

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

	)	
COMMODITY FUTURES TRADING	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-09-154-D
	)	
MARK S. TRIMBLE and PHIDIPPIDES	)	
CAPITAL MANAGEMENT LLC,	)	
	)	
Defendants,	)	
	)	
PHIDIPPIDES CAPITAL LP,	)	
	)	
Relief Defendant.	)	

**ORDER**

Before the Court is the First Interim Motion of Receiver for Compensation and Reimbursement of Expenses to Fraud & Forensics [Doc. No. 68], seeking Court approval to compensate Fraud & Forensics Investigations for services rendered in connection with the work it has performed on behalf of the Receiver in this case through June 30, 2009. The deadline for filing objections to the Motion has expired, and no objection has been filed.

As the Receiver states in the Motion, the Order appointing the Receiver [Doc. No. 20] authorized him to employ attorneys and other professionals to perform services on behalf of the Receiver and the receivership estate. The Order further provides that legal and professional services are compensable if they are “1) reasonably likely to benefit the receivership estate or 2) necessary to the administration of the estate.” April 21, 2009 Order [Doc. No. 20] at Article V, p. 9. It also directs the Receiver to submit an initial request for compensation for the attorneys and professionals employed no later than 90 days after the date of the April 21, 2009 Order Appointing Temporary

Equity Receiver.

In his Motion, the Receiver states that he employed Fraud & Forensics Investigations to assist him in a variety of duties, including but not limited to, forensic accounting, receivership asset investigation, claims analysis, document review, and investor contact. Attached as Exhibit 1 to the Motion is a detailed statement reflecting an explanation of each service for which compensation is requested; the statement includes the date of the work performed, a description of that work, the hours expended, the hourly rate charged, and the total compensation requested for each service.

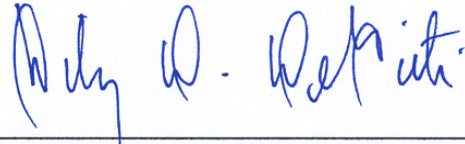
The Court has reviewed Exhibit 1 and finds that the services described involve work that benefits the receivership estate and assists the Receiver in performing the duties required of him. In addition, the time devoted to each item of service rendered is reasonable, especially in view of the complexity of some of the accounting matters involved. Accordingly, the Court concludes that the requested \$14,355.50 is a fair and reasonable fee for the professional services rendered, and should be approved.

In addition, the Receiver seeks authorization to reimburse Fraud & Forensics Investigations for expenses incurred. These include the purchase of computer hardware, photocopying charges, and mileage expenses, a total amount of \$832.10. The Court has examined Exhibit 1, which describes these costs in detail, and concludes that the amount is fair and reasonable and that these expenditures were necessary and beneficial to the Receiver and the receivership estate. Accordingly, the Court finds that the request to reimburse Fraud & Forensics Investigations for this amount should be approved.

Having fully reviewed the Motion and accompanying documentation, the Court concludes that the Motion [Doc. No. 68] should be, and is, GRANTED. The Receiver is hereby authorized to

pay to Fraud & Forensics Investigations the sum of \$14,355.50 for professional services rendered and the sum of \$832.10 for expenses, or a total of \$15,187.60.

IT IS SO ORDERED this 19<sup>th</sup> day of August, 2009.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE