

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case No. 2:09-cv-229-FtM-29DNF

FOUNDING PARTNERS CAPITAL MANAGEMENT
CO., WILLIAM L. GUNLICKS and PAMELA
L. GUNLICKS,

Defendants,

ORDER

This matter comes before the Court on the Receiver's Third Interim Application for Allowance and Payment of Fees and Expenses Incurred by the Receiver, Retained Counsel and Other Professionals (Doc. #260) and Motion for Approval of Payment to Receiver's Financial Advisor (Doc. #279).

Third Interim Application:

The Court granted in part the first and second interim applications. (Doc. #238.) The Receiver, with the approval of the Securities and Exchange Commission, seeks authorization to make payments for the period of January 1, 2010, through March 31, 2010. The Receiver states that \$784,729.46 was incurred by various entities for legal and accounting fees and expenses. The total amount consists of \$508,918.19 for Broad and Cassel's legal fees; \$69,590.50 for Berkowitz Dick Pollack & Brant, the accountants;

\$31,388.27 for Attride-Stirling & Woloniecki, Bermuda counsel; \$174,160.50 for Huron Consulting Group, an expert; and \$672.00 for Greg Whittmore, Esq., Texas counsel. The Receiver is only seeking 70% of the total amount at this time, thereby reducing the total amount sought to \$559,767.56. Upon review, the Court will grant the motion.

Approval of Payment to Financial Advisor:

On October 27, 2010, the Court entered an Order (Doc. #255) authorizing the Receiver to retain Catalyst Financial, LLC, pursuant to a modified engagement letter, and to pay \$10,000.00 as a retainer, subject to review. The Receiver seeks approval to pay Catalyst Financial, LLC, the outstanding balance of \$10,521.00, above and apart from the \$10,000.00 paid from the retainer, for services rendered. Upon review, the Court finds that the hourly rates and hours expended are reasonable. The motion will be granted.

Accordingly, it is now


ORDERED:

1. The Receiver's Third Interim Application for Allowance and Payment of Fees and Expenses Incurred by the Receiver, Retained Counsel and Other Professionals (Doc. #260) is **GRANTED** and the Receiver is authorized to \$357,081.59 to Broad and Cassel; \$48,713.35 to Berkowitz Dick Pollack & Brant; \$31,388.27 to

Attride-Sterling & Woloniecki; \$121,912.35 to Huron Consulting Group; and \$672.00 to Greg Whittmore.

2. The Receiver's Motion for Approval of Payment to Receiver's Financial Advisor (Doc. #279) is **GRANTED** and the Receiver is authorized to pay Catalyst Financial, LLC \$10,521.00.

DONE AND ORDERED at Fort Myers, Florida, this 13th day of April, 2011.



JOHN E. STEELE
United States District Judge

Copies:
Counsel of record