

IN THE DISTRICT COURT OF

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TRAVIS COUNTY, TEXAS**TRAVIS COUNTY, TEXAS**

126th JUDICIAL DISTRICT

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Came on to be heard the Application of Eduardo S. Espinosa, the temporary receiver for Retirement Value, LLC (the “Receiver”), for fees for himself and his counsel, K&L Gates, LLP (the “Application”). The Court having considered the Application is of the opinion that the Application should be GRANTED in part and CONTINUED in part.

DA-3142158 v1

November 8, 2010. At that hearing, parties objecting to the application shall be required to identify particular time entries which they believe to be inappropriate or excessive.

IT IS FURTHER ORDERED that the Receiver and his counsel shall be entitled to be paid for his services from the funds held by him. The Receiver shall charge an hourly rate of \$320.00 plus reasonable expenses. For services provided after July 30, 2010, Receiver's counsel, K&L Gates, LLP, shall discount its rates by 9.5% from its then current hourly rates in effect as of the time services are rendered. The Receiver and his counsel shall submit to the Court and the parties of record their request for payment on behalf of himself and his counsel. If no party of record files an objection to the request for payment within ten days from the filing of the request for payment, then the Receiver shall pay the amount of the request from funds he holds in the receivership estate. Any objection must state with specificity the particular items of the Receiver's request to which the objection is made. If an objection is made, the Receiver shall not pay the contested portion of the invoice until a hearing has been held on the objection, but the Receiver may pay the portions of the request to which no objection is made.

SIGNED this 26 day of October 2010.

1st Judge Gisela Trinidad-Wayle
JUDGE PRESIDING

AGREED AS TO FORM	
By: <i>Jack Hohengarten</i> Jack Hohengarten State Bar No. 09812200 Charles B. McDonald State Bar No. 00786834 Counsel for Plaintiff	By: <i>Terry Scarborough</i> Terry Scarborough State Bar No. 17716000 Geoffrey D. Weisbart State Bar No. 21102645 Counsel for Intervenor

<p>By: <u>Matthew Nielsen</u> <i>with permission by Mary Dietz</i> Matthew G. Nielsen State Bar No. 24032792 Spencer C. Barasch State Bar No. 00789075 Counsel for Relief Defendant Kiesling Porter</p>	<p>By: <u>Barry Bishop</u> <i>by Mary Dietz with permission</i> Barry Bishop State Bar No. 02346000 Counsel for Defendants Richard H. "Dick" Gray and Wendy Rogers</p>
<p>By: <u>Michael D. Napoli</u> <i>by Mary Dietz with permission</i> Michael D. Napoli State Bar No. 14803400 K&L Gates LLP Counsel for the Court-Appointed Receiver of Retirement Value, LLC</p>	