

1 DAVID R. ZARO (BAR NO. 124334)  
MICHAEL R. FARRELL (BAR NO. 173831)  
2 TED FATES (BAR NO. 227809)  
ALLEN MATKINS LECK GAMBLE  
3 MALLORY & NATSIS LLP  
515 South Figueroa Street, Ninth Floor  
4 Los Angeles, California 90071-3309  
Phone: (213) 622-5555  
5 Fax: (213) 620-8816  
E-Mail: dzaro@allenmatkins.com  
6 mfarrell@allenmatkins.com  
tfates@allenmatkins.com

7 Attorneys for Receiver Thomas A. Seaman  
8

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

19 Defendants.  
20

Case No. 8:09-CV-0818-DOC (RNBx)

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

Date: December 17, 2012

Time: 8:30 a.m.

Ctrm: 9D

Judge: Hon. David O. Carter

Harry M. Gutfleish, Esq.  
FORMAN HOLT ELIADES & YOUNGMAN LLC  
80 Route 4 East, Suite 290  
Paramus, NJ 07652  
(201)845-1000  
Attorneys for Receiver  
Thomas A. Seaman

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

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

Defendants.

Case No. SA CV09-0818 DOC (RNVx)

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

Date: December 17, 2012

Time: 8:30 a.m.

Courtroom: 9D

Judge: Hon. David O. Carter

I, HARRY M. GUTFLEISH, declare as follows:

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

2. I am the attorney primarily responsible for the supervision of this matter. I have personal knowledge of the facts set forth below, except for those facts that are stated upon

information and belief, and as to those matter, I believe them to be true. If called upon to testify, I could and would do so truthfully and competently.

3. This declaration is offered in support of the First Interim Fee Application of FHEY for the Receiver filed concurrently herewith ("Fee Application").

4. In the Fee Application, FHEY seeks approval of \$74,392.50 in fees and requests that the Receiver be authorized to pay 100% of the requested fees at this time.

5. FHEY also seeks reimbursement of 100% of the allowed costs totaling \$2,887.36 incurred in this matter.

6. FHEY was retained by the Receiver to represent him with the collection of judgments obtained by the Receivership Entities against Robert Aquino M.D., New Life Centers, LLC and Ilya Gonta, Access Medical Associates, LLC and Lon Goldberg, and Capitoline Advisory Group, Inc., among others.

7. In addition, FHEY was retained by the Receiver to represent him with analyzing potential claims against Robert S. Schepp, M.D., Hillel Sher, MRI Global Imaging Services, Inc., Preferred Medical Imaging, P.C., Deajess Medical Imaging, P.C., and Forum Medical Management, Inc. (the "Schepp Entities"), and to commence litigation against one or more of the entities as directed by the Receiver.

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

9. Whenever possible, FHEY utilized services of support staff including paralegals and associate attorneys to ensure that these matters were handled in the most cost-effective manner possible. The rates billed in this matter were reasonable in exchange for the experience and education of the professionals employed by FHEY and in the community which they work

and represent a discount from our customary attorney hourly rates for members and senior attorneys.

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

Executed this 14<sup>th</sup> day of November, 2012, at Paramus, New Jersey.



---

Harry M. Gutfleish, Esq.