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8 THOMAS A. SEAMAN

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 v.

15 MEDICAL CAPITAL HOLDINGS,
16 INC.; MEDICAL CAPITAL
CORPORATION; MEDICAL
17 PROVIDER FUNDING
CORPORATION VI; SIDNEY M.
18 FIELD; and JOSEPH J.
LAMPARIELLO,

19 Defendants.
20

Case No. SA CV09-0818 DOC (RNBx)

EIGHTEENTH INTERIM FEE
APPLICATION OF ALLEN MATKINS
LECK GAMBLE MALLORY &
NATSIS LLP, COUNSEL TO THE
RECEIVER

Date: September 29, 2014
Time: 8:30 a.m.
Ctrm: 9D
Judge: Hon. David O. Carter

1 Allen Matkins Leck Gamble Mallory & Natsis LLP ("Allen Matkins"),
2 general counsel for Thomas A. Seaman ("Receiver"), the court-appointed Permanent
3 Receiver for Medical Capital Holdings, Inc., Medical Capital Corporation, Medical
4 Provider Funding Corporation VI, and their subsidiaries and affiliates (collectively,
5 the "Receivership Entities"), submits this Eighteenth Interim Application for
6 approval and payment of fees and reimbursement of expenses. This application
7 covers the period February 1, 2014 through April 30, 2014 ("Eighteenth Interim
8 Period").

9 Allen Matkins seeks interim approval of \$343,298.00 in fees and \$32,701.69
10 in expenses incurred during the Eighteenth Interim Period. Allen Matkins asks that
11 the Receiver be authorized to pay 80% of the requested fees, or \$274,638.40, and
12 100% of the requested expenses. In light of the Court's prior comments, Allen
13 Matkins has carefully reviewed its invoices with an eye toward providing the best
14 possible value to the receivership estate and has made significant adjustments to
15 such invoices.

16 The Securities and Exchange Commission ("SEC") has reviewed this
17 Eighteenth Interim Fee Application, along with the Fee Application set for hearing
18 concurrently herewith filed by the Receiver. The SEC does not oppose these
19 applications.

20 **I. INTRODUCTION.**

21 On August 18, 2009, the Court entered the Preliminary Injunction and Order
22 Appointing a Permanent Receiver ("Appointment Order"), making the Receiver's
23 appointment permanent. Section VI of the Appointment Order empowers and
24 directs the Receiver to engage and employ attorneys to (1) assist in investigation and
25 discovery as may be necessary to locate and account for assets of or managed by the
26 Receivership Entities, and (2) investigate and, where appropriate, to institute,
27 pursue, and prosecute all claims and causes of action of whatever kind and nature as
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1 a result of the activities of the employees or agents of the Receivership Entities. The
2 Receiver immediately engaged Allen Matkins to serve as his general counsel.

3 With the assistance of Allen Matkins, the Receiver has worked diligently and
4 effectively during the Eighteenth Interim Period to preserve and protect the
5 receivership estate, and maximize the value and recovery from the various
6 receivership assets.

7 The Receiver and his team have utilized numerous strategies to reduce the
8 amount of attorneys' fees incurred as the case proceeds, including the use of
9 additional junior attorneys and paralegals as appropriate. While the fees and costs
10 incurred by Allen Matkins during this Eighteenth Interim Period were significant,
11 the time and effort of Allen Matkins attorneys were necessary to preserve the
12 receivership estate (e.g. address a lawsuit against the Receiver relating to the Trace
13 nuclear facility in Texas) and maximize the recovery from receivership assets. By
14 this Fee Application, Allen Matkins respectfully requests to be compensated for the
15 services provided during the Eighteenth Interim Period.

16 **II. EXECUTIVE SUMMARY OF TASKS PERFORMED BY ALLEN**
17 **MATKINS DURING THE EIGHTEENTH INTERIM PERIOD.**

18 This case requires significant, complex legal work across a broad spectrum of
19 activities, including preserving assets, collecting debts, analyzing and pursuing
20 claims against third parties, negotiating and documenting complex transactions,
21 addressing environmental issues, and obtaining Court approval of various actions by
22 the Receiver. The following is an overview of Allen Matkins' work in significant
23 matters affecting the Receivership Estate during the Eighteenth Interim Period.
24 Further detail is contained within this Fee Application, as well as in the Receiver's
25 monthly reports to the Court. Allen Matkins provided crucial and continuous hands-
26 on assistance to the Receiver on numerous legal matters, including:

- 27 • **Interstate Restoration Litigation:** On May 2, 2013, Interstate
28 Restoration LLC filed an action against the Receiver in the Central

1 District, asserting various causes of action and seeking damages of over
2 \$1,200,000. The action involves the Receiver's sale of a loan made to
3 Trace Life Sciences, Inc. ("Trace") secured by Texas property,
4 including a radiochemical manufacturing facility, and restoration work
5 performed by the plaintiff at the property. During the Eighteenth
6 Interim Period, Allen Matkins provided extensive assistance to the
7 Receiver in preparing and defending three witness depositions
8 (including the Receiver) in California, as well as taking four
9 depositions in Texas and one in California. Allen Matkins also assisted
10 the Receiver with written discovery, including preparation of discovery
11 responses, production of documents, review of Interstate responses, and
12 review of numerous Interstate and NuView documents. Allen Matkins
13 also spent significant time during this period addressing Interstate's
14 amendment of its complaint, including opposing Interstate's motion to
15 amend, preparing and opposing ex parte applications, engaging in
16 discussions with opposing counsel concerning additional discovery and
17 preparing for additional depositions. Allen Matkins also prepared
18 summary judgment papers and began trial preparation during this
19 period.

- 20 • **Claims/Distributions:** Allen Matkins incurred significant fees during
21 the Eighteenth Interim Period assisting the Receiver in obtaining,
22 analyzing and reporting third party recovery information in preparation
23 for the Receiver's interim distribution. Allen Matkins had extensive
24 contact with noteholders and/or their counsel/representatives to address
25 issues relating to third party recovery information. In particular, Allen
26 Matkins had numerous communications with class and mass
27 counsel/representatives concerning information they had provided on
28 trustee settlement distributions, including issues related to class ex

1 parte proc. Allen Matkins assisted the Receiver in updating claim
2 information and calculations. The efforts of Allen Matkins and the
3 Receiver allowed the Receiver to make his initial distribution of
4 \$117,500,000.00 in February, 2014. After the distributions, Allen
5 Matkins had numerous communications with investors and other
6 claimants concerning payment issues and worked to resolve those
7 issues.

- 8 • **Lavipharm:** Allen Matkins assisted the Receiver in analyzing the
9 complex intellectual property collateral securing this substantial
10 defaulted loan to Lavipharm Laboratories, Inc. and Lavipharm
11 Corporation (collectively, "Lavipharm"), which has a current principal
12 balance owed of over \$24 million. The loan is secured by various
13 assets, including rights in certain patents for medical delivery systems.
14 Allen Matkins continued its extensive negotiations with a potential
15 third party purchaser for the interest in Lavipharm. Allen Matkins also
16 conducted research and analysis into potential alternative actions,
17 including UCC foreclosure, and advised the Receiver re: same.
- 18 • **Reporting:** Allen Matkins assisted the Receiver in compiling the
19 information necessary to prepare and draft his 55th, 56th and
20 57th Interim Reports to the Court.

21 **III. FEE APPLICATION.**

22 With respect to its work performed during the Eighteenth Interim Period,
23 Allen Matkins requests approval of \$343,298.00 in fees and \$32,701.69 in expenses.
24 For ease of review, Allen Matkins has categorized the time billed by its
25 professionals as follows:
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A. Fees Requested (\$343,298.00)

Allen Matkins seeks approval of \$343,298.00 in fees, which are categorized in the table below.¹ Detailed descriptions of each category of fees and a break-down of hours by professional are also included below.

CATEGORY	ALLEN MATKINS BILLING CODE	HOURS	FEES
Investigation / Reporting	298591-00004	8.2	\$4,360.50
Outstanding Litigation	298591-00007	3.0	\$1,095.00
Third Party Claims	298591-00008	76.1	\$35,734.00
Claims	298591-00009	22.0	\$9,996.00
Medical Provider Funding Corporation III.1 - Assets / Disposition	298591-00013	31.1	\$11,922.50
The Perfect Game	298591-00021	7.3	\$3,603.00
Plan & Distribution	298591-00024	37.3	\$18,935.00
Fazio, Rinsky & Associates	298591-00028	1.2	\$557.00
Interstate Restoration	298591-00029	638.2	\$252,056.00
Miscellaneous (General Receivership/Investor Issues)	298591-00002 298591-00005	9.8	\$5,039.00 \$0.00
TOTAL HOURS / FEES		834.2	\$343,298.00

1. Investigation / Reporting [298591-00004] (8.2 hours)

This category contains time spent investigating, analyzing and providing legal advice as to the operations, transactions and assets of the Receivership Entities and recovering documents, records and other information regarding the business and assets of the Receivership Entities. During the Eighteenth Interim Period, Allen Matkins assisted the Receiver with respect to gathering information for and preparing three monthly reports to the Court, and also addressed recent developments in the Lampariello matter.

¹ In compliance with agreements reached with the Trustees, a separate billing number was established for each of the MP entities. Typically, far fewer billing categories would be used in such a receivership.

NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
David R. Zaro	Partner Bankruptcy/Creditors' Rights	\$560	0.3	\$168.00
Michael R. Farrell	Partner Litigation	\$535	7.7	\$4,119.50
Edward G. Fates	Senior Counsel Bankruptcy/Creditors' Rights	\$365	0.2	\$73.00
TOTAL HOURS & FEES²			8.2	\$4,360.50
TOTAL EXPENSES				\$315.22

2. Outstanding Litigation [298591-00007] (3.0 hours)

This category contains time spent analyzing and defending the receivership estate's interest in outstanding litigation to which the Receivership Entities or their borrowers are parties. In each instance, Allen Matkins' focus was on preserving assets that were at risk in the litigation. In this period, Allen Matkins reviewed and analyzed materials relating to a foreclosure action involving Medical Capital borrowers and advised the Receiver re: same.

NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
Edward G. Fates	Senior Counsel Bankruptcy/Creditors' Rights	\$365	3.0	\$1,095.00
TOTAL HOURS & FEES³			3.0	\$1,463.00
TOTAL EXPENSES				\$5.70

3. Third Party Claims [298591-00008] 76.1 hours)

This category contains time spent analyzing and prosecuting claims on behalf of the receivership estate. Pending actions Allen Matkins assisted the Receiver with include the Receiver's claims against Pyramid Technologies, Inc. ("Pyramid"), Anthony Macaluso/ TEEM, LLC ("TEEM"), and Valley Health Care ("VHC").

² See Farrell Decl., Exh. A, pp. 6-8.
³ See Farrell Decl., Exh. A, pp. 9-10.

1 The Receiver filed a case against Pyramid Technologies in which summary
 2 judgment in favor of the Receiver was granted, and the parties stipulated to dismiss
 3 the remaining claims in the complaint. The defendants filed a Notice of Appeal on
 4 January 6, 2012. One of the owners of Pyramid filed for bankruptcy and Allen
 5 Matkins provided advice to the Receiver concerning bankruptcy issues, including
 6 preparation of a complaint contesting the dischargeability of the debt. During the
 7 Eighteenth Interim Period, Allen Matkins handled various aspects of the adversary
 8 proceeding, including drafting of discovery requests, and review and production of
 9 documents. Allen Matkins also prepared for and attended multiple witness
 10 depositions, including those of the Receiver and Tony and Silva Mavusi.

11 As to the Receiver's claims against VHC, Allen Matkins advised the Receiver
 12 regarding strategy for pending action, including review of the scheduling order,
 13 drafting of an answer to a cross-complaint, review of defendants' motion to dismiss,
 14 and drafting of an opposition to the motion to dismiss.

15 In the Receiver's case against TEEM, Allen Matkins handled various
 16 collection issues, including preparation of papers for writ of execution and wage
 17 garnishment and coordination with the U.S. Marshal's office to levy on same.

18	NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
19	David R. Zaro	Partner Bankruptcy/Creditors' Rights	\$560	1.5	\$840.00
20	Michael R. Farrell	Partner Litigation	\$535	0.9	\$481.50
21	Francis N. Scollan	Partner Litigation	\$485	58.9	\$28,566.50
22	Andrea M. Schoor	Associate Bankruptcy/Creditors' Rights	\$395	0.2	\$79.00
23	Joshua R. Mandell	Senior Counsel Bankruptcy/Creditors' Rights	\$395	14.6	\$5,767.00
24	TOTAL HOURS & FEES⁴			76.1	\$35,734.00

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 28 ⁴ See Farrell Decl., Exh. A, pp. 11-18.

TOTAL EXPENSES	\$7,282.81
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4. Claims [298591-00009] (22.0 hours)

Allen Matkins incurred significant fees during the Eighteenth Interim Period assisting the Receiver in obtaining, analyzing and reporting third party recovery information in preparation for the Receiver's interim distribution. Allen Matkins had extensive contact with noteholders and/or their counsel to address issues relating to new or incorrect recovery and claim ownership information. The efforts of Allen Matkins and the Receiver allowed the Receiver to make his initial distribution of \$117,500,000.00 in February, 2014. Allen Matkins also addressed correspondence from counsel for claimant Dr. Gerstenfeld, including review and analysis of the claim history and communications, development of strategy for response to counsel, and preparation of a response letter to counsel.

NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
Michael R. Farrell	Partner Litigation	\$535	10.2	\$5,457.00
Loraine L. Pedowitz	Senior Counsel Bankruptcy/Creditors' Rights	\$480	1.6	\$816.00
Edward G. Fates	Senior Counsel Bankruptcy/Creditors' Rights	\$365	10.2	\$3,723.00
TOTAL HOURS & FEES⁵			22.0	\$9,996.00
TOTAL EXPENSES				\$64.00

5. Medical Provider Funding Corporation III.1 – Assets / Disposition [298591-00013] (31.1 hours)

This category contains time spent analyzing, investigating and preserving the assets of MPIII, Series 1. Allen Matkins assisted the Receiver in analyzing the complex intellectual property collateral securing this substantial defaulted loan to Lavipharm Laboratories, Inc. and Lavipharm Corporation (collectively,

⁵ See Farrell Decl., Exh. A, pp. 19-22.

1 "Lavipharm"), which has a current principal balance owed of over \$24 million. The
 2 loan is secured by various assets, including rights in certain patents for medical
 3 delivery systems. Allen Matkins continued its extensive negotiations with a
 4 potential third party purchaser for the interest in Lavipharm. Allen Matkins also
 5 conducted research and analysis into potential alternative actions, including UCC
 6 foreclosure, and advised the Receiver re: same.

8	NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
9	David R. Zaro	Partner Bankruptcy/Creditors' Rights	\$560	3.8	\$2,128.00
10	Michael R. Farrell	Partner Litigation	\$535	0.6	\$321.00
11	Joshua Del Castillo	Senior Counsel Bankruptcy/Creditors' Rights/Litigation	\$355	26.5	\$9,407.50
12	Tim Hsu	Associate Litigation	\$295	0.2	66.00
13	TOTAL HOURS & FEES⁶			31.1	\$11,922.50
14	TOTAL EXPENSES				\$0.00

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 18 **6. The Perfect Game [298591-00021] (7.3 hours)**

19 The Perfect Game, LLC ("TPG") is a Nevada limited liability corporation
 20 whose primary asset is the rights to a film entitled *The Perfect Game*. The
 21 Receivership Entities own a percentage of TPG and control a majority of the voting
 22 shares of the entity.

23 During the Eighteenth Interim Period, Allen Matkins advised the Receiver on
 24 the proposed abandonment of an ownership interest by an LLC member, addressed
 25 issues relating to the Mexican sub-distributor, and handled matters relating to the
 26 default of domestic distributor Image Entertainment.

27
 28 ⁶ See Farrell Decl., Exh. A, pp. 23-28.

NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
Allen Walburn	Partner Tax	\$525	0.7	\$367.50
Edward G. Fates	Senior Counsel Bankruptcy/Creditors' Rights	\$365	3.7	\$1,350.50
Daniel G. McIntosh	Partner Corporate/Entertainment	\$650	2.9	\$1,885.00
TOTAL HOURS & FEES⁷			7.3	\$3,603.00
TOTAL EXPENSES				\$21.02

7. Plan & Distribution [298591-00024] (37.3 hours)

During the Eighteenth Interim Period, Allen Matkins incurred significant fees assisting the Receiver in obtaining, analyzing and reporting third party recovery information in preparation for the Receiver's interim distribution. Allen Matkins had extensive contact with noteholders and/or their counsel/representatives to address issues relating to third party recovery information. In particular, Allen Matkins had numerous communications with class and mass counsel/representatives concerning information they had provided on trustee settlement distributions, including issues related to class ex parte proc. Allen Matkins assisted the Receiver in updating claim information and calculations. The efforts of Allen Matkins and the Receiver allowed the Receiver to make his initial distribution of \$117,500,000.00 in February, 2014. After the distributions, Allen Matkins had numerous communications with investors and other claimants concerning payment issues and worked to resolve those issues.

NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
David R. Zaro	Partner Bankruptcy/Creditors' Rights	\$560	0.6	\$336.00
Michael R. Farrell	Partner Litigation	\$535	9.2	\$4,922.00

⁷ See Farrell Decl., Exh. A, pp. 29-32.

1	Loraine L. Pedowitz	Senior Counsel Bankruptcy/Creditors' Rights	\$510	25.1	\$12,801.00
2	Edward G. Fates	Senior Counsel Bankruptcy/Creditors' Rights	\$365	2.4	876.00
3	TOTAL HOURS & FEES⁸			37.3	\$18,935.00
4	TOTAL EXPENSES				\$7.10

6 **8. Interstate Restoration [298591-00029] (638.2 hours)**

7 On May 2, 2013, Interstate Restoration LLC filed an action against the
 8 Receiver in the Central District, asserting various causes of action and seeking
 9 damages of over \$900,000. The action involves the Receiver's sale of a loan made
 10 to Trace Life Sciences, Inc. ("Trace") secured by Texas property, including a
 11 radiochemical manufacturing facility, and restoration work performed by the
 12 plaintiff at the property. During the Eighteenth Interim Period, Allen Matkins
 13 provided extensive assistance to the Receiver in preparing and defending three
 14 witness depositions (including the Receiver) in California, as well as taking four
 15 depositions in Texas and one in California. Allen Matkins also assisted the Receiver
 16 with written discovery, including preparation of discovery responses, production of
 17 documents, review of Interstate responses, and review of numerous Interstate and
 18 NuView documents. Allen Matkins also spent significant time during this period
 19 addressing Interstate's amendment of its complaint, including opposing Interstate's
 20 motion to amend, preparing and opposing ex parte applications, engaging in
 21 discussions with opposing counsel concerning additional discovery and preparing
 22 for additional depositions. Allen Matkins also prepared summary judgment papers
 23 and began trial preparation during this period.

24	NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
25	David R. Zaro	Partner Bankruptcy/Creditors' Rights	\$560	1.6	\$896.00

28 ⁸ See Farrell Decl., Exh. A, pp. 33-39.

1	Michael R. Farrell	Partner Litigation	\$535	251.0	\$134,285.00
2	Edward G. Fates	Senior Counsel Bankruptcy/Creditors' Rights	\$365	131.8	\$48,107.00
3	Rhonda Reid	Paralegal Litigation	\$310	14.3	\$4,433.00
4	Sara Cramton	Paralegal Litigation	\$225	11.8	\$2,655.00
5	C. Echeverria	Paralegal Litigation	\$245	7.0	\$1,715.00
6	Alana Thorbourne	Associate Litigation	\$310	9.4	\$2,914.00
7	Josi Swonetz	Associate Litigation	\$270	211.3	\$57,051.00
8	TOTAL HOURS & FEES⁹			638.2	\$252,056.00
9	TOTAL EXPENSES				\$20,349.13

9. Miscellaneous [298591-00002] 9.8 hours)

This category includes fees and costs for General Receivership Issues. Specifically, time relating to the administration of the Receivership are included in this category, including but not limited to advising the Receiver as to potential wind-up of the Receivership, assisting the Receiver's office in addressing tax issues, attendance at a status conference with the Court, and communicating with Colorado regulators to address issues relating to the sentencing of a broker.

NAME	TITLE	RATE	TOTAL HOURS	TOTAL FEES
Michael R. Farrell	Partner Litigation	\$535	8.6	\$4,601.00
Cathy A. Hongola-Baptis	Associate Litigation	\$365	1.2	\$438.00
TOTAL HOURS & FEES¹⁰			9.8	\$5,039.00

⁹ Due to confidentiality obligations and the sensitive nature of the matters relating to this matter, billing invoices have not been included in this public document. Copies of such invoices will be provided to the Court, in camera, immediately upon the Court's request.

TOTAL EXPENSES	\$37.50
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B. Expenses Requested (\$32,701.69)

Allen Matkins also requests that the Court approve \$32,701.69 in expenses. A summary of the expenses by matter is contained in the charts above, and are consolidated for the Court's convenience below. Allen Matkins charges \$0.15 per page for copies and \$2.00 per page on outgoing faxes only. No charge for incoming faxes is included. Messenger fees include hand delivery charges and federal express or other overnight services. The urgency of many matters and the volume of interested parties to whom service of pleadings and other notices were required made overnight services the only practical alternative in many instances. In addition, certain of the pleadings were voluminous.

Copying charges and mail expenses likewise reflect the large volume of parties involved in certain matters, and the Receiver's goal to provide as much information as possible to interested parties. Travel expenses were incurred by Allen Matkins attorneys when their attendance was required at Court hearings and other litigation proceedings.

During the Eighteenth Interim Period, substantial expenses were incurred with respect to discovery in the Sedgwick, Pyramid and Interstate matters. In particular, Allen Matkins handled a dozen depositions during this period, all of which involved transcript costs and many of which involved travel expenses.

CATEGORY	EXPENSES
Miscellaneous (General Receivership/Investor Issues)	\$37.50
Investigation / Reporting	\$315.22
Outstanding Litigation	\$5.70
Third Party Claims	\$7,282.81
Claims	\$64.00
The Perfect Game	\$21.02

¹⁰ See Farrell Decl., Exh. A, pp. 3-5.

1	Plan & Distribution	7.10
2	Sedgwick Detert Moran & Arnold	\$4,619.21
3	Interstate Restoration	\$20,349.13
4	TOTAL EXPENSES:	\$32,701.69

5 **IV. CONCLUSION.**

6 Allen Matkins has worked diligently to assist the Receiver in fulfilling his
7 assigned duties, and has provided valuable service to the Receivership estate during
8 this Eighteenth Interim Period. Therefore, pursuant to the legal authorities cited in
9 Allen Matkins' First Interim Fee Application, and this Court's power to approve the
10 requested interim fees and expenses, Allen Matkins respectfully requests an order:

- 11 1. Approving and allowing fees totaling \$343,298.00 for the Eighteenth
12 Interim Period;
- 13 2. Approving and allowing reimbursement of costs totaling \$32,701.69 for
14 the Eighteenth Interim Period;
- 15 3. Authorizing the Receiver to pay 80% of the allowed amount of
16 Allen Matkins' fees, which amount is \$274,638.40.
- 17 4. Authorizing the Receiver to pay 100% of the allowed amount of Allen
18 Matkins' costs, which amount is \$32,701.69 and
- 19 5. For other and further relief as is appropriate.

20
21 Dated: August 20, 2014

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

22
23 By: /s/ Michael R. Farrell

24 MICHAEL R. FARRELL
25 Attorneys for Receiver
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