

1 ALAN H. MARTIN, Cal. Bar No. 132301
amartin@sheppardmullin.com
2 NORMA V. GARCIA, Cal. Bar No. 223512
ngarcia@sheppardmullin.com
3 MICHAEL A. WALLIN, Cal. Bar No. 240344
mwallin@sheppardmullin.com
4 SHEPPARD MULLIN RICHTER & HAMPTON LLP
650 Town Center Drive, 4th Floor
5 Costa Mesa, California 92626-1993
Telephone: 714-513-5100
6 Facsimile: 714-513-5130

7 Attorneys for
THOMAS A. SEAMAN, RECEIVER

8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

11

12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 v.

16 LAMBERT VANDER TUIG (a/k/a/
17 LAMBERT VANDER TAG a/k/a
18 DEAN I. VANDER TAG), THE
19 CAROLINA DEVELOPMENT
COMPANY, INC. (a/k/a THE
CAROLINA COMPANY AT
PINEHURST, INC.), AND
JONATHAN CARMAN,

20 Defendants.

21

22

23

24

25

26

27

28

Case No. SACV06-172AHS(MLGx)

**[PROPOSED] ORDER
APPROVING NINTH INTERIM
FEE APPLICATION OF
SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP**

*[Ninth Interim Fee Application of
Sheppard Mullin Richter & Hampton
and Notice of Ninth Interim Fee
Application of Sheppard, Mullin,
Richter & Hampton filed concurrently
herewith]*

Hearing:

Date: April 20, 2009

Time: 10:00 a.m.

Place: Courtroom 10A
411 W. Fourth Street
Santa Ana, California

Complaint Filed: February 16, 2006

1 The Seventh Interim Fee Application of Sheppard, Mullin, Richter &
2 Hampton LLP ("SMR&H") for the approval of payment of fees and reimbursement
3 for costs in the below-listed amounts, came on for hearing this 20th day of April,
4 2009, in Courtroom 10A of the above-entitled Court, the Honorable Alicemarie H.
5 Stotler, judge presiding. SMR&H appeared by and through Alan H. Martin of its
6 office. Other appearances made are reflected on the record.

7
8 Compensation for fees in the amount of \$395,018.50 and
9 reimbursement for costs in the amount of \$29,758.10 were requested.

10
11 Upon the reading of the Application and related exhibits, it appears to
12 the Court that the amounts sought in the Application are reasonable for the
13 professional services performed by SMR&H on behalf of the Receiver and the
14 receivership estate.

15
16 **THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

17
18 SMR&H is entitled to compensation for services provided in the
19 amount of \$_____ and reimbursement for costs incurred in the amount of
20 \$_____.

21
22
23 Dated:

24
25
26 _____
27 JUDGE ALICEMARIE H. STOTLER
28

1 Respectfully submitted,
2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3 */s/ Michael A. Wallin*

4 By _____
5 MICHAEL A. WALLIN
6 Attorneys for Receiver, Thomas A. Seaman

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, employed in the County of Orange; over the age of eighteen years and not a party to the within entitled action or proceeding. My business address is 650 Town Center Drive, 4th Floor, Costa Mesa, California 92626-1993.

On **March 24, 2009**, I served the following document described as **[PROPOSED] ORDER APPROVING NINTH INTERIM FEE APPLICATION OF SHEPPARD MULLIN, RICHTER & HAMPTON LLP** on the interested party(ies) in this action by placing true copies/ originals thereof enclosed in sealed envelopes and/or packages addressed as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY FACSIMILE: I served said document(s) to be transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was 714-513-5130. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The sending facsimile machine (or the machine used to forward the facsimile) issued a transmission report confirming that the transmission was complete and without error. Pursuant to Rule 2.306(g)(4), a copy of that report is attached to this declaration.

BY OVERNIGHT DELIVERY: I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.

FEDERAL: I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **March 24, 2009**, at Costa Mesa, California.

/s/ Margaret N. Manns
Margaret N. Manns

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST
SACV06-172AHS(MLGx)

Lambert Vander Tuig 37 Shea Ridge Rancho Santa Margarita, CA 92688	In Pro Per
Jonathan Charles Carman 22335 Carminto Arroyo Seco Laguna Hills, CA 92653 Telephone: (714) 742-4272	In Pro Per
James Bastian, Esq. Marshack, Shulman, Hodges & Bastian 26632 Town Center Dr., Ste. 300 Foothill Ranch, CA 92610 Telephone: (949) 340-3400 Facsimile: (949) 340-3000	Attorneys for Certain Investors