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14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE DISTRICT OF NEVADA**

16 SECURITIES AND EXCHANGE COMMISSION,  
17  
18 Plaintiff,  
19 vs.  
20 MATTHEW WADE BEASLEY, *et al.*,  
21 Defendants,  
22 THE JUDD IRREVOCABLE TRUST, *et al.*,  
23 Relief Defendants.

CASE NO. 2:22-cv-00612-CDS-EJY

**OMNIBUS MOTION TO APPROVE  
FOURTH QUARTERLY  
APPLICATIONS FOR FEES AND  
REIMBURSEMENT OF EXPENSES  
FOR RECEIVER, RECEIVER’S  
COUNSEL, AND RECEIVER’S  
LITIGATION SUPPORT  
CONSULTANT FOR THE PERIOD  
FROM JANUARY 1, 2023 THROUGH  
MARCH 31, 2023.**

24 Geoff Winkler, the Court-appointed Receiver (the “Receiver”), submits this Omnibus  
25 Motion to Approve Fourth Quarterly Applications for Fees and Reimbursement of Expenses for  
26 Receiver, Receiver’s Counsel, and Receiver’s Litigation Support Consultant for the Period from  
27 January 1, 2023 through March 31, 2023 (“Motion”).

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1 This Motion is based on the below memorandum of points and authorities, the Fourth  
2 Quarterly Application for Fees and Reimbursement of Expenses for Receiver, Receiver’s Counsel  
3 Greenberg Traurig, and Receiver’s Litigation Support Consultant Aitheras LLC (ECF No. 519),  
4 the Fourth Quarterly Application for Payment of Fees and Reimbursement of Expenses of  
5 Receiver’s Counsel: (1) Allen Matkins Leck Gamble Mallory & Natsis, LLP; and (2) Semenza  
6 Kircher Rickard (ECF No. 516) filed concurrently herewith, the pleadings and papers on file  
7 herein, and such other and further information as may be presented to the Court at the time of any  
8 hearing.

9 DATED this 15<sup>th</sup> day of May, 2023.

10 **GREENBERG TRAUERIG, LLP**

11 By: /s/ Kara B. Hendricks

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17 *Attorneys for Receiver Geoff Winkler*

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **I. INTRODUCTION**

20 By and through the subject Motion, the Receiver respectfully requests the allowance and  
21 payment of his fees and costs and the fees and costs of the professionals he employed to assist him  
22 in fulfilling his duties under the Receiver Order, incurred for the period from January 1, 2023  
23 through March 31, 2023 (the “Application Period”). The Receiver and his counsel timely provided  
24 a draft and copies of billing entries to counsel for the Securities & Exchange Commission (“SEC”)  
25 and SEC staff has reviewed and provided comments on the fee statements and does not oppose the  
26 interim approval and payment of the fees and costs sought herein.

27 Because the Receiver is not a licensed attorney, does not have in-house counsel, and due  
28 to the scope of service needed during the Application Period he employed professionals to assist  
him in fulfilling his duties as the Receiver. Specifically, pursuant to Section 7(F) of the Receiver

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1 Order, the Receiver proposed retaining Greenberg Traurig LLP (“Greenberg Traurig”), Allen  
2 Matkins Leck Gamble Mallory & Natsis LLP (“Allen Matkins”), as counsel (ECF No. 90) and the  
3 law firm of Semenza Kircher Rickard (“Semenza Kircher”) as conflicts counsel (ECF No. 108).  
4 Additionally, the Receiver proposed the retention of Aitheras, LLC (“Aitheras”) as litigation  
5 support consultant. (ECF No. 455). As further detailed below, during the Application Period, the  
6 Receiver and his professionals endeavored to avoid duplication of efforts, and to undertake  
7 required tasks in as efficient a manner as possible, utilizing personnel best suited to the task.  
8 Additionally, the complexity of the Receivers tasks, the value of the services provided, the quality  
9 of the work performed, the benefits obtained on behalf of the receivership estate, and the burden  
10 of the fee request on the receivership estate warrant approval of the same.

11 The Receiver and his professionals seek approval of the following fees and costs for this  
12 Application Period, on an interim basis:

- 13 (1) Receiver fees of \$428,800.50 and costs of \$21,340.86;
- 14 (2) Greenberg Traurig fees of \$123,468.75 and costs of \$305.08;
- 15 (3) Aitheras fees of \$1,364.00;
- 16 (3) Allen Matkins fees of \$197,881.00 and costs of \$1,501.36; and
- 17 (4) Semenza Kircher fees of \$7,728.50 and costs of \$55.00.

18 By way of this Motion, the Receiver requests the Court’s interim approval of 100% of the  
19 fees and expenses incurred during the Application Period and further requests the interim payment  
20 of (1) 80% of the fees and 100% of the expenses incurred by the Receiver and the Receiver’s  
21 Counsel; and (2) 100% of the fees incurred by Aitheras, each to be paid from the funds of the  
22 receivership estate (the “Receivership Estate”).

23 **II. RELEVANT BACKGROUND**

24 The SEC initiated this action against J&J Consulting Services, Inc., an Alaska corporation,  
25 J&J Consulting Services, Inc., a Nevada corporation, J and J Purchasing LLC, The Judd  
26 Irrevocable Trust and BJ Holdings LLC (collectively, the “J&J Receivership Defendants”) and  
27 others on April 12, 2022 (ECF No. 1) and concurrently with the Complaint filed an *ex parte* motion  
28 for temporary restraining order seeking, among other things, the freezing of defendants’ assets, an

1 accounting, an order prohibiting the destruction of documents seeking the appointment of a  
 2 receiver over the J&J Receivership Defendants (ECF No. 2). The Court granted the *ex parte*  
 3 temporary restraining order, in part, by allowing the asset freeze to proceed but set the motion for  
 4 a hearing in order to provide defendants an opportunity to be heard on the temporary receivership  
 5 request (ECF No. 3). On April 21, 2022, a hearing was held and the Court found grounds to enter  
 6 a preliminary injunction, asset freeze, and other equitable relief. (ECF No. 56). Thereafter, on  
 7 May 3, 2022 the SEC filed a motion to appoint receiver and requested related relief. (ECF No. 67).  
 8 On June 3, 2022 an Order was entered appointing Geoff Winkler as Receiver (“Receiver Order”  
 9 or “Appointment Order”). (ECF No. 88).<sup>1</sup>

10 Upon his appointment, the Receiver immediately began a diligent review of the business  
 11 and financial affairs of the Receivership Defendants and undertook efforts to marshal assets for  
 12 the Receivership Estate in furtherance of his Court-ordered duties and responsibilities. The  
 13 Receiver has made substantial progress, particularly in connection with his efforts to assert control  
 14 over the Receivership Entities and identify and marshal their assets for the benefit of the  
 15 receivership estate, investors, and other creditors. These efforts are further detailed in the Fourth  
 16 Quarterly Status Report (ECF No. 508) which details the Receiver’s and his counsel efforts to:

- 17 1) investigate and marshal assets (the total value of assets collected  
 18 through the reporting period is in excess of \$72 million);
- 19 2) communicate with investors and creditors;
- 20 3) gather documents and conduct a forensic accounting of the same;
- 21 4) facilitate the turnover and sale of real property. (During this  
 22 reporting period, the Court granted permission to sale real property  
 23 that brought in \$11,533,116.79 into the Receivership Estate);
- 24 5) identify personal property and obtain approval for sale of the same.  
 25 (During this reporting period, the Receiver collected personal  
 26 property totaling \$2,345,946. Additionally, as of the date of this  
 27 Motion, the Receivership Estate holds \$1,162,996 in cryptocurrency  
 and \$7,348,283 in private equity investments);
- 28 6) Recover investment funds from certain individual defendants;
- 7) monitor ancillary proceedings that may affect the receivership;

<sup>1</sup> On July 29, 2022, this Court entered an order expanding the original receivership order to apply to additional defendants (*see* ECF No. 207).

- 1 8) research and evaluate other matters affecting the estate as deemed warranted; and
- 2 9) prepare and file requisite pleadings and documents with the Court to effectuate turnover of assets and establish procedures to effectuate the Receiver's goals.

3  
4 As is common in the early stages of a complex receivership involving hundreds of millions  
5 of dollars in assets – here, the Receiver and his professionals were required to expend significant  
6 time and effort to preserve the *status quo*, begin the recovery of receivership assets, and commence  
7 their efforts to obtain financial documents and other information that will likely prove critical to  
8 the administration of the Estate, the Receiver's evaluation of prospective creditor claims, and any  
9 claw-back or disgorgement litigation that the Receiver ultimately determines, in his reasonable  
10 business judgment, is required to recover assets for the benefit of the Estate and its creditors.  
11 Specific details regarding efforts of the Receiver and his team from American Fiduciary Services  
12 (“AFS”) and Greenberg Traurig are further detailed in the Fourth Quarterly Application for Fees  
13 and Reimbursement of Expenses for Receiver, Receiver's Counsel Greenberg Traurig, and  
14 Receiver's Litigation Support Consultant (ECF No. 519). Additional details regarding the  
15 activities and services provided by Allen Matkins Leck Gamble Mallory & Natsis, LLP and  
16 Semenza Kircher Rickard are set forth in their Fourth Quarterly Application for Fees and  
17 Reimbursement of Expenses (ECF No. 516).

### 18 **III. LEGAL AUTHORITY**

19 “The power of a district court to impose a receivership ... derives from the inherent power  
20 of a court of equity to fashion effective relief.”<sup>2</sup> “The primary purpose of equity receiverships is  
21 to promote orderly and efficient administration of the Receivership Estate by the district court for  
22 the benefit of creditors.”<sup>3</sup> “[T]he practice in administering an estate by a receiver ... must accord  
23 with the historical practice in federal courts or with a local rule.”<sup>4</sup>

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27 <sup>2</sup> *SEC v. Wencke*, 622 F.2d 1363, 1369 (9th Cir. 1980).

28 <sup>3</sup> *SEC v. Hardy*, 803 F.2d 1034, 1038 (9th Cir. 1986.)

<sup>4</sup> Fed. R. Civ. P. 66.

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1 As the Ninth Circuit explained:

2 A district court’s power to supervise an equity receivership and to  
3 determine the appropriate action to be taken in the administration of  
4 the receivership is extremely broad. The district court has broad  
5 powers and wide discretion to determine the appropriate relief in an  
6 equity receivership. The basis for this broad deference to the district  
7 court’s supervisory role in equity receiverships arises out of the fact  
8 that most receiverships involve multiple parties and complex  
9 transactions.<sup>5</sup>

10 Decisions regarding the timing and amount of an award of fees and expenses to the  
11 Receiver and his or her professionals are committed to the sound discretion of the Court.<sup>6</sup> In  
12 determining the reasonableness of fees and expenses requested in this context, the Court should  
13 consider the time records presented, the quality of the work performed, the complexity of the  
14 problems faced, and the benefit of the services rendered to the Estate, along with the SEC’s  
15 position on the request, which is entitled to “great weight.”<sup>7</sup>

16 **IV. THE FEES AND EXPENSES INCURRED ARE REASONABLE AND SHOULD**  
17 **BE ALLOWED.**

18 The Receiver and his counsel respectfully submit that the fees and expenses incurred during  
19 the Application Period were fair, reasonable, necessary, and significantly benefited the Estate.  
20 Importantly, efforts were taken to avoid duplication of efforts and to undertake required tasks in  
21 as efficient manner as possible, utilizing personnel best suited to the task consistent with the  
22 complexity of the tasks required with the goal of providing high quality work that benefits the  
23 receivership estate.

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26 <sup>5</sup> *SEC v. Capital Consultants, LLC*, 397 F.3d 733, 738 (9th Cir. 2005) (citations omitted); see also *CFTC*  
27 *v. Topworth Int’l, Ltd.*, 205 F.3d 1107, 1115 (9th Cir. 1999) (“This court affords ‘broad deference’ to the  
28 court’s supervisory role, and ‘we generally uphold reasonable procedures instituted by the district court that  
serve th[e] purpose of orderly and efficient administration of the receivership for the benefit of creditors.”).

<sup>6</sup> See *SEC v. Elliot*, 953 F.2d 1560, 1577 (11th Cir. 1992) (rev’d in part on other grounds, 998 F.2d 922  
(11th Cir. 1993)).

<sup>7</sup> *SEC v. Fifth Ave. Coach Lines, Inc.*, 364 F. Supp. 1220, 1222 (S.D.N.Y. 1973).

1           **a.       Efforts to Avoid Duplication.**

2           During the Application Period, the Receiver and his professionals endeavored to avoid  
3 duplication of efforts, and to undertake required tasks in as efficient a manner as possible, utilizing  
4 personnel best suited to the task. Among other things, the Receiver and select representatives  
5 among his professionals held weekly videoconference meetings to identify outstanding tasks,  
6 assign to each outstanding task a measure of urgency or importance, and determine which of the  
7 Receiver's professionals would be responsible for completing the task, and when. As reflected in  
8 the invoices submitted in support of the Fourth Quarterly Applications for Fees (ECF Nos. 516  
9 and 519) many of the tasks undertaken by the Receiver and his professionals required immediate  
10 attention.

11           As was the case in previous reporting periods, and by way of example, Allen Matkins took  
12 the lead on handling matters related to the motion to intervene and obtaining records from financial  
13 institutions while Greenberg Traurig took the lead on working with Defendants and their counsel  
14 to facilitate the turnover of assets and filing related motions. This division of work has significantly  
15 benefitted the estate, as reflected in the Court's prior favorable orders on the Receiver's the motion  
16 to intervene, the stipulations and orders filed for the sale and/or turnover of property, motions  
17 relating to the turnover of attorney fees, and in the progress made by the Receiver to-date in  
18 connection with the identification and marshaling of valuable receivership assets.

19           Although, on occasion, the Receiver and his professionals were required to engage in  
20 efforts that overlapped to a degree (again, particularly given the early stage of the receivership  
21 case), they consistently endeavored to limit such overlap, and to ensure that each task was  
22 undertaken by the appropriate, and smallest, group of professionals necessary and sufficient to  
23 maximize the likelihood of a successful outcome. These efforts have continued beyond the  
24 Reporting Period.

25           **b.       Complexity of Receivers Tasks and Quality of Work Performed.**

26           The complexity of the work performed by the Receiver and his team includes ongoing  
27 communication with named Defendants, securing financial records, facilitating the turnover of  
28 millions of dollars in cash, personal, and real property and continuing the process of liquidating

1 the same, evaluating and assessing certain Defendant's business assets, attending to critical  
2 deadlines and obligations arising in connection with bankruptcy matters, and communicating with  
3 investors and creditors of the Receivership Estate. The Receiver's highly successful efforts have  
4 resulted in the recovery of assets, including cash, cryptocurrency, personal property, real properties  
5 and other with an estimated gross value of more than \$72 million.

6 The Receiver and his professionals were required to expend significant time and effort to  
7 preserve the *status quo*, pursue the recovery of receivership assets, and undertake efforts to obtain  
8 financial documents and other information that will likely prove critical to the administration of  
9 the Estate, the Receiver's evaluation of prospective creditor claims, and any clawback or  
10 disgorgement litigation that the Receiver ultimately determines, in his reasonable business  
11 judgment, is required to recover assets for the benefit of the Estate and its creditors.

12 **c. Fair Value of Receiver's Time and Reasonableness of Expenses on**  
13 **Receivership Estate.**

14 As set forth in the applications made to this court to facilitate the Receiver employing  
15 counsel (ECF Nos. 90 and 108), and as referenced in the fee applications filed contemporaneously  
16 herewith (ECF Nos. 516 and 519) the attorneys working on this matter are doing so at *heavily*  
17 discounted rates far below the market or "rack" rates charged in non-receivership matters,  
18 notwithstanding the complexity of the present receivership case or the amounts in controversy.  
19 Additionally, efforts have been taken to avoid duplicate efforts of counsel. Further, AFS is also  
20 providing significant discounts and performs a substantial amount of work in-house, saving both  
21 time and money, including tasks involving corporate accounting, forensic accounting, case  
22 administration, claims administration, asset valuation, investor communications and internet  
23 technology. The significantly reduced rates being charged in this matter, along with efforts to  
24 avoid duplication and streamline task demonstrate the reasonableness of the fees requested.  
25 Additionally, as demonstrated in the Receiver's Motion to Employ Litigation Support Consultant  
26 (ECF No. 455), the fees charged by Aitheras represent a significant savings over other companies  
27 offering similar services.

28 ///



1 When it comes to evaluating the burden of the expenses and the ability of the receivership  
2 estate to reasonably bear the same, it is important to look at the case as a whole. In its Complaint  
3 (as amended), the SEC has alleged causes of action arising from an alleged investment scheme,  
4 whereby hundreds of millions of dollars in investments were successfully solicited based on claims  
5 that funds invested would be backed by settlements to be paid out in litigation across the country.  
6 (ECF No. 118). In addition, the SEC has alleged that investor funds were diverted by certain  
7 defendants to purchase luxury homes, a private aircraft, and multiple luxury automobiles, among  
8 other things. (*Id.*) The Receiver's ability to recover cash and assets valued at more than  
9 \$72 million dollars is not insignificant and is an important consideration when evaluating the fees  
10 requested and their potential impact on the estate.

11 As compared to the value of the assets recovered, the Receiver's and his professionals' fees  
12 in their entirety (to say nothing of the fact that they have requested payment of fees at an interim  
13 rate of only 80% of actual fees incurred) are nominal. Moreover, the Receiver and his team  
14 continue to recover assets and are in the process of selling the same with proceeds going directly  
15 to the Receiver for the benefit of the estate to achieve the most equitable outcome possible for all  
16 stakeholders. Accordingly, approval of the fees requested is appropriate.

17 **d. Communication with SEC Counsel**

18 The fees requested by the Receiver and his professionals were reviewed and will continue  
19 to be reviewed by the SEC staff prior to their submittal to this Court and where appropriate,  
20 additional revisions made. As set forth in the Appointment Order (ECF No. 88), the Receiver and  
21 his team provide SEC Counsel a complete copy of the proposed fee application and relevant billing  
22 information.<sup>8</sup> The SEC staff then reviews the invoices and can provide comments to the Receiver  
23 prior to the filing of the fee application. The Receiver and his professionals are sensitive to the  
24 feedback received from the staff and received minimal comments for the invoices submitted for  
25 this Application Period all of which have been incorporated into the invoices submitted at this  
26 time.

27 \_\_\_\_\_  
28 <sup>8</sup> In an effort to provide the SEC ample time to review and comment regarding the same, invoices are now  
being provided to counsel for the SEC on a monthly basis.

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1 **Importantly, for purposes of the current application, SEC counsel has informed the**  
2 **Receiver that the SEC does not oppose the requested allowance and payment of fees and**  
3 **costs, on an interim basis.**

4 In addition to discounting rates for this matter and following their own firm best practices  
5 for ethical and commercially reasonable billing, the Receiver and his counsel work to ensure that  
6 all billing standards meet or exceed both (i) the SEC’s Billing Instructions for Receivers in Civil  
7 Actions Commenced by the U.S. Securities and Exchange Commission (the “Billing Instructions”) and  
8 (ii) the U.S. Trustee’s Guidelines for Reviewing Applications for Compensation and  
9 Reimbursement of Expenses.<sup>9</sup> The Billing Instructions and Trustee’s Guidelines have been  
10 developed iteratively by the SEC and U.S. Trustee specifically to ensure that receivers, trustees,  
11 and any professionals or others employed by them charge only reasonable and necessary fees and  
12 expenses to a receivership or bankruptcy estate.

13 The Billing Instructions followed by the submitting parties include requirements that each  
14 professional and paraprofessional keep contemporaneous billing records and record time in  
15 increments of tenths of an hour and that time records provide reasonable detail and narrative.<sup>10</sup>  
16 Each entry must also identify an SEC approved category for the work performed.<sup>11</sup> Certain work  
17 performed by the Receiver and counsel that might otherwise be billable in a different context is  
18 not included in the invoices submitted to this Court and written off presumptively by the respective  
19 parties. This includes time spent preparing fee applications and documentation in support of the  
20 same as well as many administrative tasks. Additionally, the Receiver and counsel routinely write  
21 off time associated with internal communication and training.

22 Further, consistent with SEC guidelines, only certain types of costs are included in the  
23 invoices submitted. Allowed expenses per SEC guidelines include filing fees, process service fees,  
24 expert witness fees, court reporter fees, lines and title expense, postage, parking, and travel.<sup>12</sup> SEC

25  
26 <sup>9</sup> The Billing Instructions are available online at [www.sec.gov/oiea/Article/billinginstructions.pdf](http://www.sec.gov/oiea/Article/billinginstructions.pdf).

27 <sup>10</sup> See, [www.sec.gov/oiea/Article/billinginstructions.pdf](http://www.sec.gov/oiea/Article/billinginstructions.pdf).

28 <sup>11</sup> *Id.*

<sup>12</sup> *Id.*

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1 guidelines also allow for reimbursement for photo copying and telephone charges. However, such  
2 photocopying and telephone expenses are already voluntarily excluded from the invoices and  
3 applications submitted in this case.

4 When it comes to travel, the Receiver and his team are also limited in what they can seek  
5 reimbursement for and are cost conscious. Notably, per SEC guidelines, long distance travel  
6 outside a twenty (20) mile radius of the applicant’s office is reimbursable at fifty percent (50%) of  
7 the applicant’s regular billing rate, and reimbursement is subject to specific travel restrictions and  
8 limitations.<sup>13</sup> The Receiver and his team follow the guidelines, which specify: 1) they seek the  
9 and use the lowest airfare; 2) luxury accommodations and deluxe meals are not reimbursable;  
10 3) personal and incidental charges are not included; and 4) expenses over \$75 require a receipt. In  
11 regard to hotel selection, the Receiver books accommodations based on availability and costs, and  
12 the Receiver and his team strive to find reasonable accommodations, taking into account  
13 fluctuating prices due to conferences and events in Las Vegas.

14 Cognizant of the fees and expenses and the impact they can have on the Receivership  
15 Estate, Mr. Winkler reviews both the invoices from his team of professionals and American  
16 Fiduciary Services (“AFS”) on a monthly basis. In so doing, he looks to identify inefficiencies  
17 and cuts any time entries and requests for reimbursement he believes are excessive or inconsistent  
18 with the Billing Instructions and/or U.S. Trustee’s Guidelines. After Mr. Winkler’s review, the  
19 invoices are sent directly to counsel for the SEC for their review an input under both the Billing  
20 Instructions standards and counsel’s experience and discretion. Although the Appointment Order  
21 (ECF No. 88) specifies that the SEC be provide with drafts of quarterly fee applications 30 days  
22 prior to the same being filed, in this case, the Receiver and his team work to provide the SEC the  
23 invoices on a monthly basis.

24 In regard to the fees and costs requested in the Fourth Fee Application, the process outlined  
25 above was utilized with (1) the professionals responsible reviewing their own invoices on a  
26 monthly basis, (2) the Receiver then reviewing the invoices on a monthly basis, and (3) the  
27

28 <sup>13</sup> *Id.*

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1 Receiver then providing the same to counsel for the SEC for its review. Staff for the SEC then  
2 reviewed the invoices and can (and did) provide comments to the Receiver prior to the filing of  
3 the fee application. The Receiver and his professionals are sensitive to the feedback received from  
4 SEC staff. For the Fourth Fee Application, minimal concerns relating to the invoices submitted  
5 were raised by the SEC. However, the comments made were addressed and/or incorporated. At  
6 the SEC's request, certain time was written off and not included in the subject submittal.

7 It is also important to note that, consistent with the billing guidelines of the SEC, the  
8 Receiver and the applicable law firms are seeking payment of 80% of their fees with the remaining,  
9 unpaid twenty percent (20%) as a "holdback" of approved fees, subject to final review and payment  
10 only at the conclusion of this Receivership. This provides additional security, should the Court  
11 have any additional concerns not addressed in the amended filings. Indeed, the 20% hold back  
12 provides a buffer and an additional opportunity for final consideration when the case is complete.

13 **V. CONCLUSION**

14 Based on the foregoing, the Receiver and his counsel request that the Court approve the  
15 fees and expenses as noted herein, and also authorize the payment of those fees and expenses on a  
16 percentage, interim basis. Specifically, the Receiver and his counsel request entry of an order<sup>14</sup>  
17 Granting this Omnibus Motion in its entirety and approving the following fees and costs incurred  
18 for this Application Period as follows:

- 19 (1) Receiver fees of \$428,800.50 and costs of \$21,340.86;
- 20 (2) Greenberg Traurig fees of \$123,468.75 and costs of \$305.08;
- 21 (3) Aitheras fees of \$1,3644.00;
- 22 (4) Allen Matkins fees of \$197,881.00 and costs of \$1,501.36; and
- 23 (5) Semenza Kircher fees of \$7,728.50 and costs of \$55.00.

24 The Receiver respectfully requests the Court's interim approval of 100% of the fees and  
25 expenses incurred during the Application Period and further requests the interim payment of (1)  
26 80% of the fees and 100% of the expenses incurred by the Receiver and the Receiver's Counsel;

27  
28 <sup>14</sup> The form of the proposed order is attached as **Exhibit 1**.

1 and (2) 100% of the fees incurred by Aitheras. The Receiver further requests any other and further  
2 relief as the Court deems just and appropriate.

3 DATED this 15th day of May, 2023.

4 **GREENBERG TRAUIG, LLP**

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

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13 **SEMENZA KIRCHER RICKARD**

14 DAVID R. ZARO\*  
15 JOSHUA A. del CASTILLO\*  
16 MATTHEW D. PHAM\*  
17 \*admitted pro hac vice  
18 **ALLEN MATKINS LECK GAMBLE**  
19 **MALLORY & NATSIS LLP**

20 *Attorneys for Receiver Geoff Winkler*

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**CERTIFICATE OF SERVICE**

1 Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that on the **15th day of May 2023**, a true  
2 and correct copy of the foregoing **OMNIBUS MOTION TO APPROVE FOURTH**  
3 **QUARTERLY APPLICATIONS FOR FEES AND REIMBURSEMENT OF EXPENSES**  
4 **FOR RECEIVER, RECEIVER’S COUNSEL, AND RECEIVER’S LITIGATION**  
5 **SUPPORT CONSULTANT FOR THE PERIOD FROM JANUARY 1, 2023 THROUGH**  
6 **MARCH 31, 2023** was filed electronically via the Court’s CM/ECF system. Notice of filing will  
7 be served on all parties registered to this case by operation of the Court’s CM/ECF system, and  
8 parties may access this filing through the Court’s CM/ECF system.  
9

10 /s/ Evelyn Escobar-Gaddi  
11 An employce of GREENBERG TRAUIG, LLP

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**LIST OF EXHIBITS**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>
Exhibit 1	[Proposed] Order

**GREENBERG TRAURIG, LLP**  
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# EXHIBIT 1

# EXHIBIT 1

Proposed Order



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14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE 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

**[PROPOSED] ORDER GRANTING  
OMNIBUS MOTION TO APPROVE  
FOURTH QUARTERLY  
APPLICATIONS FOR FEES AND  
REIMBURSEMENT OF EXPENSES  
FOR RECEIVER, RECEIVER’S  
COUNSEL AND RECEIVER’S  
LITIGATION SUPPORT  
CONSULTANT FOR THE PERIOD  
FROM JANUARY 1, 2023  
THROUGH MARCH 31, 2023**

24 The Court having reviewed the Omnibus Motion to Approve Fourth Quarterly  
25 Applications for Fees and Reimbursement of Expenses for Receiver, Receiver’s Counsel and  
26 Receiver’s Litigation Support Consultant for the Period from January 1, 2023 through March 31,  
27 2023; the Fourth Quarterly Applications for Fees and Reimbursement of Expenses for Receiver,  
28 Receiver’s Counsel Greenberg Traurig, and Receiver’s Litigation Support Consultant; the Fourth

Quarterly Applications for Fees and Reimbursement of Expenses for Receiver and Receiver’s Counsel (1) Allen Matkins Leck Gamble Mallory & Natsis, LLP and (2) Semenza Kircher Rickard (the “Applications”); and the Court having found that notice was proper and that good cause exists to approve the same,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT** the Omnibus Motion to Approve Fourth Quarterly Applications for Fees and Reimbursement of Expenses for Receiver, Receiver’s Counsel, and Receiver’s Litigation Support Consultant for the Period from January 1, 2023 through March 31, 2023 is hereby GRANTED and:

- (1) the Receiver fees of \$428,800.50 and costs of \$21,340.86 are allowed;
- (2) Greenberg Traurig fees of \$123,468.75 and costs of \$305.08 are allowed;
- (3) Aitheras fees of \$1,364.00 are allowed;
- (4) Allen Matkins fees of \$197,881.00. and costs of \$1,501.36 are allowed; and
- (5) Semenza Kircher fees of \$7,728.50 and costs of \$55.00 are allowed.

The Receiver is hereby authorized to pay 80% of the allowed fees and 100% of the allowed costs incurred by the Receiver, Greenberg Traurig, Allen Matkins, and Semenza Kircher from funds on hand in the receivership estate. The Receiver is further authorized to pay 100% of the allowed fees incurred by Aitheras from funds on hand in the receivership estate.

**IT IS SO ORDERED.**

\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE

Dated: \_\_\_\_\_

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