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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 Securities and Exchange Commission,

Case No. 2:20-cv-02303-RFB-DJA

7 Plaintiff,

**Order**

8 v.

9 CapSource, Inc., et al.,

10 Defendants.

11 Before the Court is attorney John Giardino's motion for approval of attorneys' fees<sup>1</sup> and  
12 reimbursement of expenses for work done representing CapSource, Inc.<sup>2</sup> (ECF No. 83). Mr.  
13 Giardino asserts that he "endeavored to staff the litigation matter appropriately and steadfastly  
14 attempted to avoid duplication of efforts" and that his requested fees totaling \$88,624.54 "are  
15 justified based on the complexity of tasks completed and quality of work performed and value  
16 provided to the Receivership Estate." (*Id.* at 2). Other than attaching the bills, however, Mr.  
17 Giardino does not provide further argument about why payment of his fees and expenses from  
18 CapSource's Receivership Estate is justified.

19 The Receiver, Geoff Winkler, and the Securities and Exchange Commission both  
20 responded in opposition to Mr. Giardino's motion. (ECF Nos. 91, 92). Mr. Winkler argues, in  
21 summary, that Mr. Giardino's bills were unauthorized; are the responsibility of Defendants  
22 Stephen Byrne and Gregory Herlean, CapSource's former officers; and to the extent they were  
23 authorized, fail to provide sufficient explanation for the hours and tasks billed. (ECF No. 91).

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26 <sup>1</sup> King Scow Koch Durham, LLC also moved with Mr. Giardino for its attorneys' fees and costs.  
27 (ECF No. 83). However, it agreed along with Geoff Winkler, the Receiver for CapSource, to  
28 withdraw its request. (ECF No. 90).

<sup>2</sup> Mr. Giardino worked at two firms during the timeframes for which he seeks his fees and  
expenses: Pryor Cashman LLP and Michelman & Robinson, LLP.

1 The SEC argues, in summary, that the bills are unauthorized; that they constitute efforts by Byrne  
2 to have the fraud victims in this case pay bills that Byrne owes in contravention of judgments; and  
3 that the unauthorized work appears to be part of the same misconduct that resulted in Byrne being  
4 removed from his management role in CapSource and replaced with Mr. Winkler. (ECF No. 92).  
5 Mr. Giardino did not file a reply to either response.

6 Courts only address well-developed arguments. *Kor Media Grp., LLC v. Green*, 294  
7 F.R.D. 579, 582 n.3 (D. Nev. 2013). Courts in this district have denied motions, or portions of  
8 motions, without prejudice for their failure to develop arguments. *See Reno v. Western Cab*  
9 *Company*, No. 2:18-cv-00840-APG-NJK, 2020 WL 2462900, at \*1 (D. Nev. May 1, 2020); *see*  
10 *Covino v. Spirit Airlines, Inc.*, No. 2:20-cv-1039-GMN-NJK, 2021 WL 2955898, at \*4 (D. Nev.  
11 July 14, 2021). Here, without the benefit of Mr. Giardino's arguments in support of his bills, and  
12 with only Mr. Winkler's and the SEC's arguments against them, the Court cannot meaningfully  
13 consider the motion, let alone grant it. The Court thus denies the motion for attorneys' fees and  
14 expenses without prejudice.

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16 **IT IS THEREFORE ORDERED** that Mr. Giardino's motion for approval of attorneys'  
17 fees and reimbursement of expenses (ECF No. 83) is **denied without prejudice**.

18  
19 DATED: September 30, 2024

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21 DANIEL J. ALBREGTS  
22 UNITED STATES MAGISTRATE JUDGE  
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