

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:16-cv-21301-DPG

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ARIEL QUIROS,
WILLIAM STENGER,
JAY PEAK, INC.,
Q RESORTS, INC.,
JAY PEAK HOTEL SUITES L.P.,
JAY PEAK HOTEL SUITES PHASE II L.P.,
JAY PEAK MANAGEMENT, INC.,
JAY PEAK PENTHOUSE SUITES L.P.,
JAY PEAK GP SERVICES, INC.,
JAY PEAK GOLF AND MOUNTAIN SUITES L.P.,
JAY PEAK GP SERVICES GOLF, INC.,
JAY PEAK LODGE AND TOWNHOUSES L.P.,
JAY PEAK GP SERVICES LODGE, INC.,
JAY PEAK HOTEL SUITES STATESIDE L.P.,
JAY PEAK GP SERVICES STATESIDE, INC.,
JAY PEAK BIOMEDICAL RESEARCH PARK L.P.,
AnC BIO VERMONT GP SERVICES, LLC,

Defendants, and

JAY CONSTRUCTION MANAGEMENT, INC.,
GSI OF DADE COUNTY, INC.,
NORTH EAST CONTRACT SERVICES, INC.,
Q BURKE MOUNTAIN RESORT, LLC,

Relief Defendants.

_____ /

**MOTION OF BERGER SINGERMANN FOR
PAYMENT OF ATTORNEY'S FEES AND MEMORANDUM OF LAW**

Berger Singerman LLP (“Berger Singerman”) moves this Court for payment of its attorney’s fees incurred in representing Ariel Quiros (“Quiros”) in this action and states:

1. As this Court knows, Berger Singerman represented Quiros for about a five-week period in this lawsuit. From the moment of its formal engagement by Quiros on April 1, 2015, through Berger Singerman’s cessation as his counsel on May 5, 2016, the firm had an active and substantive role as counsel to Quiros, being involved in all aspects of this case. With that representation concluded and given that this Court’s Order Granting Motion for Temporary Restraining Order, Asset Freeze and Other Emergency Relief (“Freeze Order”) (D.E. 11) froze all of Quiros’ assets, Berger Singerman seeks Court approval to be paid for its services rendered by the filing of this motion.

2. Berger Singerman is obviously acutely aware of the legal standard and the issues involved with respect to getting paid its legal fees in this matter, including the concerns of the SEC in not allowing **ANY** of Quiros’ frozen funds to be used for payment of counsel, regardless of the circumstances, including even if Quiros was left without counsel. Rather than re-state the law already provided to the Court at pages 14 to 16 in Quiros’ Emergency Motion to Lift or Modify Asset Freeze Order (“Motion to Lift Freeze”) [DE 39], with which we know the Court is intimately familiar, we incorporate by reference that law.

3. Further, we note the Court’s recognition of not just the ability of the Quiros (and/or the receivership estate) to pay fees, but Quiros’ inherent right to have counsel. At page 112, lines 13-25 of the transcript from the April 25, 2016 hearing on the Motion to Lift Freeze, the Court aptly noted that the assets in controversy, being the various properties developed by Quiros, had value “*from which investors could receive some funds.*” Also, at page 116, lines 20

through page 117, lines 1-5, while stating this is a civil, not criminal case, the Court expressed its concern about *“the defendant’s ability to actually hire counsel to defend himself in this matter...particularly in light of the fact that there were assets that the defendant had prior to these allegations.”* Near the end of the hearing, the court said at page 144, lines 16-21, *“It’s a civil matter, but I do think that the defendant should be able to pay reasonable expenses and reasonable attorneys’ fees. So ultimately, I am going to grant the defendant’s motion in part and the – how to deal with the freeze or as one might say, unfreezing some of the assets.”* Finally, in closing the hearing, at page 154, lines 1-5, the Court said, *“It’s a complex case which requires more time than one would normally afford, so I do make that finding. It will be part of the order.”* Copies of the cited hearing transcript pages are attached as Composite Exhibit A.

4. During Berger Singerman’s tenure as Quiros’ counsel, the firm was instantly thrust into an emergency situation of learning a tremendous amount of very complex facts, events and transactions in issue, involving about many thousands of pages of documents and pleadings with exhibits. The firm assisted lead counsel in preparing sophisticated court filings and getting ready for a complex, hotly contested evidentiary hearing involving a myriad of issues. And in fairness to Berger Singerman, we think we excelled in every task, providing the client and lead counsel with quality and efficient legal services.

5. While the attorney-client privilege precludes our advising the Court and other parties of certain sensitive items researched, discussed or otherwise worked on, there are numerous obvious matters Berger Singerman handled for Quiros, just on the face of the record before the Court. With the time consuming learning process foundational to this representation, foremost among the benefits rendered to Quiros, was Berger Singerman’s substantial assistance

in preparing the Motion to Lift Freeze, with Charles Lichtman then taking the lead counsel role in the April 25, 2016 critical, all-day hearing on that motion. But the time spent and work performed for Quiros was much more than that. A detailed statement itemizing the work performed by Berger Singerman on this matter, broken down by day, in 1/10 of an hour increments and by attorney/time keeper, is attached as Exhibit B hereto. Limited entries have been redacted to protect the attorney-client privilege. If the Court believes it necessary to see those limited entries, Berger Singerman offers to provide them in camera or strictly under seal.

6. Berger Singerman staffed this case appropriately and charged hourly rates that are at or possibly even below market rates for South Florida. Charles Lichtman, a partner whose practice area involves complex fraud cases including securities, receivership law and trial practice, was billed at \$695.00 per hour. Pamela Marsh, a partner and formerly the United States Attorney for the Northern District of Florida, whose expertise in numerous issues related to this case is obvious, was billed at \$550.00 per hour. Nicole Levy, a third year associate, who performed research and other case appropriate tasks, was billed at \$295.00 per hour. Luis Torres, a paralegal who assisted with documentation, ESI issues and court filings was billed at \$235.00 per hour. The total amount of the bill is \$95,211 in attorneys' time and \$1,719.47 in hard costs which includes filing fees and PACER charges, Westlaw research and duplication costs. The total amount Berger Singerman requests that the Court award through this motion is \$96,930.47, and that said sum be excepted from the Freeze Order.

WHEREFORE, Berger Singerman respectfully asks this Court to (a) grant this motion and award it \$96,930.47 in attorneys' fees and costs, (b) modify this Court's Freeze Order so that

Berger Singerman can actually be paid, and (c) grant all such other relief as the Court deems just and appropriate.

LOCAL RULE 7.1(A)(3) CERTIFICATION

Pursuant to Local Rule 7.1(a)(3), the undersigned certifies that Plaintiff Securities and Exchange Commission has objected to the relief requested herein.

Dated: May 13, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing electronically.

By: /s/ Charles H. Lichtman
Charles H. Lichtman

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Counsel for the Court Appointed Receiver

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Counsel for Defendant, North East Contract Services, Inc.

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COMPOSITE EXHIBIT A

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 16-CV-21301-DPG

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

Miami, Florida

vs.

April 25, 2016

ARIEL QUIROS, et al.,

11:00 a.m. to 4:15 p.m.

Defendants.

Pages 1 to 179

MOTION HEARING
BEFORE THE HONORABLE DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

ROBERT KENT LEVENSON, ESQ.
CHRISTOPHER E. MARTIN, ESQ.
SECURITIES & EXCHANGE COMMISSION
801 Brickell Avenue, Suite 1800
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FOR THE DEFENDANTS:

CHARLES LICHTMAN, ESQ.
PAMELA C. MARSH, ESQ.
NICOLE L. LEVY, ESQ.
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STENOGRAPHICALLY REPORTED BY:

PATRICIA DIAZ, FCRR, RPR, FPR
Federal Official Court Reporter
United States District Court
400 North Miami Avenue
11th Floor
Miami, Florida 33128
(305) 523-5178

1 disgorgement that Mr. Quiros is liable for.

2 At this stage of the case, we have more than met our
3 burden to providing reasonable approximation. You've heard
4 other evidence, Your Honor. You heard from Mr. Pieciak today
5 that there are additional amounts that the project sponsored,
6 Jay Peak, which was owned by Mr. Quiros, was supposed to
7 contribute to these projects and did not.

8 You've heard evidence of Jay Peak liabilities. All of
9 that money may be the subject of a disgorgement claim to Jay
10 Peak's owner, Mr. Quiros. So that number may go up, but at a
11 minimum, Your Honor, standing here today, we can tell you that
12 Mr. Quiros' potential disgorgement is \$171.8 million.

13 THE COURT: You know that's, obviously, a very high
14 figure, and one of the things pointed out by defense counsel
15 is, this isn't a case where -- I use one very specific example
16 but where there were -- people invested funds and someone
17 misappropriated those funds and there was great difficulty in
18 retrieving those funds. In this case there are actual
19 properties and assets being controlled by the receiver. Even
20 though the bio facility is not where it should be, I mean,
21 these are all assets that have some value. Right?

22 Whether it just be land, I mean, all of these have some
23 value. So it's not a situation where from Jay Peak down to
24 that proposed facility -- I mean, there are actual entities
25 from which the investors could receive some funds. Right?

1 that figure is valid.

2 The same goes for Q Burke, Your Honor. That's down the
3 line. So, yes, Your Honor does have to consider what's there
4 but we believe that the evidence we have showed you shows that
5 there is far less that's there.

6 Mr. Quiros has liquid assets that we can determine
7 right now of about \$256,000 in accounts that have been frozen
8 and another \$110,000 in accounts that appear to be for use
9 under his control. That's it for liquid assets. The rest he
10 has provided to you in the financial statement, you know, a
11 number of other properties that he owns but he hasn't provided
12 any appraised value to any of them. And since he is big on,
13 you know, stating that there should be appraisals there, there
14 aren't any. It's just statements that Mr. Quiros has made of
15 recent value. There is very little there in terms of
16 Mr. Quiros' ability to satisfy a judgment. It's well short of
17 the 50 million even if you start there. And certainly far
18 short of the potential additional amounts that he may be liable
19 for.

20 THE COURT: There is a recent Supreme Court case that
21 came out of this district, and, of course, it's a criminal case
22 dealing with a defendant's ability to use funds to hire
23 counsel. This is a civil case. It's different, so I am not
24 balancing a Sixth Amendment right to counsel, but shouldn't I
25 consider, though, the defendant's ability to actually hire

1 counsel to defend himself in this matter, and shouldn't I
2 consider the defendant's ability to take care of himself and
3 his family at a reasonable amount while this case is pending,
4 particularly in light of the fact that there were assets that
5 the defendant had prior to these allegations?

6 MR. LEVENSON: I would like to address that in two
7 parts, actually, three parts, if I may. The first part I want
8 to address the attorneys' fees and living expenses. Fair
9 question to Your Honor and I want to answer them. He's made
10 statements -- there were statements made in the courtroom about
11 Mr. Quiros having acquired certain assets before, but if you
12 look on the financial page that his counsel pointed you to,
13 many of those assets were, in fact, acquired, according to
14 them, after this, after the fraud started in 2008.

15 But regardless, let's assume just for the sake of
16 argument that there are, in fact, assets that were acquired.
17 First off, as we mentioned, as we have told you, we don't have
18 to trace them to -- we don't have to trace fraudulent proceeds.
19 That's simply not the law in the Eleventh Circuit in the civil
20 case. Your Honor correctly pointed out -- I'm familiar with
21 the Supreme Court case that did, that involved the forfeiture
22 statute. It involved tracing. It involved the defendant's
23 Sixth Amendment right to counsel.

24 I understand Your Honor's concern about providing, you
25 know, about attorneys' fees but, Your Honor, we are just as

1 And I also do believe that legal fees should be paid.
2 If there are any other questions that I can answer for you, I'd
3 be happy to.

4 THE COURT: All right. I don't have any further
5 questions.

6 Regarding the document you were just making reference
7 to, I think part of the problem you were sitting on last night
8 is because the defense asked for this to be heard today as
9 opposed to next week and that's why we are here. Although I do
10 think it was very useful to have this today to frame some
11 issues that I will have to hear next week.

12 I am going to defer ruling on the motion. However, I
13 think it's safe to say, I can give some general parameters even
14 prior to issuing a formal ruling. This is not a criminal case
15 where, as I mentioned before, I am balancing constitutional
16 rights. It's a civil matter, but I do think that the defendant
17 should be able to pay reasonable expenses as well as pay
18 reasonable attorneys' fees. So, ultimately, I am going to
19 grant the defendant's motion in part and the -- how to deal
20 with the freeze or as one might say unfreezing of some of the
21 assets.

22 It may not happen all at once. It may happen in stages
23 or phases. There aren't that many liquid assets here,
24 relatively, of course. I don't think there is enough
25 information, really, for the Court to make the decision or for

1 THE COURT: All right. The Court does find good cause
2 for the extension in great part based on what I have heard
3 today. It's a complex case which requires I think more time
4 than one would normally afford, so I do make that finding. It
5 will be part of the order.

6 MR. LEVENSON: Thank you, Your Honor.

7 THE COURT: Anything else?

8 MR. LEVENSON: Not from the Commission, Your Honor.

9 THE COURT: All right. Anything else on behalf of
10 Mr. Quiros?

11 MR. LICHTMAN: No, but thank you for your time.

12 THE COURT: All right. Thank you very much.

13 COURT SECURITY OFFICER: All rise.

14 (Proceedings were concluded at 4:15 p.m.)

15

16

C E R T I F I C A T E

17 I hereby certify that the foregoing is an
18 accurate transcription of the proceedings in the
19 above-entitled matter.

20

21

22 May 3, 2016
DATE

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25

/s/Patricia Diaz
PATRICIA DIAZ, FCRR, RPR, FPR
Official Court Reporter
United States District Court
400 North Miami Avenue, 11th Floor
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EXHIBIT B

WORK PERFORMED BY BERGER SINGERMAN ON BEHALF OF ARIEL QUIROS**PROFESSIONAL LEGAL SERVICES RENDERED FROM APRIL 1, 2016 THROUGH MAY 6, 2016**

Date	Attorney	Description	Hours
04/01/16	CHL	EXTENSIVE ALL DAY TELEPHONE CALLS AND EMAILS RE CASE MATTERS WITH D. GORDON AND HIS TEAM AND OUR ATTORNEYS; WORK WITH ATTORNEYS ON ISSUES RE HEARINGS AND PLEADINGS; TELEPHONE CONFERENCE WITH JUDGE'S CLERK; TELEPHONE CONFERENCE WITH M. GOLDBERG; TELEPHONE CONFERENCE WITH SEC (2X); START READING DOCUMENTS AND PLEADINGS TO PREPARE FOR NEXT MONDAY'S HEARING	11.20
04/14/16	CHL	CONFERENCES WITH P. MARSH; LONG TELEPHONE CONFERENCE WITH DAVID GORDON; START PROCESS OF CASE REVIEW; WORK WITH NICOLE LEVY ON RESEARCH RE LIFTING FREEZE ORDER; SEVERAL CALLS WITH GORDON; NUMEROUS EMAILS	3.60
04/14/16	LT	REVIEW OF RELEVANT FILINGS TO GET UP TO SPEED WITH CASE AND FACTS; REVIEW OF COURT DOCKET SHEETS TO LOCATE KEY ASSET FREEZE ORDERS FOR C. LICHTMAN'S REVIEW.	2.10
04/14/16	NLL	RESEARCH AND REVIEW OF CASE LAW RE: FREEZE ORDERS AND DEFENDANTS; REVIEW AND ANALYSIS OF COMPLAINT.	4.50
04/14/16	PCM	CALL WITH LICHTMAN REGARDING MATTER AND WORK WITH DAVID GORDON; REVIEWED ORDER APPOINTING RECEIVER; REVIEWED ORDER GRANTING TRO, ASSET FREEZE AND OTHER EMERGENCY RELIEF; REVIEWED COMPLAINT; REVIEWED SUPREME COURT CASE REGARDING 6TH AMENDMENT RIGHT TO COUNSEL	4.20
04/14/16	PCM	CONTINUED REVIEW OF COMPLAINT ALLEGATIONS; TELEPHONE CALL WITH CHUCK LICHTMAN REGARDING REPRESENTATION AND STRATEGY; SENT EMAILS TO DAVID GORDON REGARDING REPRESENTATION IN VERMONT; REVIEWED DRAFT DECLARATION AND SUBSTANCE OF ARGUMENT RECEIVED VIA EMAIL FROM DAVID GORDON.	1.20
04/15/16	CHL	CONFERENCE WITH N. LEVY AND PAM MARSH; MEMO TO DAVID GORDON; WORK ON MOTION TO MODIFY FREEZE ORDER; START REVIEW OF CASE PLEADINGS; RESEARCH FREEZE ORDER ISSUE	4.40
04/15/16	LT	WORK ON DOWNLOADING OF OFFERING DOCUMENTS INTO ECLIPSE AND FILESITE FOR ATTORNEY REVIEW.	1.00

QUIROS, ARIEL

PAGE: 2

Date	Attorney	Description	Hours
04/15/16	JLH	PROCESS DATA AND UPLOAD TO ECLIPSE	1.50
04/15/16	NLL	FINISH REVIEWING CASE LAW; DRAFT SUMMARY OF CASE LAW FOR USE IN ARGUMENT SECTION.	4.70
04/15/16	PCM	CONTINUED REVIEW OF COMPLAINT ALLEGATIONS AND TIMING OF ALLEGED CONDUCT; RESEARCH REGARDING STATUTE OF LIMITATIONS; TELEPHONE CALL WITH DAVID GORDON AND HIS TEAM REGARDING DRAFTING AND STRATEGY OF ARGUMENT.	3.20
04/18/16	CHL	WORK ON REDLINE CHANGES TO BRIEF ON MOTION TO MODIFY FREEZE; CONFERENCE CALL WITH CO-COUNSEL TO DISCUSS STRATEGY AND CHANGES TO BRIEF; WORK WITH P. MARSH ON CASE ISSUES; NUMEROUS EMAILS WITH COUNSEL	2.80
04/18/16	NLL	REVISIONS TO MOTION TO LIFT ASSET FREEZE; EMAIL TEAM INTERNAL LINK TO SAME.	0.60
04/19/16	CHL	CONTINUED EDITS ON MOTION TO MODIFY FREEZE; TELEPHONE CONFERENCE WITH DAVID GORDON (3X); WRITE SECTION OF BRIEF DEALING WITH BOND REQUIREMENTS; MEMO TO TEAM LAWYERS RE IMMEDIATE NEXT STEPS; EXTENSIVE ALL DAY FOLLOW UP ON NUMEROUS ISSUES AND EMAILS; CALL WITH D. GORDON AND SEC; CONFERENCE WITH PAM MARSH	6.60
04/19/16	LT	REVISIONS TO MOTION TO MODIFY ASSET FREEZE ORDER; DRAFT EMERGENCY CERTIFICATION; DRAFT MOTION TO FILE UNDER SEAL EXHIBITS; DRAFT ORDER REGARDING SAME; REVIEW OF EXHIBITS AND SLIT SAME TO FILE IN DISTRICT COURT; PREPARE MATERIALS FOR C. LICHTMAN'S REVIEW.	4.60
04/19/16	NLL	RESEARCH AND SUMMARIZE CASE LAW RE: PREJUDGMENT WRIT OF ATTACHMENT; EMAIL CHUCK SAME FOR USE IN MOTION TO LIFT FREEZE	2.50
04/19/16	NLL	BEGIN DRAFTING MOTION FOR EXTENSION/CONTINUE.	1.80
04/19/16	NLL	REVISE MOTION TO FILE UNDER SEAL AND ORDER RELATING TO SAME.	1.00
04/19/16	PCM	TELEPHONE CALL WITH LICHTMAN REGARDING REVIEW OF MOTION; REVIEWED RED-LINE OF MOTION; REVIEWED AND EDITED FINAL DRAFT RECEIVED FROM ATTORNEY GRODIN; FORWARDED SUGGESTED EDITS TO ATTORNEYS LICHTMAN AND LEVY; READ AND RESPONDED TO EMAILS FROM ATTORNEYS LICHTMAN, GRODIN, AND GORDON.	1.50
04/20/16	CHL	ALL DAY EMAILS RE CASE ISSUES; WORK ON MOTION	7.20

QUIROS, ARIEL

PAGE: 3

Date	Attorney	Description	Hours
		TO CONTINUE SHOW CAUSE HEARING; TELEPHONE CONFERENCE WITH D. GORDON; TELEPHONE CONFERENCE WITH JUDGE'S CLERK (2X); TELEPHONE CONFERENCE WITH LEVINSON (3X); CONFERENCE WITH PAM MARSH; ORGANIZE FILE; BRIEF REVIEW OF NEW RECEIVER FILINGS; ALL DAY WORK ON CASE ISSUES	
04/20/16	LT	DOWNLOAD AND INSERT IN SHARELINK FILE EMERGENCY MOTION TO MODIFY FREEZE ORDER FOR DELIVERY TO CO-COUNSEL; DRAFT MOTION PRO HAC VICE FOR JACLYN GROBIN; DRAFT ORDER GRANTING SAME; DRAFT MOTION PRO HAC VICE FOR DAVID GORDON; DRAFT ORDER GRANTING SAME; REVIEW OF RULES OF CIVIL PROCEDURE FOR MEET AND CONFER REQUIREMENTS; REVIEW OF E-FILED SEC EXHIBITS; PRINT AND LABEL HARD COPY OF EMERGENCY MOTION TO MODIFY FREEZE ORDER FOR C. LICHTMAN REVIEW.	4.00
04/20/16	NLL	DRAFT MOTION TO SET AS PRIORITY MOTION TO LIFT OR MODIFY FREEZE ORDER AND CONTINUE SHOW CAUSE HEARING; LIMITED CASE LAW RESEARCH, REVIEW, AND ANALYSIS IN SUPPORT OF SAME; EMAIL CHUCK DRAFT FOR REVIEW AND COMMENT.	2.50
04/20/16	PCM	RECEIVED AND READ EMAIL FROM ATTORNEY LICHTMAN REGARDING FILING OF MOTION TO LIFT FREEZE AND EXHIBITS AND PLEADINGS FILED BY RECEIVER; READ PLEADINGS AND AFFIDAVIT FILED BY RECEIVER; TELEPHONE CALL WITH ATTORNEY LICHTMAN REGARDING HEARING ON 4/25/16.	1.20
04/21/16	CHL	EXTENSIVE ALL DAY TELEPHONE CALLS AND EMAILS RE CASE ISSUES WITH GORDON AND HIS TEAM AND OUR ATTORNEYS; WORK WITH ATTORNEYS ON ISSUES RE HEARING AND PLEADINGS; TELEPHONE CONFERENCE WITH JUDGE'S CLERK; TELEPHONE CONFERENCE WITH M. GOLDBERG; TELEPHONE CONFERENCE WITH SEC (2X); START READING DOCUMENTS AND PLEADINGS TO PREPARE FOR MONDAY'S HEARING	11.20
04/21/16	LT	FOLLOW-UP ON FILING OF MOTIONS PRO HAC VICE; DOWNLOAD EXHIBITS FILED BY THE SEC; REVIEW OF ORDER SETTING HEARING; PREPARE AND PRINT MATERIALS FOR C. LICHTMAN'S REVIEW.	1.10
04/21/16	PCM	PARTICIPATED IN CONFERENCE CALL WITH LICHTMAN AND GORDON REGARDING STRATEGY FOR ORAL ARGUMENT AT HEARING ON LIFTING FREEZE; COMMUNICATIONS WITH LICHTMAN REGARDING HANDLING OF ORAL ARGUMENT; REVIEWED NEW PLEADINGS FILED BY RECEIVER	1.10

QUIROS, ARIEL

PAGE: 4

<u>Date</u>	<u>Attorney</u>	<u>Description</u>	<u>Hours</u>
04/22/16	CHL	VERY LONG TELEPHONE CONFERENCE WITH DAVID GORDON AND PAM MARSH; TELEPHONE CONFERENCE WITH MARK SCHNAPP RE CITIBANK; TELEPHONE CONFERENCE WITH SEC (2X); TELEPHONE CONFERENCE WITH DAVID GORDON (3X); TELEPHONE CONFERENCE WITH MICHAEL GOLDBERG (2X); ALL DAY EMAILS ON THE CASE; PREPARE FOR AND PARTICIPATE IN 1:30 HEARING; READ NUMEROUS DOCUMENTS FOR HEARING PREP	6.70
04/22/16	NLL	PULL PLEADINGS FROM OTHER EB5 CASE FOR ADDITIONAL ARGUMENTS AND CASE LAW AND CIRCULATE SAME; ATTEND TELEPHONIC HEARING.	1.10
04/22/16	PCM	REVIEWED MOTIONS AT ISSUE IN TELEPHONIC HEARING; PARTICIPATED IN TELEPHONIC HEARING BEFORE JUDGE GAYLES REGARDING RECEIVERS' EMERGENCY MOTIONS TO EXPAND AND TO USE FUNDS AND REGARDING QUIROS'S MOTION FOR ADDITIONAL TIME TO RESPOND TO PRELIMIINARY INJUNCTION.	0.90
04/23/16	CHL	READ VARIOUS CORPORATE RELATED DOCS AND PLEADINGS TO GET UP TO SPEED FOR HEARING; TELEPHONE CONFERENCE WITH MARK SCHNAPP (CITIBANK); REVIEW MOTION TO INTERVENE	4.60
04/24/16	CHL	EXTENSIVE READING OF DOCUMENTS, PLEADINGS AND CASES; ORGANIZATION OF FILES; ALL DAY PREPARATION FOR HEARING ON STAY INCLUDING NUMEROUS RE-WRITES OF PRESENTATION AND EMAILS RE CASE ISSUES	10.20
04/24/16	PCM	REVIEWED PLEADINGS, DECLARATIONS AND AFFIDAVITS WHILE TRAVELING	2.20
04/25/16	CHL	ATTEND AND HOLD HEARING ON MOTION TO LIFT FREEZE ORDER INCLUDING PRE-HEARING AND POST HEARING CONFERENCES	9.30
04/25/16	LT	GATHER AND PREPARE DOCUMENTS FOR DELIVERY TO C. LICHTMAN AND N. LEVY AT HEARING; FOLLOW-UP AND ADDRESS ISSUES WITH MOTIONS PRO HAC VICE.	0.70
04/25/16	NLL	HEARING ON MOTION TO LIFT OR MODIFY FREEZE ORDER.	9.30
04/25/16	PCM	PARTICIPATED IN HEARING BEFORE JUDGE GAYLES; DISCUSSED STRATEGY WITH LICHTMAN, GORDAN AND LEVY	9.30
04/26/16	CHL	EMAILS WITH R. POLLACK; LONG CONFERENCE WITH N. LEVY; NUMEROUS EMAILS RE CASE; TELEPHONE CONFERENCE WITH SEC; TELEPHONE CONFERENCE WITH M. SCHNAPP; START REVIEW OF DOCUMENTS	4.20

QUIROS, ARIEL

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Date	Attorney	Description	Hours
		SEC PROVIDED AT HEARING	
04/26/16	LT	ADDRESS ISSUES WITH MOTIONS PRO HAC VICE; ORGANIZE HEARING MATERIALS; REVIEW AND BREAK DOWN ALL EXHIBITS FILED BY THE SEC FOR ATTORNEY REVIEW.	0.70
04/26/16	NLL	STRATEGY WITH CHUCK QUIROS ORDER; DRAFT ORDER AND EMAIL SAME TO CHUCK FOR REVIEW AND COMMENT.	1.50
04/27/16	CHL	ALL DAY EMAILS; CONFERENCES RE COURT ORDERS; LONG TELEPHONE CONFERENCE WITH PAM MARSH	1.20
04/27/16	LT	DRAFT EMAILS WITH PROPOSED ORDERS FOR DELIVERY TO JUDGE GAYLES	0.70
04/27/16	NLL	REVISE DRAFT ORDER REGARDING FREEZE MODIFICATION; STRATEGY WITH PAM RE: SAME.	0.80
04/27/16	PCM	EMAILS WITH GORDON AND ROTSTEIN REGARDING VERMONT; REVIEWED AND SUGGESTED REVISION TO PROPOSED ORDER FOR COURT TO ENTER REGARDING ASSET FREEZE MODIFICATION; COMMUNICATIONS WITH LICHTMAN AND LEVY REGARDING FINALIZING PROPOSED ORDER; REVIEWED EMAILS RECEIVED FROM ATTORNEY GORDON REGARDING SAME.	1.10
04/28/16	CHL	EXTENSIVE EMAILS RE CASE ISSUES; TELEPHONE CONFERENCE WITH DAVID GORDON; CONFERENCE WITH NICOLE LEVY; START SORTING THROUGH DOCUMENTS FROM HEARING TO SEE WHAT MIGHT BE USEFUL FOR INJUNCTION HEARING; EMAILS TO SEC	2.40
04/28/16	LT	WORK ON FILING UNDER SEAL DECLARATION OF ARIEL QUIROS AND ALL CORRESPONDING EXHIBITS; DRAFT MOTION TO FILE UNDER SEAL DECLARATION; DRAFT ORDER REGARDING SAME; DRAFT NOTICE OF FILING UNDER SEAL DOCUMENTS; PREPARE SAME FOR SERVICE ON ALL PARTIES.	3.70
04/28/16	NLL	DRAFT MOTION FOR EXTENSION OF TIME	0.70
04/28/16	NLL	REVISE MOTION TO SEAL; DRAFT PROPOSED ORDER; GET DOCUMENTS FILED.	0.80
04/28/16	PCM	REVIEW DECLARATION OF ARIEL QUIROS AND CIRCULATED TO LITIGATION TEAM MEMBERS; READ AND RESPOND TO NUMEROUS EMAILS PERTAINING TO DRAFT ORDER ON HEARING 4-25-2016	1.40
04/29/16	CHL	REVIEW QUIROS DECLARATION; WORK WITH N. LEVY ON CASE ISSUES; EMAIL WITH J. SCHNEIDER; PREPARE FILES, READ PLEADINGS AND DOCUMENTS; EMAIL WITH M. BLOOM	1.60

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Date	Attorney	Description	Hours
04/29/16	LT	ORGANIZE ALL FILED DOCUMENTS; ADDRESS ISSUES WITH SUPPLEMENTAL DECLARATION OF ARIEL QUIEROS.	0.50
04/29/16	PCM	TELEPHONE CALL WITH ATTORNEY LICHTMAN REGARDING PLANNING FOR HEARING.	0.40
05/01/16	PCM	RESEARCH REGARDING ATTORNEY CLIENT PRIVELEDGED DATA- REDACTED; TELEPHONE CALL WITH ATTORNEY LICHTMAN; TELEPHONE CONFERENCE WITH ATTORNEYS GORDON AND LICHTMAN; FOLLOW-UP CALL WITH ATTORNEY GORDON.	1.80
05/02/16	CHL	CONFERENCE WITH PAM MARSH; REVIEW VARIOUS CASE ISSUES; EMAIL TO D. GORDON; CONFERENCE CALL WITH GORDON AND P. MARSH; NUMEROUS EMAILS DURING THE DAY	1.90
05/02/16	LT	REVIEW OF FILED DOCUMENTS; LABEL WORKING FILES.	0.30
05/03/16	LT	ADDRESS ISSUES WITH FILINGS UNDER SEAL.	0.20
05/03/16	PCM	TELEPHONE CALL WITH LICHTMAN REGARDING THE RECEIVER AND ISSUES	0.30
05/04/16	CHL	TELEPHONE CALL WITH DAVID GORDON; REVIEW NEW FILINGS; NUMEROUS EMAILS REGARDING CASE ISSUES; REVIEW ATTORNEY CLIENT PRIVELEDGED DATA - REDACTED; TELEPHONE CALL WITH AL LIPSHITZ REGARDING CLASS ACTION LAWSUIT	1.60
05/05/16	CHL	TELEPHONE CONFERENCE WITH M. GOLDBERG; TELEPHONE CONFERENCE WITH P. MARSH; NUMEROUS EMAILS RE CASE; FOLLOW UP ON FILING P.I. PAPERS; READ NEW QUIROS PAPERS FOR FILING AND MEMO RE SAME TO DAVID GORDON	1.20
05/05/16	LT	PREPARE OPPOSITION TO SEC MOTION FOR INJUNCTION AND SUPPORTING DECLARATIONS FOR E-FILING; UPDATE SERVICE LIST IN ALL FILINGS.	2.60
Total Hours:			177.20
Total Fees:			95,211.00

QUIROS, ARIEL

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FEE SUMMARY

Attorney	Hours	Rate	Total
Jeffrey L. Hajny	1.50	235.00	352.50
Nicole L. Levy	31.80	295.00	9,381.00
Charles Lichtman	91.90	695.00	63,870.50
Pamela C. Marsh	29.80	550.00	16,390.00
Luis Torres	22.20	235.00	5,217.00
Total	177.20		\$95,211.00

EXPENSES

Date	Description	Amount
04/28/16	PAYEE: E-PORTAL FILING; REQUEST#: 10123; DATE: 4/28/2016. - 22873.0001 - FILE MOTIONS PRO HAC - REF# 25R2E34P	75.00
04/28/16	PAYEE: E-PORTAL FILING; REQUEST#: 10124; DATE: 4/28/2016. - 22873.0001 - FILE MOTION PRO HAC VICE - REF# 25R2E65L	75.00
04/28/16	PAYEE: E-PORTAL FILING; REQUEST#: 10125; DATE: 4/28/2016. - 22873.0001 - FILE MOTONS PRO HAC VICE - REF# 25R2DU3L	75.00
04/28/16	PAYEE: E-PORTAL FILING; REQUEST#: 10126; DATE: 4/28/2016. - 22873.0001 - FILE MOTIONS PRO HAC VICE - REF# 25R2DSPQ	75.00
05/04/16	VENDOR: LEADING EDGE REALTIME REPORTING, INC; INVOICE#: 00000310; DATE: 5/4/2016 - EXPEDITED TRANSCRIPT 04/25/16 - MOTION HEARING BEFORE JUDGE DARRIN GAYLES	161.10
	LONG DISTANCE CHARGE	2.20
	PACER CHARGE	96.50
	REPRODUCTION	934.95
	WESTLAW CHARGE	224.72
	Total Expenses	\$1,719.47

CURRENT BALANCE DUE**\$96,930.47**