

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,

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**ORDER**

This matter comes before the Court on the Receiver's Fifth Application for Allowance and Payment of Fees and Expenses (Doc. #367) filed on January 14, 2013. Edge Capital Investments, Ltd. filed a Motion to (A) Direct the Receiver to Disclose Claim Information, (B) Set a Briefing Schedule for Any Unresolved Issues Relating to the Claims Process, and (C) Direct Appointment of Evatt Tamine to the FP Designee Board (Doc. #369) which indirectly objects to the fee application in this case and will be addressed more appropriately in conjunction with the related case, 2:09-cv-445-FtM-29SPC. No other objections or responses have been filed.

The Receiver seeks authorization to make payments for professional services and expenses incurred during the period of October 1, 2010 through October 19, 2012. The Receiver seeks authorization to pay the Receiver's primary counsel, the accountants, Illinois counsel, counsel in the malpractice action,

and Texas counsel for their reasonable attorney's fees and/or costs. The application is for payment of fees incurred separate from the related case, the SEC has approved the application, and the request is not otherwise opposed by the Founding Partner funds.


The Receiver states that the fees are at discounted rates and somewhat reduced, although the request for the accountants does include entries for work inadvertently not billed in prior applications. Upon review, the Court will grant the application, including as to entries from the last application period that were not previously billed.

Accordingly, it is now

**ORDERED:**

The Receiver's Fifth Application for Allowance and Payment of Fees and Expenses (Doc. #367) is **GRANTED** and the Receiver is authorized to pay \$917,832.48 as follows: (1) \$551,454.25 in legal fees and costs to Broad and Cassel; (2) \$315,322.75 in professional fees and costs to Berkowitz Pollack & Brant; (3) \$7,880.50 in legal fees to Vanasco Genelly & Miller; (4) \$42,784.98 in costs to Beus Gilbert PLLC; and (5) \$390.00 in legal fees and costs to Greg Whittmore, Esq.

**DONE AND ORDERED** at Fort Myers, Florida, this 28th day of March, 2013.

  
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**JOHN E. STEELE**  
United States District Judge

Copies: Counsel of record