

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 03-80612-CIV-MARRA/JOHNSON

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

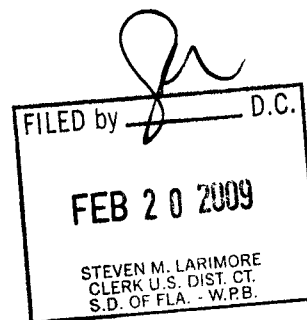
MICHAEL LAUER et al.,

Defendants,

and

LANCER OFFSHORE, INC., et al.,

Relief Defendants.



REPORT AND RECOMMENDATION ON PAYMENT OF FEE APPLICATION

THIS CAUSE is before the court on the First Interim Application for Compensation and Reimbursement of Expenses of Martin Mann, QC, as British Virgin Islands Law Expert for the Receivership Entities (First Application) (DE 2218). This First Application covers a period from June 12, 2008, through August 5, 2008, and seeks fees in the amount of GB£39,715.00 (British Pounds) and expenses of GB£626.28, for a total of GB£40,341.28.¹ (DE 2218 at 1-2; DE 2218-2; DE 2218-3; DE 2218-4.) The First Application is submitted in accordance with the Receiver's Notice of Intention to Retain the applicant herein (DE 2076), and the January 6, 2009, Order entered by the Honorable Kenneth A. Marra, United States District Judge, authorizing such retention (DE 2210).

After evaluating the First Application and the relevant factors to be considered, the

¹ As indicated in the First Application, based on the exchange rate on the date of payment, the Receiver in this matter will convert into United States dollars the amounts sought by the applicant in British Pounds. (DE 2218 at 1 ns.2-4.)

undersigned concludes that the amounts sought in the First Application for the identified period of time represent reasonable compensation for actual and necessary services rendered and expenses incurred by the applicants. Blum v. Stenson, 465 U.S. 886 (1984); Hensley v. Eckerhart, 461 U.S. 424 (1983); Norman v. Hous. Auth. of City of Montgomery, 836 F.2d 1292 (11th Cir. 1988); Popham v. City of Kennesaw, 820 F.2d 1570 (11th Cir. 1987); Gaines v. Dougherty County Bd. of Educ., 775 F.2d 1565 (11th Cir. 1985).

Finally, as of the date of this Report and Recommendation, the record in this matter contains no objections to the First Application before the court, nor any requests for extensions to present objections, and the time has now passed for any such objections and/or extensions. It is, therefore, **RECOMMENDED** that:

1. The First Application (DE 2218) be **GRANTED**; and
2. An Order be entered allowing payment of a total of GB£39,715.00 in fees and GB£626.28, for a total of GB£40,341.28 for the period from June 12, 2008, through August 5, 2008.

The parties have ten (10) days from the date of this Report and Recommendation within which to serve and file written objections to it, if any, with the Honorable Kenneth A. Marra. Failure to file objections timely shall bar the parties from a *de novo* determination by the District Judge of any issue covered herein, and shall also bar the parties from attacking on appeal any factual findings accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140, 149 (1985); Resolution Trust Corp. v. Hallmark Builders, 996 F.2d 1144, 1149 (11th Cir. 1993); LoConte v. Drugger, 847 F.2d 745, 749 (11th Cir. 1988).

RESPECTFULLY SUBMITTED in Chambers at West Palm Beach, Florida, this 20th
day of February, 2009.



LINNEA R. JOHNSON
UNITED STATES MAGISTRATE JUDGE

Copies to: Honorable Kenneth A. Marra, United States District Judge
All Counsel of Record