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6 ATTORNEYS FOR RICHARD M KIPPERMAN, RECEIVER

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CIVIL BUSINESS OFFICE 13
CENTRAL DIVISION

2012 JUN -4 P 3:41

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN DIEGO**

10 In the Matter of the Voluntary Dissolution
11 of

12 UTILITY CONSUMERS ACTION
NETWORK, INC., A CALIFORNIA
13 NONPROFIT PUBLIC BENEFIT CORPORATION

14 PETITIONER,

15 } CASE No: 37-2012-00092958-CU-PT-CTL
16 } **NOTICE OF TERMINATION OF**
17 } **RECEIVERSHIP; AND NOTICE OF**
18 } **MOTION AND MOTION FOR ORDER**
19 } **(A) APPROVING RECEIVER'S FINAL**
20 } **REPORT AND ACCOUNTING, (B)**
21 } **APPROVING RECEIVER'S FINAL**
22 } **FEE REQUEST, (C) DISCHARGING**
23 } **RECEIVER AND RECEIVER'S**
24 } **SURETY, AND (D) EXONERATING**
25 } **RECEIVER'S BOND; AND**
26 } **MEMORANDUM OF POINTS AND**
27 } **AUTHORITIES IN SUPPORT**
28 } **THEREOF**

DATE: JUNE 29, 2012
TIME: 2:00 P.M.
DEPT: 61
JUDGE: HON. JOHN S. MEYER

21 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

22 Please take notice that effective on May 25, 2012 at 5:00 p.m., the Court
23 terminated the appointment of Richard M Kipperman (the "Receiver") as the Court-
24 appointed receiver in the above captioned case.

25 Please take further notice that on June 29, 2012 at 2:00 p.m., or as soon thereafter
26 as the matter may be heard, in Department 61 of the above captioned Court, located at
27 330 West Broadway Street, San Diego, California 92101, pursuant to Rule 3.1184 of the

1 California Rules of Court, the former duly appointed, qualified, and acting Receiver, by
 2 and through his attorneys Foley & Lardner LLP, will and hereby does move for an Order
 3 (1) Approving Receiver's Final Report and Accounting; (2) Approving Receiver's Final
 4 Fee Request; (3) Discharging Receiver and Receiver's Surety; and (4) Exonerating
 5 Receiver's Bond, all as set forth herein and in the Final Report. The Receiver requests
 6 that this Court enter the Proposed Order filed concurrently herewith as Exhibit D to the
 7 Declaration of Richard M Kipperman, including approval of the fees, costs, and expenses
 8 of the Receiver, his counsel Foley & Lardner LLP, and the professional services of
 9 Corporate Management, Inc., as follows:

PROFESSIONAL	FEES	COSTS AND EXPENSES
Richard M Kipperman	\$32,000.00 ¹	\$
Foley & Lardner LLP	\$84,580.80	\$46.75
Corporate Management, Inc.	\$14,000.00 ²	\$346.20
TOTAL	\$98,580.80	\$392.95

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 17 This Motion is based on the Memorandum of Points and Authorities submitted
 18 concurrently herewith, the Declaration of Richard M Kipperman (the "Kipperman
 19 Decl."), the Receiver's First Report from March 27, 2012 through April 5, 2012 (the
 20 "First Report"), attached to the Kipperman Decl. as Exhibit A, the Receiver's Second
 21 Report from April 6, 2012 through May 25, 2012 (the "Second Report"), attached to the
 22 Kipperman Decl. as Exhibit B, the Receiver's Final Report and Final Request for Fees
 23 and Expenses ("the Final Report") is being prepared and shall be filed with the Court no
 24 later than 10 days prior to the hearing, true and correct copies of the invoices for the
 25 Receiver, Corporate Management, and Foley & Lardner are attached to the Kipperman
 26

27 ¹ Actual fees before discount of \$3,950.00 were \$35,950.00.

1 Decl. as Exhibit C, all papers and pleadings on file in this action, and other such evidence
2 as may be presented at or before the hearing on the Motion.

3 **WHEREFORE**, the Receiver respectfully requests that this Court enter an Order
4 (1) Approving Receiver's Final Report and Accounting; (2) Approving Receiver's Final
5 Fee Request; (3) Discharging Receiver and Receiver's Surety; and (4) Exonerating
6 Receiver's Bond pursuant to Rule 3.1184 of the California Rules of Court, and grant such
7 further and other relief as this Court deems just and proper.

8
9 DATE: JUNE 4, 2012

FOLEY & LARDNER LLP
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KATHRYN M.S. CATHERWOOD
MATTHEW J. RIOPELLE

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12
13 By: 
14 KATHRYN M.S. CATHERWOOD, ATTORNEYS
FOR RECEIVER RICHARD M KIPPERMAN