rules of Civil Procedure and the Rules of Professional Conduct. As noted herein, the Subject Objection provides this Court with no new authority nor does this Objection demonstrate that the Magistrate’s Order was clearly erroneous. Rather, the relevant portions of the Objection are undeniably duplicative of prior submittals. The local rules specifically warn litigants that:

Motions for reconsideration are *disfavored*. A movant must not repeat arguments already presented unless (and only to the extent) necessary to explain controlling, intervening law or to argue new facts. ***A movant who repeats arguments will be subject to appropriate sanctions.***

LR 59-1(b) (emphasis added).

In filing the instant Objection, which presents no new facts, fails to identify any clear error committed by the Court, and does not address controlling, intervening law, and instead merely “repeats arguments,” Ms. Dean has further wasted Receivership Assets by way of the attorneys’ fees incurred in connection with this response. That being the case, an additional award of attorneys’ fees<sup>13</sup> incurred by the Receiver in responding to the Objection is an appropriate sanction and warranted under LR 59- 1(b).

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<sup>13</sup> See ECF No. 391 at p. 22:18-24:6. The Receiver requested a second award of attorney’s fees in response to Ms. Dean’s “Appeal From and Objection to Magistrate’s 11-17-22 Order and Request for De Novo Review Under Federal Rules of Civil Procedure, Rule 72.3” (ECF No. 380)

1 **IV. CONCLUSION**

2 The Magistrate Judge’s decision was not clearly erroneous and Ms. Dean has provided no  
3 legal basis for the relief requested. Accordingly, based on the foregoing, the Receiver respectfully  
4 requests this Court enter an order overruling Ms. Dean’s Objection and affirming the Fee Order  
5 and requiring the \$33,755.24 to be paid within ten days. Additionally, the Receiver requests this  
6 Court enter an order awarding the Receiver the fees incurred in responding to the Objection, to be  
7 established via a separate filing following Court approval of the same.

8 DATED this 26<sup>TH</sup> day of January, 2023.

**GREENBERG TRAUIG, LLP**

9  
10 By: */s/ Kara B Hendricks*

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the **26th day of January, 2023**, a true and correct copy of the foregoing was filed electronically via the Court’s CM/ECF system. Notice of filing will be served on all parties by operation of the Court’s CM/ECF system, and parties may access this filing through the Court’s CM./ECF system and by serving via email by United States first class mail, postage pre-paid on the parties listed below:

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