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8 THOMAS A. SEAMAN

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

12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 v.

15 MEDICAL CAPITAL HOLDINGS,
16 INC.; MEDICAL CAPITAL
CORPORATION; MEDICAL
17 PROVIDER FUNDING
CORPORATION VI; SIDNEY M.
18 FIELD; and JOSEPH J.
LAMPARIELLO,

19 Defendants.
20

Case No. SA CV09-0818 DOC (RNBx)

DECLARATION OF HARRY M.
GUTFLEISH, ESQ. IN SUPPORT OF
SECOND INTERIM FEE
APPLICATION OF FORMAN HOLT
ELIADES & YOUNGMAN LLC

Date: October 28, 2013
Time: 8:30 a.m.
Ctrm: 9D
Judge: Hon. David O. Carter

1 Harry M. Gutfleish, Esq.
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3 (201)845-1000
Attorneys for Receiver
4 Thomas A. Seaman

5 **UNITED STATES DISTRICT COURT**
6 **CENTRAL DISTRICT OF CALIFORNIA**
SOUTHERN DIVISION

7 SECURITIES AND EXCHANGE
8 COMMISSION,

Case No. SA CV09-0818 DOC
(RNVx)

9 Plaintiff,

10 v.

**DECLARATION OF HARRY
M. GUTFLEISH, ESQ. IN
SUPPORT OF SECOND
INTERIM FEE APPLICATION
OF FORMAN HOLT
ELIADES & YOUNGMAN
LLC**

11 MEDICAL CAPITAL HOLDINGS,
12 INC.; MEDICAL CAPITAL
CORPORATION; MEDICAL
PROVIDER FUNDING
13 CORPORATION VI; SIDNEY M.
FIELD; and JOSEPH J.
14 LAMPARIELLO,

Date: October 28 , 2013
Time: 8:30 a.m.
Courtroom: 9D
Judge: Hon. David O. Carter

15
16 Defendants.

17 I, HARRY M. GUTFLEISH, declare as follows:

18
19 1. I am a member of the law firm Forman Holt Eliades & Youngman LLC
20 ("FHEY"), attorneys for Thomas A. Seaman ("Receiver"), the Court-appointed
21 permanent receiver for Defendants Medical Capital Holdings, Inc., Medical Capital
22 Corporation, Medical Provider Funding Corporation VI, and their subsidiaries and
23 affiliates ("Receivership Entities"). I am an attorney licensed to practice before the
24 courts of the State of New Jersey and the State of New York.
25

26
27 2. I am the attorney primarily responsible for the supervision of this
28 matter. I have personal knowledge of the facts set forth below, except for those

1 facts that are stated upon information and belief, and as to those matter, I believe
2 them to be true. If called upon to testify, I could and would do so truthfully and
3
4 competently.

5 3. This declaration is offered in support of the Second Interim Fee
6 Application of FHEY for the Receiver filed concurrently herewith ("Second Fee
7
8 Application").

9 4. In the Second Fee Application, FHEY seeks approval of \$75,140.00 in
10 fees and requests that the Receiver be authorized to pay 100% of the requested fees
11
12 at this time.

13 5. FHEY also seeks reimbursement of 100% of the allowed costs totaling
14 \$5,907.78 incurred in this matter.
15

16 6. FHEY was retained by the Receiver to represent him with the
17 collection of judgments obtained by the Receivership Entities against John Breining,
18 Quality Care LLC, Vincent Mallon, and Vantage Services Corporation, among
19
20 others.

21 7. FHEY was retained by the Receiver to represent him in an action to
22 recover debts owed to the Receivership Entities by Robert S. Schepp, M.D., Hillel
23 Sher, MRI Global Imaging Services, Inc., Preferred Medical Imaging, P.C., Deajess
24 Medical Imaging, P.C., and Forum Medical Management, Inc. and to represent him
25
26 in an action to recover a debt owed to the Receivership Entities by Kathryn E.
27
28 Calabria D.O. P.C.

1 8. The fees and costs sought in the Second Fee Application were
2 reasonable and necessary for the matters handled by FHEY and discussed in detail
3 in the Second Fee Application.
4

5 9. Whenever possible, FHEY utilized services of support staff including
6 paralegals and associate attorneys to ensure that these matters were handled in the
7 most cost-effective manner possible. The rates billed in this matter were reasonable
8 in exchange for the experience and education of the professionals employed by
9 FHEY and in the community which they work and represent a discount from our
10 customary attorney hourly rates for members and senior attorneys.
11
12

13 I declare under penalties of perjury under the laws of the State of New Jersey
14 that the foregoing is true and correct.
15

16 Executed this 24th day of September, 2013, at Paramus, New Jersey.

17
18
19 */s/ Harry M. Gutfleish*
 Harry M. Gutfleish, Esq.