

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 18-23992-CIV-MARTINEZ

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

TIMOTHY JOSEPH ATKINSON, *et al.*,

Defendants.

**ORDER GRANTING RECEIVER'S FINAL FEE APPLICATION AND MOTION TO
TRANSFER BALANCE OF RECEIVERSHIP FUNDS, TO DISCHARGE RECEIVER,
AND TO TERMINATE RECEIVERSHIP ESTATE**

THIS MATTER is before the Court upon the Receiver's Final Status Report, Final Fee Application, and Motion to Transfer Balance of Receivership Funds, to Discharge Receiver, and to Terminate Receivership Estate ("Discharge Motion"), (ECF No. 303). The Court has considered the Motion, relevant portions of the record, and is otherwise fully advised of the premises. Accordingly, it is hereby **ORDERED** as follows:

1. The Final Fee Application is hereby **APPROVED**.
2. The Court hereby approves, and the Receiver is hereby authorized to disburse from the Estate's fiduciary account, the following fees and costs:
 - a. the total amount of fees and costs that the Receiver and her Lead Counsel, Damian Valori Culmo, incurred during the Application Period in the amount of \$27,652.11 (which total includes \$27,137.50 in fees and \$514.61 in costs), plus up to an additional \$25,000 in fees and costs for the Receiver and her counsel

to complete the wind-down of the Estate, to be disbursed upon the completion of the Receiver's duties, without further order of this Court;

- b. the total amount of fees and costs that the Forensic Accountant, Kapila Mukamal, LLP, incurred during the Application Period in the amount of \$5,271.25 (which total includes \$5,182.40 in fees and \$88.85 in costs), plus up to an additional \$10,000 in fees and costs for preparation and submission of the 2024 and final tax returns and statements for the Estate and any potential tax liability, to be disbursed upon completion of the tax work, without further order of this Court; and
- c. the total amount of fees and costs that California Counsel, Raines Feldman LLP, incurred during the Application Period in the amount of \$754.00 (which total, includes \$754.00 in fees and no costs)

3. The Discharge Motion is hereby **GRANTED**.

4. The Receiver is authorized to immediately abandon all remaining assets and/or records of the Estate.

5. The Receiver is authorized to retain \$35,000 to cover all administrative expenses, including professional fees and costs for the Receiver, her counsel, and her accountants through the closing of the Estate, and to pay any tax obligations of the Estate (as set forth in paragraph 2 above) without further order of this Court.

6. The Receiver is authorized to transfer any surplus funds from the fiduciary account, after payment of the administrative expenses and tax obligations of the Estate, to the receivership estate in the related Fingerhut Case (Commodity Futures Trading Commission v. Daniel Fingerhut, Digital Platinum Inc., et al., Case No. 1:20-CV-21887-DPG (S.D. Fla.)).

7. The Receiver shall post this Order on the receivership website for 30 days following the entry of this Order, after which she may take down the website.

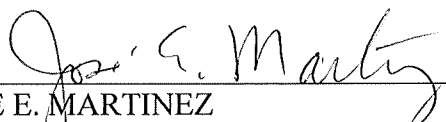
8. After completion of the wind-down of the Estate, the Receiver is automatically discharged as Receiver over the Estate and, except as set forth in this Order, shall have no further obligations to any Defendant or to the Estate.

9. Upon discharge, the Receiver and her professionals are hereby held harmless from and relieved of any and all liabilities (other than for acts involving a finding by the Court of malfeasance, bad faith, gross negligence, or reckless disregard of their duties) to any person or entity for their good faith compliance with their duties and responsibilities as Receiver or in their capacity as the Receiver's professionals, including without limitation any and all liabilities, claims, demands, or legal proceedings arising from or relating to any and all duties, acts, and transactions of the Receiver or her professionals pursuant to or in connection with any Orders of this Court.

10. Moreover, the Court hereby ratifies, confirms, and approves the Receiver's acts and transactions during the time the Receiver served as Receiver in this case as being correct and proper and in the best interest of the Estate, its creditors, the claimants of the Court-approved claims.

11. Upon payment and transfer of the amounts authorized supra from the Receiver's fiduciary account, the disposal of any remaining assets and records, and the discharge of the Receiver, the Estate shall be automatically terminated without further order of this Court.

DONE AND ORDERED in Chambers at Miami, Florida, this 6 day of June, 2025.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record