

1 **CHRISTENSEN JAMES & MARTIN**
 2 **KEVIN B. CHRISTENSEN, ESQ.**
 Nevada Bar No. 000175
 Email: kbc@cjmlv.com
 3 **WESLEY J. SMITH, ESQ.**
 Nevada Bar No. 11871
 4 Email: wes@cjmlv.com
 7440 W. Sahara Avenue
 5 Las Vegas, Nevada 89117
 Telephone: (702) 255-1718
 6 Facsimile: (702) 255-0871
Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 * * * * *

11 ROSEBERRY FAMILY TRUST, by and through
 12 its Trustee Robert Roseberry,

13 Plaintiff,

14 vs.

15 OMNI ADVISOR GROUP, INC., et al.,

16 Defendants.

CASE NO.: 2:10-cv-00903-JCM-RJJ

PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES AND COSTS

Date: N/A

Time: N/A

17 Plaintiff Roseberry Family Trust, by and through its Trustee Robert Roseberry
 18 ("Plaintiff", "Judgment Creditor" or "Roseberry"), by and through its attorneys, Christensen
 19 James & Martin, hereby submits this Motion for Attorney's Fees and Costs. This Motion is
 20 made and based upon the Memorandum of Points and Authorities, Declaration of Counsel and
 21 Exhibits attached hereto, the pleadings and papers on file herein and oral argument at the hearing
 22 hereon, if any.

23 DATED this 16th day of September, 2011.

24 CHRISTENSEN JAMES & MARTIN

25 By: /s/ Wesley J. Smith
 26 Wesley J. Smith, Esq.
Attorneys for Plaintiff

CHRISTENSEN JAMES & MARTIN
 7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
 PH: (702) 255-1718 & FAX: (702) 255-0871

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On August 28, 2010, the Defendants Omni Advisor Group, Inc. (“Omni”), SI 100, LLC
3 (“SI 100”), SI 100 Trust (“SI 100 Trust”) and Brian Patrick McGuane (“McGuane”),
4 individually and as Trustee of the SI 100 Trust (collectively “Judgment Debtors”) signed the
5 Stipulation and Order for Consent and Settlement Agreement (“Settlement Stipulation”). On
6 September 7, 2010, the Court entered the Settlement Stipulation as a Consent Decree and Order
7 of the Court [Doc. 27] (“Consent Decree”). In the Consent Decree, the Defendants promised to
8 take certain actions to protect the Plaintiff’s investment in certain insurance policies. Among
9 them was a promise to pay the Plaintiff’s attorney’s fees and costs incurred through the date of
10 the Consent Decree and a further promise to pay the Plaintiff’s attorney’s fees and costs
11 necessarily incurred to enforce the terms of the Consent Decree, if any.
12

13 The Defendant’s failures to perform have been well documented in this case. On March
14 3, 2011, the Court entered a Judgment and Order Enforcing Consent Decree and Appointing
15 Post-Judgment Special Master [Doc. 50] (“Enforcement Order”). Part of the Enforcement Order
16 was a Judgment for the Plaintiff’s attorney’s fees and costs incurred through January 31, 2011.
17 These attorney’s fees and costs were paid by the Special Master on April 4, 2011. Since that
18 time, the Plaintiff has been required to incur additional attorney’s fees and costs to comply with
19 the Enforcement Order, communicate and cooperate with the Special Master and generally
20 enforce the terms of the Consent Decree and Enforcement Order, as detailed in the Declaration
21 of Counsel, attached hereto as Exhibit “1”, and Fee Statements, attached hereto as Exhibit “2”.
22 In total, the Plaintiff has incurred \$13,259.70 in attorney’s fees and costs for the period February
23 1, 2011 through August 31, 2011 (“Payment Period”) which are properly payable by the
24 Defendants as promised in the Consent Decree and embodied in the Enforcement Order. The
25 Judgment Debtors are jointly and severally liable for the payment of Plaintiff’s attorney’s fees
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1 and costs under the Consent Decree and Enforcement Order. Therefore, the Plaintiff's
2 respectfully request that the Court enter an Order against Defendants in the amount of
3 \$13,259.70 for payment of the Plaintiff's reasonable attorney's fees and costs incurred during the
4 Payment Period to enforce the Consent Decree and Enforcement Order. A proposed Order is
5 attached hereto as Exhibit "3".
6

7 DATED this 16th day of September, 2011.

8 CHRISTENSEN JAMES & MARTIN

9 By: /s/ Wesley J. Smith
10 Wesley J. Smith, Esq.
11 *Attorneys for Plaintiff*
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1 **CERTIFICATE OF SERVICE**

2 I am an employee of Christensen James & Martin. On the date of filing of the foregoing
3 papers with the Clerk of Court I caused a true and correct copy to be served in the following
4 manner:

5 **ELECTRONIC SERVICE:** Pursuant to Local Rule LR 5-4 of the United States District
6 Court for the District of Nevada, the above-referenced document was electronically filed and
7 served on all appearing parties through the Notice of Electronic Filing automatically generated
8 by the Court.

9 **UNITED STATES FIRST-CLASS MAIL:** By depositing a true and correct copy of the
10 above-referenced document into the United States Mail with prepaid First-Class postage,
11 addressed to the parties at their last-known mailing address(es) set forth below:

12 Omni Advisor Group, LLC
13 SI 100, LLC
14 Brian McGuane
15 23017 Calvert Street
16 Woodland Hills 91367

17 Christopher Erwin, Esq.
18 ERWIN LEGAL P.C.
19 9170 Irvine Center Drive
20 Irvine, California 92618
21 *Attorneys for SI 100 Trust*

22 **FACSIMILE:** By sending the above-referenced document via facsimile to those persons
23 listed on the above service list at the facsimile numbers set forth above.

24 **EMAIL:** By sending the above-referenced document via email to those persons listed on
25 the above service list at the email addresses set forth above.

26 **CHRISTENSEN JAMES & MARTIN**

27 By: /s/ Natalie Larson

Exhibit 1

Exhibit 1

1 **CHRISTENSEN JAMES & MARTIN**
2 KEVIN B. CHRISTENSEN, ESQ.
3 Nevada Bar No. 000175
4 Email: kbc@cjmlv.com
5 WESLEY J. SMITH, ESQ.
6 Nevada Bar No. 11871
7 Email: wes@cjmlv.com
8 7440 W. Sahara Avenue
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10 Telephone: (702) 255-1718
11 Facsimile: (702) 255-0871
12 *Attorneys for Plaintiff*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 * * * * *

11 ROSEBERRY FAMILY TRUST, by and through
12 its Trustee Robert Roseberry,

13 Plaintiff,

14 vs.

15 OMNI ADVISOR GROUP, INC., *et al.*,

16 Defendants.

CASE NO.: 2:10-cv-00903-JCM-RJJ

DECLARATION OF COUNSEL
IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEY'S
FEES AND COSTS

Date: N/A

Time: N/A

17 STATE OF NEVADA)
18) : ss.
19 COUNTY OF CLARK)

20 Wesley J. Smith, Esq., being first duly-sworn, and under penalty of perjury under the
21 laws of the United States of America, now deposes and says that:

22 1. I am an attorney duly licensed to practice in the State of Nevada and have been
23 practicing in this jurisdiction since May 2010. I am employed by the law firm of Christensen
24 James & Martin ("CJM"), counsel of record for Plaintiff/Judgment Creditor Robert Roseberry,
25 Trustee of the Roseberry Family Trust ("Plaintiff" or "Roseberry"), in Case No. 2:10-cv-00903-
26 JCM-RJJ ("Case"). I make this Declaration in support of Plaintiff's Motion for Attorney's Fees
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1 & Costs (“Motion”). I have personal knowledge and can testify as to the truth of the facts
2 hereinafter recited.

3 2. The Court entered a Consent Decree [Doc. 27] (“Consent Decree”) on or about
4 September 7, 2010 and a Judgment and Order Enforcing Consent Decree and Appointing Post-
5 Judgment Special Master [Doc. 50] (“Enforcement Order”) on or about March 3, 2011
6 (“Judgments”)
7

8 3. The Judgments are against Defendants Omni Advisor Group, Inc. (“Omni”), SI
9 100, LLC (“SI 100”), SI 100 Trust (“SI 100 Trust”) and Brian Patrick McGuane (“McGuane”),
10 individually and as Trustee of the SI 100 Trust (collectively “Judgment Debtors”), jointly and
11 severally.

12 4. As part of the Enforcement Order, the Court awarded the Plaintiff its fees and
13 costs incurred to enforce the Consent Decree in the amount of \$28,875.12 [Doc. 50, p. 2, ¶ 5].
14 At the time the Enforcement Order was submitted by the Plaintiff to the Court for approval, my
15 firm had billed the Plaintiff for work performed through January 31, 2011. Therefore, the
16 Plaintiff has received its attorney’s fees and costs through January 31, 2011.
17

18 5. As part of the Consent Decree, the Judgment Debtors promised and were Ordered
19 to pay Plaintiff’s attorney’s fees and costs necessarily incurred to enforce the terms thereof. This
20 promise was incorporated into the Enforcement Order [Doc. 50, p. 3, ¶ 6(a)]. The Special
21 Master was specifically charged with carrying forth the obligations imposed by the Consent
22 Decree. *Id.*
23

24 6. During the period February 1, 2011 to August 31, 2011, it has been necessary for
25 the Plaintiff to incur attorney’s fees and costs to attend hearings, prepare the Enforcement Order,
26 cooperate with the Special Master, participate in the Special Master’s investigation, support the
27 Special Master in his duties, format and submit Special Master filings, notices and reports and
28

C
1 generally enforce the Judgments. In total, the Plaintiff has incurred \$13,259.70 to complete these
2 tasks.

3 7. I have been the primary attorney responsible for the work performed by my firm
4 for Plaintiff in this Case. To the best of my knowledge, (a) the statements regarding fees and
5 costs set forth in the Motion are true and accurate, and (b) the fee statements attached to the
6 Motion as Exhibit "2" are true and correct copies of the fee statements billed to the Plaintiff for
7 work performed by our firm in this Case for the period February 1, 2011 to August 31, 2011. I
8 have reviewed the fees statements and I confirm that they are a true and accurate record and
9 representation of the type of work, the amount of time and the attention given to this case by our
10 firm in support and enforcement of the Judgments. The quality of the work we have performed
11 for the Plaintiff in this case is sufficient to justify the fee application submitted in the Motion,
12 which sum I believe the Court should award to the Plaintiff.
13

14
15 8. The rates charged by CJM to Plaintiff for attorney services rendered in this Case
16 are: Kevin Christensen - \$250, Daryl Martin - \$225 and Wesley Smith - \$175.

17 9. I am informed that rates for attorneys in the general Las Vegas area with reputable
18 experience and skill to be \$150.00 to \$400.00 per hour and \$50.00 to \$110.00 per hour for legal
19 assistants and paralegals.
20

21 10. I declare under penalty of perjury that the foregoing is true and correct.
22 Further your affiant sayeth naught.

23 DATED this 16th day of September, 2011.

24 By: /s/ Wesley J. Smith
25 Wesley J. Smith, Esq.
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Exhibit 2

Exhibit 2

STATEMENT

Kevin B. Christensen, Chartered
dba Christensen James & Martin
History Report

7440 W. Sahara Ave.
Las Vegas, NV 89117
702/255-1718
702/255-0871 Fax
KBChrislaw@aol.com

Bob Roseberry
7811 Howard Dade
Las Vegas, NV 89129

September 15, 2011

Professional Services

			<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
<u>February 2011</u>					
2/2/2011	- KBC	Review Hearing Order and Conference with Attorney (W Smith)	250.00/hr		50.00
	- WJS	Telephone call from Attorney for Transamerica regarding status of Case; receive Notice of change of Hearing date; letter to McGuane; telephone call to B Roseberry	175.00/hr		35.00
2/3/2011	- KBC	Review Court Hearing Notice; Conference with Attorney (W Smith) regarding Auto-Pay Procedures for Premiums/Loans and Writ of Fees	250.00/hr		125.00
	- WJS	Telephone call from B McGuane regarding Hearing; letter to B McGuane regarding Hearing with enclosed Documents	175.00/hr		227.50
2/10/2011	- WJS	E-mail to counsel for Transamerica regarding status of Policy; review attachments; schedule Premium Payments/Values	175.00/hr		35.00
2/15/2011	- WJS	Preparation of Order to Show Cause Hearing; create outline for Court; Factual Argument; email from counsel for Transamerica regarding confirmation of Beneficiary Designation; review attached Documents	175.00/hr		210.00
2/18/2011	- WJS	E-mails to and from A Bader regarding Dismissal of Transamerica; preparation of and file Notice of Dismissal; preparation for Show Cause Hearing	175.00/hr		245.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
2/18/2011	- KBC Review Insurance Company Dismissal and Conference with Attorney regarding Hearing	250.00/hr		50.00
2/22/2011	- KBC Conferences with Attorney and Client regarding Court Orders and Judgment; email to potential Special Master; telephone calls to and from Client and Attorney; telephone call and email to potential Special Master (SAB)	250.00/hr		150.00
	- WJS Review Exhibits and Outline for Hearing; preparation for Hearing; Meeting with R Roseberry at Court; Review strategy and plan for Hearing; Appearance at Show Cause Hearing; Conference with Attorney (K Christensen) and R	175.00/hr		630.00
2/23/2011	- KBC Conference with Attorney; preparation of Judgment and Special Master Orders	250.00/hr		75.00
	- WJS Draft Affidavit for Proof of Service; preparation of and file Proof of Service for Notice of Hearing; email to R Worthen; telephone calls to and from R Worthen regarding background and Case Procedure; draft proposed Order;	175.00/hr		507.50
2/24/2011	- WJS Draft proposed Orders; telephone calls and emails to and from R Worthen; Conference with Attorney (K Christensen); review revisions to proposed Order	175.00/hr		507.50
	- KBC Revise Judgment and Court Orders; Conference with Attorney (W Smith)	250.00/hr		150.00
2/25/2011	- KBC Conference with Attorney (W Smith) regarding Judgment and Order and Disclosure	250.00/hr		75.00
	- WJS Revise Proposed Order; email from R. Worthen with List of Documents for Audit; review and revise Order and email draft to R. Worthen; email from R. Worthen regarding Affidavit and Disclosure of Conflict; draft Affidavit and email	175.00/hr		612.50
SUBTOTAL:				3,685.00]
<u>March 2011</u>				
3/3/2011	- WJS Review Enforcement Order; draft letter to McGuane; email to R Worthen; calendar Deadlines	175.00/hr		227.50
3/7/2011	- WJS Telephone calls to and from Special Master and B Roseberry; telephone calls to and from Special Master regarding need for Independent Counsel; Conference with K Christensen	175.00/hr		70.00
	- KBC Review Order Enforcing Judgment; calendar Attorney (W Smith) regarding Special Master Issues	250.00/hr		75.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
3/8/2011	- WJS Review documents; preparation for and meeting with Special Master and R Roseberry; email documents to Special Master	175.00/hr		332.50
3/15/2011	- KBC Conference with Attorney (W Smith) regarding Instructions to Bank, Payment Orders from Omni Assets and Registration of Judgment	250.00/hr		150.00
	- WJS Telephone call from R Worthen regarding status and control of Accounts and cooperation of McGuane; Conference with K Christensen; telephone call to R Worthen regarding course of action for Administering Accounts	175.00/hr		210.00
3/16/2011	- WJS Telephone calls to and from R Worthen regarding SSN's and DOB's; Westlaw Public Records research; Research requirements for Domesticating Judgment in California	175.00/hr		140.00
3/17/2011	- WJS Preparation of Application for Certification of Judgment to Register in Another District and file	175.00/hr		105.00
SUBTOTAL:				[1,310.00]
<u>April 2011</u>				
4/4/2011	- KBC Conference with Attorney (W Smith) regarding Reimbursement Check for Fees and Costs	250.00/hr		50.00
	- WJS Fax from R Roseberry regarding West Coast Life Policy Notice of Grace; email to R Worthen; telephone calls to and from R Worthen regarding Attorney's Fees Payment; calculate Interest; prepare Receipt of Payment for Special	175.00/hr		140.00
4/8/2011	- KBC Conference with Attorney regarding new Omni Counsel and Special Master Issues	250.00/hr		75.00
	- WJS Telephone call from Attorney for B McGuane; Conference with K Christensen; telephone call from Special Master; emails to and from Special Master	175.00/hr		157.50
4/11/2011	- WJS Telephone conference with B Roseberry; telephone calls to and from Special Master regarding Status Report, Fee Application, Postal Inspector and McGuane Compliance; draft Pleading and Declaration of R Worthen for Status	175.00/hr		542.50
4/12/2011	- KBC Conference with W Smith regarding telephone conference with opposing counsel and Special Master	250.00/hr		50.00
4/13/2011	- WJS Review Special Master's Report for filing; prepare Exhibits; telephone call from Special Master regarding Additional Payments and Revision of Report	175.00/hr		87.50

	<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
4/14/2011 - WJS Review Documents from Special Master regarding Payment Records; receive revised Status Report; prepare Pleadings, Declaration, Report and Exhibits for filing; telephone call from Special Master regarding Accountant and Bank	175.00/hr		280.00
4/25/2011 - KBC Review Court Notice regarding Motion	250.00/hr		25.00
SUBTOTAL:			[1,407.50]
<u>May 2011</u>			
5/10/2011 - WJS Telephone calls to and from Special Master regarding TransAmerica Payment	175.00/hr		52.50
- KBC Conference with Attorney regarding Transamerica Policy, Fees Application and Status Report by Special Master	250.00/hr		50.00
5/11/2011 - WJS Draft and file Non-Opposition to Special Master Fee Application consenting to Payment of Special Master Fees	175.00/hr		105.00
- KBC Review Non-Opposition	250.00/hr		25.00
5/17/2011 - WJS E-mail from Special Master regarding Payment of Transamerica Policy Loan	175.00/hr		17.50
5/18/2011 - WJS Preparation of Notice of Transamerica Policy Loan Payment; emails to and from Special Master; prepare Notice for filling and file	175.00/hr		87.50
- KBC Review Notice of Transamerica Loan Payment	250.00/hr		25.00
5/24/2011 - KBC Telephone call from SAB and Conference with Attorney, W Smith regarding Court Order and Future Procedures	250.00/hr		100.00
SUBTOTAL:			[462.50]
<u>June 2011</u>			
6/1/2011 - WJS Telephone calls emails to and from Special Master; review Draft of Special Master Report and make editing suggestions; Conference with Attorney (K Christensen) regarding Report and Findings; preparation of Final Report	175.00/hr		315.00
- KBC Review file and Conference with Attorney regarding Special Master Report and Findings and Response Issues; review Report	250.00/hr		100.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
6/2/2011	- KBC			200.00
		250.00/hr		
	- WJS			297.50
		175.00/hr		
6/3/2011	- WJS			140.00
		175.00/hr		
6/9/2011	- WJS			560.00
		175.00/hr		
6/10/2011	- WJS			52.50
		175.00/hr		
6/13/2011	- WJS			175.00
		175.00/hr		
	- KBC			75.00
		250.00/hr		
6/15/2011	- WJS			35.00
		175.00/hr		
	SUBTOTAL:		[1,950.00]
	<u>July 2011</u>			
7/12/2011	- KBC			50.00
		250.00/hr		
	- WJS			35.00
		175.00/hr		
7/13/2011	- KBC			50.00
		250.00/hr		
	- WJS			87.50
		175.00/hr		

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
7/18/2011	- KBC	Conference with Attorney (W Smith) regarding Judgment Debtor Responses to Special Master, Judgment Debtor Exam Order and Conference with Client		50.00
	- WJS	250.00/hr		
				157.50
7/22/2011	- WJS	Review McGuane's Responses to Special Master Discovery Questions and file notes; Conference with K Christensen; telephone call to Special Master regarding Case Issues		175.00/hr
7/22/2011	- WJS	Telephone conference with R. Roseberry regarding Status of Case; telephone calls to and from Special Master regarding Post Office and Postal Inspector Trace of McGuane's Mail		175.00/hr
7/25/2011	- WJS	Telephone call from Special Master regarding lapsed Polices, Timeline and Notices Received		175.00/hr
SUBTOTAL:				[500.00]
<u>August 2011</u>				
8/1/2011	- WJS	Draft response to Special Master Report; Research and review Orders; Conference with K Christensen regarding proper Relief to Request from the Court		175.00/hr
8/8/2011	- WJS	Review Tracking Report from Special Master; telephone call from Special Master regarding coming payments premiums due and responses to discovery; email from Special Master regarding OFG Policies; email from Special Master		175.00/hr
8/9/2011	- WJS	Draft response to Special Master Report convert to Motion; emails to and from Special Master regarding Amount of remaining funds; prepare Special Masters Fee Application and File		175.00/hr
8/11/2011	- WJS	Telephone call from Attorney for McGuane Investor regarding Case against McGuane		175.00/hr
8/12/2011	- WJS	Review and Revise Motion and Response to Special Masters Report; begin drafting Motion for Attorneys Fees and Costs		175.00/hr
8/17/2011	- WJS	Research regarding Judgment Collections of Assets out of Jurisdiction		175.00/hr
8/19/2011	- WJS	Preparation of Notice of Payments for Special Master; e-mail to R. Worthen for review		175.00/hr
8/24/2011	- WJS	E-mail from Special Master; revise Notice of Payments and file		175.00/hr

	<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
8/25/2011 - KBC Conference with Attorney, W Smith, regarding Special Master Disclosure Requests	250.00/hr		50.00
- WJS Review Consent Decree, Enforcement Order, Special Master Reports and other Pleadings; review prior Research	175.00/hr		402.50
8/26/2011 - WJS Draft Response to Special Master's Report; telephone calls to and from Special Master	175.00/hr		455.00
8/30/2011 - WJS Draft and Research on Response to Special Master Report	175.00/hr		367.50
8/31/2011 - WJS Draft Response to Special Master Report and Research	175.00/hr		315.00

SUBTOTAL: [3,812.50]

September 2011

9/7/2011 - WJS Review Special Master more Discovery from B. McGuane, Responses to questions; Conference with K Christensen regarding policies and strategy	175.00/hr		122.50
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SUBTOTAL: [122.50]

For professional services rendered 72.50 \$13,250.00

Additional Charges :

Qty/Price

March 2011

3/22/2011 - N Certified Copy Fee	1 9.70		9.70
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SUBTOTAL: [9.70]

Total costs \$9.70

For professional services rendered 72.50 \$13,259.70

Exhibit 3

Exhibit 3

1 **CHRISTENSEN JAMES & MARTIN**
2 KEVIN B. CHRISTENSEN, ESQ.
3 Nevada Bar No. 000175
4 Email: kbc@cjmlv.com
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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 * * * * *

11 ROSEBERRY FAMILY TRUST, by and through
12 its Trustee Robert Roseberry,

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14 vs.

15 OMNI ADVISOR GROUP, INC., et al.,

16 Defendants.

CASE NO.: 2:10-cv-00903-JCM-RJJ

ORDER GRANTING
PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES AND COSTS

Date: N/A

Time: N/A

17 Pursuant to the Motion for Attorney's Fees and Costs of the Plaintiff for issuance of this
18 Court's Order awarding to Plaintiff its attorney's fees and costs incurred in enforcement of the
19 Consent Decree [Doc. 27] and Enforcement Order [Doc. 50], and Good Cause Appearing
20 therefor,

21 IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

22 1. Judgment is entered against Defendants Omni Advisor Group, Inc. ("Omni"), SI
23 100, LLC ("SI 100"), SI 100 Trust ("SI 100 Trust") and Brian Patrick McGuane ("McGuane"),
24 individually and as Trustee of the SI 100 Trust (collectively "Defendants"), jointly and severally,
25 in favor of Plaintiff for its attorney's fees and costs incurred for the period February 1, 2011
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