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10 Attorneys for Receiver
11 THOMAS HEBRANK

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14
15 SECURITIES AND EXCHANGE
COMMISSION,

16 Plaintiff,

17 v.

18 PACIFIC WEST CAPITAL GROUP,
19 INC.; ANDREW B CALHOUN IV;
PWCG TRUST; BRENDA CHRISTINE
20 BARRY; BAK WEST, INC.; ANDREW B
CALHOUN JR.; ERIC CHRISTOPHER
21 CANNON; CENTURY POINT, LLC;
MICHAEL WAYNE DOTTA; and
22 CALEB AUSTIN MOODY (dba SKY
STONE),

23 Defendants.
24
25
26
27
28

Case No. 2:15-cv-02563 AB (ASx)

**THIRTIETH INTERIM
APPLICATION OF ALLEN
MATKINS LECK GAMBLE
MALLORY & NATSIS, LLP,
GENERAL COUNSEL TO THE
RECEIVER, FOR PAYMENT OF
FEES AND REIMBURSEMENT OF
EXPENSES**

Date: September 19, 2025
Time: 10:00 a.m.
Ctrm.: 7B
Judge: Hon. André Birotte Jr.

1 Allen Matkins Leck Gamble Mallory & Natsis LLP (“Allen Matkins”),
2 general counsel to Thomas Hebrank (“Receiver”), the Court-appointed receiver for
3 PWCG Trust, hereby submits this twenty-seventh interim application for approval
4 and payment of fees and reimbursement of expenses (“Application”). This
5 Application covers the period from April 1, 2025, through June 30, 2025 (“Thirtieth
6 Application Period”), and seeks interim approval of \$2,416.40 in fees, and an order
7 authorizing the Receiver to pay, on an interim basis, 80% of the fees incurred
8 (\$1,933.12) and 100% of expenses incurred.

9 I. INTRODUCTION

10 This equity receivership was established pursuant to the Consent of
11 Defendant PWCG Trust filed on February 12, 2018, and the Judgment as to
12 Defendant PWCG Trust (“Appointment Order”) entered on February 16, 2018. Dkt.
13 Nos. 143, 145. The Appointment Order confers full powers of an equity receiver,
14 including full power over all funds, assets, and other property of PWCG Trust, and
15 including its bank accounts, life insurance policies (“Policies”), books and records,
16 and all funds and assets controlled or managed by PWCG Trust. The Appointment
17 Order also authorizes the Receiver to “engage and employ attorneys, accountants,
18 and other persons” to assist him in the performance of his duties. Dkt. No. 145,
19 Section III(F).

20 The Receiver promptly determined that his experienced staff at E3 Realty
21 Advisors, Inc., dba E3 Advisors (“E3”), as well as experienced, qualified counsel
22 was critical due to the number of people involved, the amount at stake for investors,
23 the transactional volume, and the complex issues facing PWCG Trust. Accordingly,
24 the Receiver has cost-effectively used his team at E3 to assist in carrying out
25 receivership duties, as well as Allen Matkins as his counsel.

26 In an abundance of caution, the Receiver sought specific Court approval of
27 Allen Matkins’ employment, which was approved on April 10, 2018. Dkt.
28

Nos. 150, 152. The Court also approved the Receiver's proposal to file reports and fee applications on a quarterly basis. *Id.*

II. FEE APPLICATION

This fee application should be read in conjunction with the Receiver's Thirtieth Interim Report ("Thirtieth Report") filed on August 19, 2025 (Dkt. No. 677), which describes in detail the Receiver's activities during the Thirtieth Application Period. This Application seeks interim approval of \$2,416.40 in fees for a total of 3.00 hours worked, and payment on an interim basis of 80% of that amount, or \$1,933.12. The work performed is described task-by-task on Exhibit A and is broken down into the following categories:

Category	Hours	Amount
Reporting	2.20	\$1,772.10
Operations & Asset Sales	0.40	\$322.20
Claims & Distributions	0.20	\$161.00
Employment/Fees	0.20	\$161.10
Total	3.00	\$2,416.40

Allen Matkins has worked efficiently to assist the Receiver to address legal issues facing the receivership estate. The firm's work has allowed the Receiver to preserve and protect the substantial value of receivership estate assets. Allen Matkins' work has assisted the Receiver in carrying out his Court-ordered duties and the firm should be compensated on an interim basis.

III. SUMMARY OF TASKS PERFORMED AND COSTS INCURRED

A. Categories and Descriptions of Work

1. Reporting

Allen Matkins' time in this category focused on preparing the Receiver's Twenty-Ninth Interim Report. Dkt. 666. The report contains detailed descriptions of the Receiver's activities during the first quarter of 2025, policy maturities,

1 investor communications, pending litigation, and post-receivership receipts and
2 disbursements. The reports also include the Receiver's recommendations for the
3 continued administration of the receivership estate. The reasonable and necessary
4 fees for work in this category total \$1,772.10.

5 2. Operations & Asset Sales

6 Time in this category was spent on evaluating data regarding the portfolio of
7 policies, including cash flow projections. The reasonable and necessary fees for
8 work in this category total \$322.20.

9 3. Claims & Distributions

10 Time in this category was spent responding to a direct inquiry from an
11 investor. The reasonable and necessary fees for work in this category total \$161.00.

12 4. Employment/Fees

13 Allen Matkins does not charge for time spent preparing its own fee
14 applications. The firm assisted the Receiver in preparing his Twenty-Ninth Interim
15 Fee Application, which was filed on May 6, 2025. Dkt. 667. The reasonable and
16 necessary fees for work in this category total \$161.10.

17 **IV. FEES AND COSTS INCURRED AND PAID TO DATE**

18 From inception of the receivership through June 30, 2025, the Receiver
19 incurred fees and costs of \$794,061.87, of which amount \$148,842.81 is subject to
20 holdback pending approval of the Receiver's final fee application at the conclusion
21 of the receivership, \$16,684.46 is awaiting the Court's review and approval, and
22 \$631,595.95 has been approved by the Court and paid to date. During the same time
23 period, Allen Matkins has incurred fees and costs of \$1,818,448.50, of which
24 amount \$355,044.73 is subject to holdback pending approval of Allen Matkins' final
25 fee application at the conclusion of the receivership, \$2,416.40 is awaiting the
26 Court's review and approval, and \$1,461,470.65 has been approved by the Court
27 and paid to date.

28

V. THE FEES AND COSTS ARE REASONABLE AND SHOULD BE ALLOWED

“As a general rule, the expenses and fees of a receivership are a charge upon the property administered.” *Gaskill v. Gordon*, 27 F.3d 248, 251 (7th Cir. 1994). These expenses include the fees and expenses of this Receiver and his professionals, including Allen Matkins. Decisions regarding the timing and amount of an award of fees and costs to the Receiver and his Professionals are committed to the sound discretion of the Court. See *SEC v. Elliot*, 953 F.2d 1560, 1577 (11th Cir. 1992) (rev’d in part on other grounds, 998 F.2d 922 (11th Cir. 1993)).

In allowing fees, a court should consider “the time, labor and skill required, but not necessarily that actually expended, in the proper performance of the duties imposed by the court upon the receiver[], the fair value of such time, labor and skill measured by conservative business standards, the degree of activity, integrity and dispatch with which the work is conducted and the result obtained.” *United States v. Code Prods. Corp.*, 362 F. 2d 669, 673 (3d Cir. 1966) (internal quotation marks omitted). In practical terms, receiver and professional compensation thus ultimately rests upon the result of an equitable, multi-factor balancing test involving the “economy of administration, the burden that the estate may be able to bear, the amount of time required, although not necessarily expended, and the overall value of the services to the estate.” *In re Imperial 400 Nat’l, Inc.*, 432 F.2d 232, 237 (3d Cir. 1970). Regardless of how this balancing test is formulated, no single factor is determinative and “a reasonable fee is based [upon] all circumstances surrounding the receivership.” *SEC v. W.L. Moody & Co., Bankers (Unincorporated)*, 374 F. Supp. 465, 480 (S.D. Tex. 1974).

As a preliminary matter, the Appointment Order confers on the Receiver substantial duties and powers, including to conduct such investigation and discovery as is necessary to locate and account for all receivership assets, take such action as is necessary and appropriate to assume control over and preserve receivership assets,

1 and employ attorneys and others to investigate and, where appropriate, institute,
2 pursue, and prosecute all claims and causes of action of whatever kind and nature.
3 *See* Appointment Order, Section III.

4 The Receiver promptly determined that experienced, qualified counsel was
5 necessary due to the size and complexity of the receivership estate and the Court
6 agreed, specifically approving Allen Matkins' employment. Dkt. No. 152. The
7 Court also approved the Receiver's proposal to file interim reports and fee
8 applications on a quarterly basis. *Id.*

9 Allen Matkins has submitted a detailed fee application which describes the
10 nature of the services rendered, and the identity and billing rate of each individual
11 performing each task. *See* Exhibit A. Allen Matkins has endeavored to staff matters
12 as efficiently as possible, while remaining cognizant of the complexity of issues.
13 The request for fees is based on Allen Matkins' customary billing rates charged for
14 comparable services provided in other matters, less a 10% discount. Moreover,
15 Allen Matkins wrote off and did not charge for 0.60 hours of work (\$483.30 in fees).

16 The work performed by Allen Matkins was essential to carrying out the
17 Receiver's Court-ordered duties. The Receiver and Allen Matkins have worked
18 diligently since the Receiver's appointment to preserve and protect the assets of the
19 receivership estate, to investigate potential claims against third parties, and to
20 maximize the funds available for ultimate distribution to investors. Moreover, Allen
21 Matkins seeks payment of only 80% of fees incurred on an interim basis in
22 recognition of the fact that its work in assisting the Receiver is ongoing. Payment of
23 the proposed 20% holdback will be sought at the conclusion of the receivership.
24 Allen Matkins' fees are fair and reasonable and should be approved and paid on an
25 interim basis.

26 VI. CONCLUSION

27 Allen Matkins therefore respectfully requests this Court enter an Order:

- 28 1. Approving Allen Matkins' fees, on an interim basis, of \$2,416.40;

EXHIBIT A

08/08/25 11:43:43 PROFORMA STATEMENT FOR MATTER 377432.00004 (Thomas C. Hebrank, as Receiver for PWCG) (Reporting)

Preliminary Billing Form

Billing Atty: 001665 - Fates, Edward (Ted) Matter #: 377432.00004 Client Name: Thomas C. Hebrank, as Receiver for PWCG
 Date of Last Billing: 04/15/25 Matter Name: Reporting
 Proforma Number: 1353266
 Client/Matter Joint Group # 377432-1 Client Matter Number:

Fees for Matter 377432.00004.(Reporting)

Trans Date	Index	Description of Service Rendered	Timekeeper	Hours	Fees	Sum	Circle Action			
04/15/25	10028539	Work on Receiver's 29th interim report (.8) discuss same with Receiver (.3)	Fates, Edward (Ted)	1.10	886.05	886.05	WO	HD	TR	_____
04/18/25	10032122	Communications with Receiver regarding interim report (.2) meet and confer communications with SEC counsel re: same (.2)	Fates, Edward (Ted)	0.40	322.20	1,208.25	WO	HD	TR	_____
04/28/25	10045250	Meet and confer communications with SEC counsel regarding 29th interim report	Fates, Edward (Ted)	0.20	161.10	1,369.35	WO	HD	TR	_____
05/06/25	10057097	Follow up meet and confer communications with SEC counsel regarding 29th interim report (.2) finalize report (.3)	Fates, Edward (Ted)	0.50	402.75	1,772.10	WO	HD	TR	_____

Proforma Summary

Timekeeper Number	Timekeeper	Hours	Rate	Amounts
001665	Fates, Edward (Ted)	2.20	805.50	1,772.10
		2.20		\$1,772.10
Subtotal Fees				\$1,772.10
Discount				0.00

08/08/25 11:43:43 PROFORMA STATEMENT FOR MATTER 377432.00004 (Thomas C. Hebrank, as Receiver for PWCG) (Reporting)

Proforma Summary

Timekeeper

Number	Timekeeper	Hours	Rate	Amounts
Total Fees				1,772.10
Total Disbursements				0.00

Attorney Billing Instructions

()	BILL ALL	()	Hold
()	BILL FEES ONLY	()	Write Off
()	BILL COST ONLY	()	Transfer All

Billing Instructions

expires 6/30/2026: 10% off standard rates (automatic); no text editing; no conf calls; copies @ .10

Account Summary – As Of 08/08/25

	Fiscal YTD			Calendar YTD			LTD		
	Total	Fees	Disb.	Total	Fees	Disb.	Total	Fees	Disbursements
Worked	3,510.00	3,510.00	0.00	7,054.20	7,054.20	0.00	101,088.45	101,088.45	0.00
Unbilled Adj	0.00	0.00	0.00	0.00	0.00	0.00	38.07	38.07	0.00
Billed	0.00	0.00	0.00	1,956.90	1,656.90	300.00	94,053.78	94,053.78	7,568.10
Collected	0.00	0.00	0.00	1,956.90	1,656.90	300.00	101,621.88	94,053.78	7,568.10
AR Write Off	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIP	7,054.20	7,054.20	0.00						
Balance									
AR Balance	0.00	0.00	0.00						
Unalloc	0.00								
Payment									
Client Trust	0.00								
Balance									

Billing Address

Thomas C. Hebrank, as Receiver for PWCG Trust
c/o E3 Advisors
501 West Broadway, Suite 800

08/08/25 11:43:43 PROFORMA STATEMENT FOR MATTER 377432.00004 (Thomas C. Hebrank, as Receiver for PWCG) (Reporting)

San Diego, CA 92101

08/08/25 11:43:44 PROFORMA STATEMENT FOR MATTER 377432.00005 (Thomas C. Hebrank, as Receiver for PWCG) (Operations & Asset Sales)

Preliminary Billing Form

Billing Atty: 001665 - Fates, Edward (Ted)	Matter #: 377432.00005	Client Name: Thomas C. Hebrank, as Receiver for PWCG
Date of Last Billing: 03/11/24		Matter Name: Operations & Asset Sales
Proforma Number: 1353266		
Client/Matter Joint Group # 377432-1		Client Matter Number:

Fees for Matter 377432.00005.(Operations & Asset Sales)

Trans Date	Index	Description of Service Rendered	Timekeeper	Hours	Fees	Sum	Circle	Action
06/30/25	10129103	Discuss reevaluation of portfolio of policies and analysis of cash flow projections with Receiver	Fates, Edward (Ted)	0.40	322.20	322.20	WO	HD TR

Proforma Summary

Timekeeper Number	Timekeeper	Hours	Rate	Amounts
001665	Fates, Edward (Ted)	0.40	805.50	322.20
		0.40		\$322.20
Subtotal Fees				\$322.20
Discount				0.00
Total Fees				322.20
Total Disbursements				0.00

Attorney Billing Instructions

() BILL ALL	() Hold
() BILL FEES ONLY	() Write Off
() BILL COST ONLY	() Transfer All

Billing Instructions

expires 6/30/2026: 10% off standard rates (automatic); no text editing; no conf calls; copies @ .10

08/08/25 11:43:44 PROFORMA STATEMENT FOR MATTER 377432.00005 (Thomas C. Hebrank, as Receiver for PWCG) (Operations & Asset Sales)

Account Summary – As Of 08/08/25

	Fiscal YTD			Calendar YTD			LTD		
	Total	Fees	Disb.	Total	Fees	Disb.	Total	Fees	Disbursements
Worked	4,036.50	4,036.50	0.00	4,358.70	4,358.70	0.00	135,030.60	135,030.60	0.00
Unbilled Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.09	0.09	0.00
Billed	0.00	0.00	0.00	0.00	0.00	0.00	130,671.99	130,671.99	0.00
Collected	0.00	0.00	0.00	0.00	0.00	0.00	130,671.99	130,671.99	0.00
AR Write Off	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIP	4,358.70	4,358.70	0.00						
Balance									
AR Balance	0.00	0.00	0.00						
Unalloc	0.00								
Payment									
Client Trust	0.00								
Balance									

Billing Address

Thomas C. Hebrank, as Receiver for PWCG Trust
c/o E3 Advisors
501 West Broadway, Suite 800
San Diego, CA 92101

08/08/25 11:43:45 PROFORMA STATEMENT FOR MATTER 377432.00006 (Thomas C. Hebrank, as Receiver for PWCG) (Claims & Distributions)

Preliminary Billing Form

Billing Atty: 001665 - Fates, Edward (Ted) Matter #: 377432.00006 Client Name: Thomas C. Hebrank, as Receiver for PWCG
 Date of Last Billing: 12/16/24 Matter Name: Claims & Distributions
 Proforma Number: 1353266
 Client/Matter Joint Group # 377432-1 Client Matter Number:

Fees for Matter 377432.00006.(Claims & Distributions)

Trans Date	Index	Description of Service Rendered	Timekeeper	Hours	Fees	Sum	Circle	Action
04/16/25	10029825	Respond to inquiry from investor regarding further distributions	Fates, Edward (Ted)	0.20	161.10	161.10	WO	HD TR

Proforma Summary

Timekeeper Number	Timekeeper	Hours	Rate	Amounts
001665	Fates, Edward (Ted)	0.20	805.50	161.10
				\$161.10
Subtotal Fees				\$161.10
Discount				0.00
Total Fees				161.10
Total Disbursements				0.00

Attorney Billing Instructions

() BILL ALL	() Hold
() BILL FEES ONLY	() Write Off
() BILL COST ONLY	() Transfer All

Billing Instructions

expires 6/30/2026: 10% off standard rates (automatic); no text editing; no conf calls; copies @ .10

08/08/25 11:43:45 PROFORMA STATEMENT FOR MATTER 377432.00006 (Thomas C. Hebrank, as Receiver for PWCG) (Claims & Distributions)

Account Summary – As Of 08/08/25

	Fiscal YTD			Calendar YTD			LTD		
	Total	Fees	Disb.	Total	Fees	Disb.	Total	Fees	Disbursements
Worked	702.00	702.00	0.00	1,024.20	1,024.20	0.00	166,706.10	166,706.10	0.00
Unbilled Adj	0.00	0.00	0.00	0.00	0.00	0.00	9.81	9.81	0.00
Billed	0.00	0.00	0.00	0.00	0.00	0.00	165,685.41	165,685.41	0.00
Collected	0.00	0.00	0.00	0.00	0.00	0.00	165,685.41	165,685.41	0.00
AR Write Off	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIP	1,024.20	1,024.20	0.00						
Balance									
AR Balance	0.00	0.00	0.00						
Unalloc	0.00								
Payment									
Client Trust	0.00								
Balance									

Billing Address

Thomas C. Hebrank, as Receiver for PWCG Trust
c/o E3 Advisors
501 West Broadway, Suite 800
San Diego, CA 92101

08/08/25 11:43:46 PROFORMA STATEMENT FOR MATTER 377432.00009 (Thomas C. Hebrank, as Receiver for PWCG) (Employment/Fees)

Preliminary Billing Form

Billing Atty: 001665 - Fates, Edward (Ted) Matter #: 377432.00009 Client Name: Thomas C. Hebrank, as Receiver for PWCG
 Date of Last Billing: 04/15/25 Matter Name: Employment/Fees
 Proforma Number: 1353266
 Client/Matter Joint Group # 377432-1 Client Matter Number:

Fees for Matter 377432.00009.(Employment/Fees)

Trans Date	Index	Description of Service Rendered	Timekeeper	Hours	Fees	Sum	Circle	Action
06/05/25	10097314	Meet and confer communications with SEC counsel regarding 29th interim fee applications	Fates, Edward (Ted)	0.20	161.10	161.10	WO	HD TR

Proforma Summary

Timekeeper Number	Timekeeper	Hours	Rate	Amounts
001665	Fates, Edward (Ted)	0.20	805.50	161.10
		0.20		\$161.10
Subtotal Fees				\$161.10
Discount				0.00
Total Fees				161.10
Total Disbursements				0.00

Attorney Billing Instructions

() BILL ALL	() Hold
() BILL FEES ONLY	() Write Off
() BILL COST ONLY	() Transfer All

Billing Instructions

expires 6/30/2026: 10% off standard rates (automatic); no text editing; no conf calls; copies @ .10

08/08/25 11:43:46 PROFORMA STATEMENT FOR MATTER 377432.00009 (Thomas C. Hebrank, as Receiver for PWCG) (Employment/Fees)

Account Summary – As Of 08/08/25

	Fiscal YTD			Calendar YTD			LTD		
	Total	Fees	Disb.	Total	Fees	Disb.	Total	Fees	Disbursements
Worked	614.25	614.25	0.00	1,339.20	1,339.20	0.00	17,688.60	17,688.60	0.00
Unbilled Adj	0.00	0.00	0.00	0.00	0.00	0.00	7.11	7.11	0.00
Billed	0.00	0.00	0.00	483.30	483.30	0.00	16,356.51	16,356.51	0.00
Collected	0.00	0.00	0.00	483.30	483.30	0.00	16,356.51	16,356.51	0.00
AR Write Off	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIP	1,339.20	1,339.20	0.00						
Balance									
AR Balance	0.00	0.00	0.00						
Unalloc	0.00								
Payment									
Client Trust	0.00								
Balance									

Billing Address

Thomas C. Hebrank, as Receiver for PWCG Trust
c/o E3 Advisors
501 West Broadway, Suite 800
San Diego, CA 92101