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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SECURITIES AND EXCHANGE  
11 COMMISSION,

Plaintiff,

12 v.

13 ANDY SHIN FONG CHEN, et al.,

14 Defendants.  
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CASE NO. C17-0405JLR

ORDER REGARDING FIRST FEE  
APPLICATION

16 Before the court is the first quarterly application for compensation and  
17 reimbursement of expenses of: (1) Receiver Geoffrey B. Winkler (“the Receiver”) in the  
18 amounts of \$6,293.50 in fees and \$0.00 in costs; and (2) the Receiver’s counsel, Tara J.  
19 Schleicher and Foster Garvey P.C. (collectively, “Foster Garvey”), in the amounts of  
20 \$5,591.15 in fees and \$12.74 in costs. (1st Fee App. (Dkt # 138); 1st Fee Notice (Dkt.  
21 # 139).) The Receiver and Foster Garvey seek an order authorizing disbursement of  
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1 100% of the total requested fees and costs. (*See id.*) No party has filed an opposition to  
 2 any of the foregoing fee applications. (*See generally* Dkt.)

3 The court finds that the fees and costs represented in the instant fee application are  
 4 reasonable and necessary, notice of the fee application was appropriate, and the services  
 5 provided were of substantial benefit to the estate. The fee application, however, is not in  
 6 accord with the court's order appointing a receiver insofar as it seeks an order authorizing  
 7 disbursement of 100% of the total requested fees and costs. (*Compare* Order Appt.  
 8 Receiver (Dkt. # 130) ¶ 59, *with* 1st Fee App. at 2.) Pursuant to the court's order  
 9 appointing a receiver,

10 Quarterly Fee Applications will be subject to a holdback in the amount of  
 11 20% of the amount of fees and expenses for each application filed with the  
 12 [c]ourt. The total amounts held back during the course of the receivership  
 will be paid out at the discretion of the [c]ourt as part of the final fee  
 application submitted at the close of the receivership.

13 (*See* Order Appt. Receiver ¶ 59.)

14 Accordingly, the court GRANTS IN PART the fee application listed above and  
 15 APPROVES on an interim basis the following application amounts:

<b>Applicant:</b>	<b>Period:</b>	<b>Fees:</b>	<b>Costs:</b>	<b>Total:</b>
Foster Garvey	November 1, 2021, through December 31, 2021	\$5,591.15	\$12.74	\$5,603.89
The Receiver	November 23, 2021, through December 31, 2021	\$6,293.50	\$0.00	\$6,293.50

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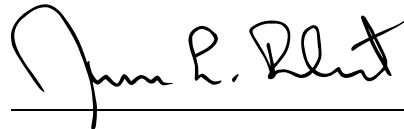
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1 The court further ORDERS that the Receiver is authorized to disburse 80% of the  
2 foregoing approved fees and costs at this time to the foregoing respective applicants, as  
3 described below:

4 (1) The court AUTHORIZES the Receiver to disburse \$4,483.11 to Foster  
5 Garvey.

6 (2) The court AUTHORIZES the Receiver to disburse \$5,034.80 to the Receiver.

7 Dated this 18th day of February, 2022.

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10 JAMES L. ROBART  
11 United States District Judge  
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