

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**ALBERT E. PARISH, JR., PARISH
ECONOMICS, LLC, and
SUMMERVILLE HARD ASSETS, LLC,**

Defendants.

**CIVIL ACTION NO.
2:07-cv-00919-DCN**

**SIXTEENTH APPLICATION OF THE RECEIVER
FOR AUTHORITY TO PAY
PROFESSIONAL FEES AND REIMBURSE COSTS**

S. Gregory Hays, the court appointed Receiver in the above-styled suit, files this Sixteenth Application for Authority to Pay Professional Fees and Reimburse Costs for the services rendered and the costs advanced on behalf of the Receiver during the months of January and February 2009. This application seeks approval and payment of the fees and reimbursement of expenses for the Receiver, Troutman Sanders LLP (“Troutman Sanders”), David Popowski (“Popowski”), and

Hays Financial Consulting (“HFC”). In support of this Application, the Receiver shows this Court as follows:

1. This is a complicated case, which has required and continues to require significant effort by the Receiver, his attorneys, accountants and financial consultants. The professionals working on this case are well aware of the time and expense being incurred and endeavor at all times to work in an efficient and productive manner and to be good stewards of the assets of the Receivership Estate.

2. The administrative and investigative activities described in the Receiver’s interim reports and previously filed fee applications continue. During the period covered by this Application, the following activities were particularly significant:

- Negotiated and obtained Court approval for the sale of a parcel of real property netting the Receiver Estate approximately \$180,000;
- Continued efforts to market and sell other remaining real property in the Receiver Estate;
- Continued tasks necessary to maintain real property, such as insurance premiums, property taxes and regular maintenance;
- Continued pursuit of sale, consignment and/or auction of remaining personal property in Receiver Estate, including pens, silver, jewelry,

vintage music albums, select pieces of art sculpture and animation cells;

- Continued to pursue the sale of Disney timeshare contract;
- Continued efforts related to the sale and disposition of life insurance policies;
- Continued investigation, collection, and settlement efforts as to numerous loans made by Parish;
- Continued research and investigation of potential claims against third-parties, including efforts to effect recoveries and defend against objections lodged as to proposed settlements of certain claims;
- Negotiated dismissal of appeal to the Fourth Circuit of and the objection to the Court's Order Approving the Receiver's Settlement Agreement with Charleston Southern University;
- Negotiated the dismissal of state court lawsuit filed against the Receiver;
- Continued attempts to resolve issues and effect recovery from investments in partnerships and private companies;
- Handled inquiries in state and federal government investigations;

- Responded to indemnity claims against the Receiver Estate related to objections filed to the Court’s Order Approving the Receiver’s Settlement Agreement with Legare & Bailey;
- Continued to field inquiries from investors and creditors including responses to investor inquiries;
- Performed in-depth research of issues related to claims administration and the distribution of proceeds;
- Researched and drafted the Receiver’s plan for claims administration and distribution of proceeds;
- Continued to review and reconcile investor claims and respond to various inquiries regarding claims administration;
- Responded to various subpoenas and requests for the production of documents served upon the Receiver; and
- Reviewed, analyzed, and addressed various tax issues for the Receiver Estate.

3. In sum, substantial time and labor have been expended by the Receiver, HFC, Troutman Sanders, and Popowski.¹ The Receiver believes that these efforts, along with the associated expense, are necessary to the effective

¹ Because it is not necessary for the Court to analyze the “Johnson Factors” in ruling on the Receiver’s application for fees and expenses, the Receiver has not included an analysis of them in this shortened fee application. The in-depth analysis of the “Johnson Factors” set forth in the Receiver’s first three fee applications is, however, incorporated herein by reference.

administration of the Receivership Estate and to the discharge of his responsibilities under the Receivership Order.

4. The Receiver and all professionals working with him in this case have maintained detailed time records and created monthly statements, redacted versions of which are attached hereto as Exhibits "A" through "D."

January 2009

Receiver:

Fees (net after a 5% discount)	\$ 2,598.80
Expenses	+ \$ <u>0.00</u>
Total	\$ 2,598.80

HFC:

Fees (net after 5% Discount)	\$ 39,727.70
Expenses	+ \$ <u>81.81</u>
Total	\$ 39,809.51

Troutman Sanders:

Fees (net after 5% Discount)	\$ 25,278.18
Expenses	+ \$ <u>756.18</u>
Total	\$ 26,034.36

Popowski:

Fees	\$ 504.00
Expenses	+ \$ <u>0.00</u>
Total	\$ 504.00

February 2009

Receiver:

Fees (net after a 5% discount)	\$ 4,094.00
Expenses	+ \$ <u>0.00</u>
Total	\$ 4,094.00

HFC:

Fees (net after 5% Discount)	\$ 31,284.80
Expenses	+ \$ <u>131.36</u>
Total	\$ 31,416.16

Troutman Sanders:

Fees (net after 5% Discount)	\$ 21,342.48
Expenses	+ \$ <u>74.03</u>
Total	\$ 21,416.51

5. While the time records in the monthly statements provide more detail, it should be noted that:

- a. The Troutman Sanders billing rates indicated in the statements are “net” of a 5% discount.
- b. Travel time has not been billed (unless otherwise billable work was performed in transit).
- c. The Receiver and HFC have discounted their fees by 5%.
- d. The Receiver, his lead counsel, Mr. Dantzler, along with other professionals, have devoted significant time to this case that was not recorded (or billed). For example, professionals often capped their recorded time at something significantly less than what they actually worked.

WHEREFORE, S. Gregory Hays, Receiver, respectfully requests that the Court review and approve the fees for professional services rendered and costs advanced by the Receiver; Hays Financial Consulting, LLC; Troutman Sanders

LLP; and Popowski during January and February 2009, and authorize payment of such approved fees and expenses as requested herein. A proposed Order granting the relief requested is attached hereto.

This 8th day of April, 2009

By: /s/ David Popowski
David Popowski
Law Office of David Popowski
171 Church St., Ste. 110
Charleston, SC 29401
843-722-8301 (phone)
843-722-8309 (fax)

J. DAVID DANTZLER, JR.
(admitted pro hac vice)
Ga. State Bar No. 205125
Merle R. Arnold, III
(admitted pro hac vice)
Ga. State Bar No. 023503
Benjamin D. Chastain
(admitted pro hac vice)
Ga. State Bar No. 396695
Attorneys for S. Gregory Hays, Receiver

Troutman Sanders LLP
Bank of America Plaza, Suite 5200
600 Peachtree Street, N.E.
Atlanta, GA 30308-2216
(404) 885-3000
(404) 962-6799 (facsimile)

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**ORDER AUTHORIZING AND DIRECTING
PAYMENT OF PROFESSIONAL FEES AND EXPENSES**

This matter having come before the Court on S. Gregory Hays' Sixteenth Application for Authority to Pay Professional Fees and to Reimburse Costs, and the Court having considered the Application and the attached exhibits and other materials provided in support thereof, including descriptions of the services provided and amounts billed by the Receiver and all professionals working with him, it is hereby

ORDERED, that the professional fees and expenses that are the subject of said Application (i.e., January and February 2009) are hereby approved and that S.

Gregory Hays, Receiver for the Receiver Estate, is hereby authorized to pay such fees and expenses out of the assets of the Receiver Estate.

IT IS SO ORDERED this 8th day of April 2009.

David Norton, Judge
United States District Court
District of Carolina, Charleston Division

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CERTIFICATE OF SERVICE

This is to certify that on April 8, 2009, the foregoing *Sixteenth Application of Receiver for Authority to Pay Professional Fees and to Reimburse Costs* was filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

By: /s/ Merle R. Arnold III
TROUTMAN SANDERS LLP
Merle R. Arnold, III
(admitted pro hac vice)
Ga. State Bar No. 023503