

CAUSE NO. D-1-GV-10-000454

STATE OF TEXAS

Plaintiff,

v.

RETIREMENT VALUE, LLC,
RICHARD H. "DICK" GRAY, HILL
COUNTRY FUNDING, LLC, HILL
COUNTRY FUNDING, and
WENDY ROGERS,

Defendants,

and

KIESLING, PORTER, KIESLING
& FREE, P.C.,

Relief Defendant.

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

126TH JUDICIAL DISTRICT

**INTERVENORS' RESPONSE TO SIXTH APPLICATION FOR FEES BY THE
RECEIVER AND RECEIVER'S COUNSEL**

TO THE HONORABLE JUDGE PRESIDING:

Dr. Gary Cain, Barry Edelman and Qvest III Master Fund, LLC ("Intervenors") file their Response to the Sixth Application for Fees by the Receiver and Receiver's Counsel, respectfully showing the Court the following:

I.

The Intervenors are actual investors of RV, whose interests and invested funds are directly affected by this Receivership and by the Receiver's Application for Fees. The Intervenors respectfully file this response, understanding that many dedicated professionals are working with Receiver as counsel. Intervenors continue to assert that the Receiver's legal fees

need to be reduced. Intervenor is concerned that RV cannot continue to withstand this level of billing without significantly impacting the Intervenor's investment.


II.

It is clear that the Receiver and professionals of K&L Gates are working hard to address the various matters affecting the Receivership. However, the current system of billing is not the most cost effective approach, particularly given the lack of any budgeting. Not unlike the corporate client requesting a budget and/or alternative billing arrangement, the RV Intervenor and investors need the Receiver to prepare monthly or quarterly budgets and seek a more cost effective manner to handle the affairs of the Receivership. Intervenor hereby seek an order from the Court requiring the Receiver to present a legal fees budget to the Court, for Court approval, in order to preserve the assets of the Receivership.

WHEREFORE, Intervenor request that the Court order the Receiver to prepare and present a legal fees budget for Court approval.

Respectfully submitted,

HANCE SCARBOROUGH, LLP
111 Congress Avenue, Suite 500
Austin, Texas 78701
(512) 479-8888
(512) 482-6891 (fax)

By: 
Geoffrey D. Weisbart
State Bar No. 21102645
Terry Scarborough
State Bar No. 17716000

ATTORNEYS FOR INTERVENORS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record herein by:

- ☐ U.S. Mail, First Class or
- ☐ Certified Mail (return receipt requested)
- ☐ Facsimile
- ☐ Federal Express Delivery
- ☐ Hand Delivery
- ☒ Electronic Service

on this the 23rd day of May, 2011, to wit:

Jack Hohengarten
Texas Attorney General
Financial Litigation Division
300 W. 15th Street, Sixth Floor
Austin, Texas 78711-2548
(512) 475-3503
(512) 477-2348 fax
Jack.Hohengarten@oag.state.tx.us

Christopher B. Bradford
Attorney at Law
2620 Kinney Oaks Court
Austin, Texas 78704
(512) 809-8564
(512) 308-6425 fax
chrisbradford@gmail.com

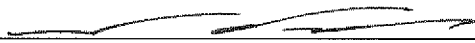
Patrick S. Richter
Shannon Gracey Ratliff & Miller, L.L.P.
98 San Jacinto Blvd., Suite 300
Austin, Texas 78701-4245
(512) 610-2714
(512) 499-8669 fax
prichter@shannongracey.com

Richard H. Gray
301 Main Plaza, #349
New Braunfels, Texas 78130
(214) 392-3550
legalfoodfight@yahoo.com

Michael Napoli
K&L Gates
1717 Main Street, Suite 2800
Dallas, Texas 75201
(214) 939-5500
(214) 939-5849 fax
Michael.napoli@klgates.com

Matthew G. Nielsen
Andrews Kurth
1717 Main Street, Suite 3700
Dallas, Texas 75201
(214) 659-4400
(214) 659-4794 fax
matthewnielsen@andrewskurth.com

Alberto T. Garcia III
GARCIA & MARTINEZ, LLP
5211 W. Mile 17 ½ Road
Edinburg, Texas 78541
(956) 380-3700
(956) 380-3703 fax
albert@garmtzlaw.com


Geoffrey D. Weisbart