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SEAMAN, Court-Appointed Receiver

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8 Court-Appointed Receiver
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11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 FEDERAL TRADE COMMISSION,
14 Plaintiff,

15 v.

16 DIGITAL ALTITUDE LLC, a
17 Delaware limited liability company;
DIGITAL ALTITUDE LIMITED,
18 United Kingdom company; ASPIRE
PROCESSING LLC, a Nevada limited
19 liability company; ASPIRE
PROCESSING LIMITED, a United
20 Kingdom company; ASPIRE
VENTURES LTD., a United Kingdom
21 company; DISC ENTERPRISES INC.,
a Nevada corporation; RISE SYSTEMS
22 & ENTERPRISE LLC, a Utah limited
liability company; RISE SYSTEMS &
23 ENTERPRISE LLC, a Nevada limited
liability company; SOAR
24 INTERNATIONAL LIMITED
LIABILITY COMPANY, a Utah
25 limited liability company; THE
UPSIDE, LLC, a California limited
26 liability company; THERMOGRAPHY
FOR LIFE, LLC, also d/b/a LIVING
27 EXCEPTIONALLY, INC., a Texas
limited liability company; MICHAEL
28 FORCE, individually and as an officer,

Case No.: 2:18-cv-00729 JAK-MRW

Assigned to Hon. John A. Kronstadt

**DECLARATION OF
BENJAMIN R. KING IN
SUPPORT OF MOTION OF
RECEIVER THOMAS A.
SEAMAN FOR APPROVAL TO
PAY INTERIM FEES AND COSTS
TO RECEIVER'S COUNSEL,
LOEB & LOEB, LLP**

Date: June 11, 2018

Time: 8:30 a.m.

Place: Courtroom 10B
350 W. First Street
Los Angeles, 90012

Complaint Filed: January 29, 2018

1 member and/or manager of Digital
 2 Altitude LLC and Soar International
 3 Limited Liability Company; MARY
 4 DEE, individually and as an officer,
 5 member and/or manager of Digital
 6 Altitude LLC, Digital Altitude Limited,
 7 Aspire Processing LLC, RISE Systems
 8 & Enterprise LLC, The Upside, LLC,
 9 and Thermography for Life, LLC;
 10 MORGAN JOHNSON, individually and
 11 as an officer, member and/or manager of
 12 Digital Altitude LLC and RISE Systems
 13 & Enterprise LLC; ALAN MOORE,
 14 individually and as an officer, member
 15 and/or manager of Digital Altitude LLC
 16 and Aspire Processing Limited; and
 17 SEAN BROWN, individually and as an
 18 officer, member and/or manager of
 19 Aspire Processing LLC, Disc
 20 Enterprises Inc. and RISE Systems &
 21 Enterprise LLC,
 22
 23 Defendants.

DECLARATION OF BENJAMIN R. KING

I, Benjamin R. King, hereby declare as follows:

1. I am an attorney with the law firm of Loeb & Loeb LLP, counsel of record for Thomas A. Seaman, the Court-appointed Receiver in the above-captioned matter. I am in good standing and am duly licensed to practice law before this Court. I am one of the attorneys principally responsible for handling the day-to-day representation of the Receiver in this action. The following is of my own personal knowledge, and if called as a witness, I could and would competently testify thereto. I make this Declaration in support of the concurrently filed Motion of Receiver Thomas A. Seaman for Approval to Pay Interim Fees and Costs to Receiver’s Counsel, Loeb & Loeb, LLP (“Motion”).

2. The primary attorneys responsible for the day-to-day representation of Receiver are as follows:

Attorney	Title/Position	Standard Hourly Billing Rate	Discounted Hourly Billing Rate
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Attorney	Title/Position	Standard Hourly Billing Rate	Discounted Hourly Billing Rate
Lance N. Jurich (Admitted in 1988)	Partner	\$875.00	\$695.00
Benjamin R. King (Admitted in 1999)	Partner	\$750.00	\$595.00

3. The billing rates listed above are the rates negotiated between the Receiver and Loeb and not the rates normally billed to Loeb’s other clients for similar services. For example, Lance Jurich’s standard billing rate for 2018 is \$875.00 and my standard billing rate for 2018 is \$750.00.

4. I was first admitted as an attorney in October, 1999, and have served in that capacity regularly since that time (roughly 19 years). Through such work, I have gained an understanding as to the billing rates normally charged by firms similar to Loeb in terms of size and expertise. The standard hourly rates as stated above are reasonable for attorneys of like experience in the relevant to me and Mr. Jurich in the Los Angeles market. Nevertheless, as stated above, Loeb has agreed to significantly discount its rates in this matter, to \$695/hr. for Mr. Jurich and \$595/hr. for Mr. King.

5. Loeb kept detailed and segregated records of the billable time for which the Receiver now seeks authority to pay. Attached hereto as **Exhibit A** is a set of invoices prepared by Loeb’s billing department (redacted for privilege) setting forth the specific tasks performed and the time spent performing those tasks by Loeb’s timekeepers identified above.

6. The total amount of attorneys’ fees incurred for these activities (after Loeb’s discount on its rates is applied), is \$62,200.00. These fees and costs are broken down in detail not only in the accompanying Loeb invoices which reflect task billing (and not block billing) to show the specific work, but also in the summary charts prepared in the format this Court requires in its Initial Standing

1 Order in this matter [Docket No. 65] and attached hereto as **Exhibits B and C**,
2 respectively. In addition to these charts, and also as required by this Court’s Initial
3 Standing Order, Loeb will email to this Court an Excel-format spreadsheet which
4 will contain all of Loeb’s billing entries for the relevant time period. Loeb will not
5 redact the entries on the Excel Spreadsheet for privilege given its understanding that
6 the spreadsheet is for this Court’s use and is not to be served on the parties or any
7 third parties (and because redaction of an editable electronic document is
8 problematic).

9 7. The costs incurred on behalf of the Receivership Estate through Loeb
10 during the same period total \$774.51. The detail for such costs is included on the
11 invoices attached collectively as Exhibit A, and are summarized as follows:

Cost	Amount
AIRFARE (LAX/SLC)	\$379.60
LODGING (in Orem Utah)	\$154.94
ONLINE RESEARCH	\$10.40
OUT OF TOWN MEALS	\$18.43
OUT-OF-TOWN TRAVEL	\$173.87
PHOTOCOPY	\$31.20
POSTAGE	\$6.07
	\$774.51

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22 8. Again, the attorneys who have primarily performed services for the
23 Receiver in this matter are Lance N. Jurich and myself. Mr. Jurich is a partner in
24 our Los Angeles Creditor’s Rights And Bankruptcy Department, is a very
25 experienced attorney who has served for 30 years specializing in the areas of
26 bankruptcy, receiverships, restructuring, workouts and turnarounds. He has
27 effectively represented Loeb’s clients’ interests related to federal and state
28

1 bankruptcy and state-court creditors' rights proceedings. A copy of Mr. Jurich's Bio
2 is attached hereto as **Exhibit D**.

3 9. I am also a partner in Loeb's Los Angeles Creditor's Rights And
4 Bankruptcy Department, and am a commercial litigator and creditors' rights
5 attorney with substantial experience and expertise representing receivers. I am a
6 member of the Board of Directors for the Los Angeles/Orange County Chapter of
7 the California Receiver's Forum, and I specialize in the employment of prejudgment
8 remedies such as receiverships and injunctive remedies. In my 19-year career, I
9 have represented both receivers and secured lenders seeking the appointment of
10 receivers in both state and federal court. A copy of my Firm Bio is attached hereto
11 as **Exhibit E**.

12 I declare under penalty of perjury of the United States of America that the
13 foregoing is true and correct, on this Sixth Day of April, 2018, at Manhattan Beach,
14 California.

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16 /s/ Benjamin R. King
17 Benjamin R. King
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