

CAUSE NO. D-1-GV-10-000454

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
RETIREMENT VALUE, LLC, et al,	§	
	§	
Defendants.	§	126 <sup>th</sup> JUDICIAL DISTRICT

**SUPPLEMENTAL APPLICATION FOR FEES  
BY THE RECEIVER AND RECEIVER’S COUNSEL**

Eduardo S. Espinosa, court-appointed receiver for Retirement Value, LLC, files his supplemental application for fees incurred by the Receiver and Dykema Cox Smith (Dykema) for the months October 2015 through March 2016. In his Twenty-Eighth Fee Application, the Receiver inadvertently failed to include two invoices from Dykema relating to the Scott Schroeder bankruptcy.

These invoices – totaling \$2,157.01 – include both the Receiver’s time and that of his counsel. As has been standard in this case, the fees charged by the Receiver and his counsel represent a significant discount from the usual and customary fees charged by Dykema. As a general matter, the charge for the services provided by Dykema are determined by multiplying the total number of hours worked by each timekeeper by that timekeeper’s billing rate. In this case, the billing rate of each timekeeper was discounted from the usual and customary rates charged by Dykema. The Receiver is charging \$320/hour, which represents a 29% discount from his usual and customary rate of \$450/hour for 2015. In addition, Dykema has discounted its rates by 9.5%. Copies of these invoices are attached as Exhibit A.

The Receiver certifies that the estate has sufficient cash reserves from which to pay this Application after taking into account the estate's receipts and expenditures since the last actuarial analysis of the portfolio in January 2016.

In support of this supplemental application, the Receiver incorporates by reference his Twenty-Eighth Application for Fees by the Receiver and Receiver's Counsel.

ACCORDINGLY, the Receiver requests that this Supplemental Application be granted in its entirety and that he be authorized to pay the fees requested by him and his counsel from the funds available to the estate.

Respectfully submitted,

By:           /s/ Michael D. Napoli            
Michael D. Napoli  
State Bar No. 14803400

DYKEMA COX SMITH  
1717 Main Street, Suite 4200  
Dallas, Texas 75201  
(214) 698-7837  
(214) 462-6401 (fax)  
MNapoli@dykema.com

**Counsel for Eduardo S. Espinosa,  
Receiver**

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record listed below, through the electronic filing manager if that counsel's e-mail address is on file or via e-mail, if not, on this \_\_\_th day of May, 2016.

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**COUNSEL FOR THIRD PARTY DEFENDANTS RON  
JAMES, DON JAMES, AND JAMES SETTLEMENT  
SERVICES**

\_\_\_\_\_/s/ Michael D. Napoli  
Michael D. Napoli

# EXHIBIT "A"

RETIREMENT VALUE, LLC  
EDUARDO S. ESPINOSA, RECEIVER  
COX SMITH MATTHEWS INCORPORATED  
1201 ELM STREET, SUITE 3300  
DALLAS, TX 75270

December 15, 2015  
**Invoice No.3029278**

Legal Services Through 11/30/2015 in Connection With

**SCOTT D. SCHROEDER BANKRUPTCY**

**Matter 734617-000002**

11/05/15	A. KAUFMAN	0.50	165.17	OFFICE CONFERENCE WITH E. ESPINOSA ON STATUS OF SCHROEDER BANKRUPTCY CASE AND RECEIVER'S LAWSUIT; REVIEW DOCKET IN UST'S LAWSUIT TO DETERMINE TRIAL DATES AND DISCOVERY DEADLINES, AND CALL TO UST TO OBTAIN A STATUS REPORT.
11/06/15	A. KAUFMAN	2.80	924.92	CORRESPOND WITH L. BATTISTI, UST IN OHIO, REGARDING STATUS OF SCHROEDER DISCHARGE. PREPARE AND SEND E-MAIL TO E. ESPINOSA AND M. NAPOLI UPDATING ON DISCHARGE WAIVER AND IMPACT. DISCUSS NEXT STEPS WITH E. ESPINOSA AND CONTACT J. THOMAS REGARDING ASSISTANCE.
11/06/15	E. ESPINOSA	1.20	384.00	CONFER WITH A. KAUFMAN REGARDING SCHROEDER BANKRUPTCY, DENIAL OF DISCHARGE AND NEXT STEPS (1.2).
11/12/15	D. ANDREACCHI	0.30	51.59	RECEIPT AND REVIEW OF ECF NOTICES AND UPDATE CASE DOCKET RE SAME; REVIEW ADVERSARY DOCKET AND EMAIL A. KAUFMAN RE SAME.
11/13/15	D. ANDREACCHI	0.30	51.59	TELEPHONE CALL WITH COURT CLERK RE PRE-TRIAL CONFERENCE; EMAIL A. KAUFMAN RE SAME.

REMIT TO: DYKEMA COX SMITH  
112 East Pecan Street | Suite1800  
San Antonio, Tx 78205  
210.554.5500 tel | 210.226.8395 fax

# DyKEMA COX SMITH

December 15, 2015  
Invoice No. 3029278  
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11/17/15	A. KAUFMAN	0.50	165.17	CORRESPOND WITH COURT TO DETERMINE BEST METHOD FOR DISPOSING OF LAWSUIT; DRAFT JOINT STIPULATION OF DISMISSAL AND SEND TO OPPOSING COUNSEL FOR REVIEW
11/17/15	D. ANDREACCHI	0.30	51.59	PREPARE JOINT STIPULATION OF DISMISSAL OF ADVERSARY PROCEED FOR ELECTRONIC FILING, FILE WITH THE COURT AND SERVE SAME.

Total Hours 5.90

Total Fees \$ 1,794.03

## Professional Summary

Professional	Title	Hours Worked	Rate	Total Fees
A. KAUFMAN	Particip Member	3.80	330.33	1,255.26
E. ESPINOSA	Particip Member	1.20	320.00	384.00
D. ANDREACCHI	Paralegal	.90	171.97	154.77
Total All Professionals		5.90	\$ 304.07	\$ 1,794.03

**Total This Invoice \$ 1,794.03**

RETIREMENT VALUE, LLC  
 EDUARDO S. ESPINOSA, RECEIVER  
 COX SMITH MATTHEWS INCORPORATED  
 1201 ELM STREET, SUITE 3300  
 DALLAS, TX 75270

January 12, 2016  
**Invoice No.3032703**

Legal Services Through 12/31/2015 in Connection With

**SCOTT D. SCHROEDER BANKRUPTCY**

**Matter 734617-000002**

12/01/15	A. KAUFMAN	0.60	198.20	REVIEW TRUSTEE'S NOTICE OF SALE IN SCHROEDER BANKRUPTCY CASE (0.1); CALL WITH TRUSTEE'S ATTORNEY B. SCHRADER REGARDING STATUS OF BANKRUPTCY CASE AND PLAN FOR FUTURE ADMINISTRATION (0.3); DRAFT AND SEND UPDATE TO E. ESPINOSA AND J. THOMAS (0.2).
12/10/15	E. ESPINOSA	0.30	96.00	CORRESPONDENCE WITH E. GARNETT RE SCHROEDER BANKRUPTCY (0.3).
12/15/15	D. ANDREACCHI	0.40	68.78	TELEPHONE CALL WITH COURT AND UPLOAD ORDER ON JOINT MOTION TO DISMISS (0.4).

Total Hours 1.30

Total Fees \$ 362.98

Professional Summary

Professional	Title	Hours Worked	Rate	Total Fees
A. KAUFMAN	Particip Member	.60	330.33	198.20
E. ESPINOSA	Particip Member	.30	320.00	96.00
D. ANDREACCHI	Paralegal	.40	171.95	68.78
Total All Professionals		1.30	\$ 279.22	\$ 362.98

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 112 East Pecan Street | Suite1800  
 San Antonio, Tx 78205  
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# DyKEMA COX SMITH

January 12, 2016  
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**Total This Invoice**

**\$ 362.98**