

# **Exhibit A-4**



# PALTER • STOKLEY • SIMS

A Professional Limited Liability Company

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W Craig Stokley, Receiver  
Palter Stokley Sims PLLC  
8115 Preston Road, Suite 600  
Dallas, TX 75225

June 30, 2017

Matter Number: HCHR01-00

Invoice Number: 006707

Regarding: HCH Receivership\General

***Professional services rendered:***

<u>Date</u>	<u>Staff</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Charges</u>
6/01/2017	KJS	Review and analysis of pending motions and status of entry of orders. Preparation for and participate in conference call with Judge Lindsey regarding engagement of Mario Dolan. Preparation of proposed order with conditions of engagement pursuant to Court's direction. Attention to review of receivership mail and preparation of matrix for notice to creditors.	1.40	\$300.00	\$420.00
6/01/2017	NLM	Draft response in support of order to show cause. Review and analyze response in opposition to show cause order filed by Howard and Horne. Conduct legal research in connection with same. Pursue strategy regarding responsive briefing. Review evidence and documents in support of responsive briefing. Pursue exhibits to response brief.	9.00	\$250.00	\$2,250.00
6/01/2017	WCS	Prepare for and attend conference with Court regarding motion for authority and to retain Mario Dolan to as transactional counsel. Confer regarding ability to limit fees incurred by Dolan. Submit proposed order to Court regarding same. Finalize draft of Omnibus response and circulate for additional support and research. Correspond with counsel for Whrzt regarding motion for authority status update. Attention to Court's inquiry regarding proposed order granting Receiver's	4.50	\$325.00	\$1,462.50

quarterly fee application. Submit same.

6/02/2017	KJS	Preparation and final revision of response to motion to show cause. Correspondence to Mario Dolan regarding order retaining. Correspondence to Darryl Cleaveland regarding approval of WHRZT motion for authority.	1.10	\$300.00	\$330.00
6/02/2017	NLM	Review and revise omnibus response to respondents' briefs in opposing to show cause order. Pursue strategy regarding same. Review and revise appendix to same. Finalize response and appendix for filing. Attention to filing same.	5.00	\$250.00	\$1,250.00
6/02/2017	SJM	Review of documents necessary for exhibits related to Receiver's Response. Draft of appendix regarding same. Proof and revisions to same.	4.50	\$100.00	\$450.00
6/02/2017	WCS	Review, revise, edit, and finalize for filing omnibus response. Attention to signed orders regarding Whrzt. Inform Rick Stahl and Mario Dolan regarding same. Attention to issues related to portfolio company Unequal.	2.40	\$325.00	\$780.00
6/03/2017	KJS	Review and analysis of agreement with Unequal and documents related to Unequal. Review and analysis of communications with counsel for Unequal related to agreements and payments due.	0.70	\$300.00	\$210.00
6/05/2017	SJM	Attention to file stamped copy of Receiver's Response.	0.30	\$100.00	\$30.00
6/05/2017	WCS	Attention to inquiry from Soblinskas counsel regarding joint motion. Confer with Rick Stahl regarding options for recouping investor money from Unequal.	1.10	\$325.00	\$357.50
6/06/2017	NLM	Review of OE Capital email accounts. Conference with Receiver regarding same.	1.00	\$250.00	\$250.00
6/06/2017	WCS	Correspond with Joe Paterno regarding TU bottles. Confer with Frank Rizzo regarding Unequal. Respond to investor inquiry regarding tax documents.	2.20	\$325.00	\$715.00
6/07/2017	KJS	Preparation of proposed motion and order resolving motion to show cause as to Dovile Soblinskas. Analysis of emails related to potential claims of	1.10	\$300.00	\$330.00

Receiver.

6/07/2017	NK	Conduct research regarding jurisdiction for potential third party claims.	2.00	\$200.00	\$400.00
6/07/2017	NLM	Conference with Office365.com support regarding access to OE Capital Partners emails for employees. Pursue strategy regarding same. Pursue emails relating to outstanding invoicing. Conduct investigation regarding potential claims on behalf of OE Capital. Conference with Receiver W. Craig Stokley regarding same.	2.50	\$250.00	\$625.00
6/07/2017	WCS	Confer with Ramon Rodriguez regarding joint motion to resolve contempt issues with respect to Soblinskas. Investigate potential claims and review OE Capital files regarding same. Draft and circulate joint motion and proposed order for consideration by Soblinskas counsel. Prepare sample of TU bottles for consideration by potential buyer.	5.20	\$325.00	\$1,690.00
6/08/2017	KDB	Upload recent filings to dropbox for updating receiver's website.	0.10	\$125.00	\$12.50
6/08/2017	NLM	Investigate facts and research strategy regarding potential claims on behalf of Receivership. Conference with Receiver regarding same.	4.00	\$250.00	\$1,000.00
6/08/2017	WCS	Correspond with Jasmine DiLucci regarding payroll tax issue resolution. Analysis of OE Capital files. Incorporate comments to joint motion and coordinate filing.	3.80	\$325.00	\$1,235.00
6/09/2017	NLM	Conduct legal research regarding response to motion to strike filed against Receiver by Patrick Howard. Confer with Receiver regarding same.	2.00	\$250.00	\$500.00
6/09/2017	SJM	Attention to new docket pleadings, including Order Granting Joint Motion to Resolve Show Cause Order and Howard's Motion to Strike Receiver's Omnibus Response.	0.60	\$100.00	\$60.00
6/09/2017	WCS	Prepare and file proposed order regarding Civil Contempt briefing. Receive voicemail from Howard's	4.30	\$325.00	\$1,397.50

counsel. Send correspondence regarding the frivolous nature of any motion to strike on the unfounded bases of a joint defense privilege. Review motion filed by Howard's counsel to strike pleading. Brief analysis regarding same.

6/10/2017	NLM	Prepare draft shell response to Howard motion to strike. Conduct legal research relating to same.	1.50	\$250.00	\$375.00
6/12/2017	KJS	Review and analysis of correspondence from Bracewell to Court in response to Receiver's reply to Howard's response to motion to show cause. Analysis of response. Attention to inventory of receivership property. Attention to continued creation of creditor matrix for notices.	0.70	\$300.00	\$210.00
6/12/2017	WCS	Review and analyze letter from Brandon McCarthy to Judge Lindsay. Confer regarding same. Attention to correspondence from counsel for Howard.	1.50	\$325.00	\$487.50
6/13/2017	KJS	Confer with Receiver regarding notice to creditors and updated receivership action. Attention to updates to investors via Receiver website.	0.50	\$300.00	\$150.00
6/13/2017	WCS	Research issues raised by McCarthy's letter to the Court. Analysis regarding same. Correspond with Joe Paterno regarding warehousing issues.	0.80	\$325.00	\$260.00
6/16/2017	WCS	Correspond with Mario Dolan regarding Whrzt transaction. Attention to Howard's motion for discovery.	1.50	\$325.00	\$487.50
6/19/2017	WCS	Attention to investor inquiry. Confer with Rick Stahl regarding receivership.	1.00	\$325.00	\$325.00
6/20/2017	KTDT	Prepare check from Dovile Soblinskas for deposit.	0.20	\$125.00	\$25.00
6/20/2017	WCS	Begin response to various motions filed by Howard's counsel to strike, for discovery, to seal, and unfiled letter regarding same subject matter. Research regarding same.	4.30	\$325.00	\$1,397.50
6/21/2017	KJS	Review of motion for expedited discovery filed by Patrick Howard and attention to preparation of	0.40	\$300.00	\$120.00

response. Preparation of correspondence to KL Gates in response to request for payment status.

6/21/2017	NK	Conduct research re conflict of laws in connection with the joint defense privilege.	0.60	\$200.00	\$120.00
6/21/2017	NLM	Telephone conference regarding joint defense privilege. Pursue strategy regarding same. Conduct legal research relating to same.	1.00	\$250.00	\$250.00
6/21/2017	WCS	Confer with counsel for Dovile Soblinskas regarding cease and desist sent by Patrick Howard's counsel, and Soblinskas response. Detailed research regarding the various reasons Mr. McCarthy's email is not privileged or subject to any applicable common interest privilege in preparation for response to Howard's various motions regarding same. Correspond with company warehousing the TU bottles regarding options for continued storage or identifying a new storage arrangement. Attention to inquiry from K&L Gates attorney John Garda.	5.00	\$325.00	\$1,625.00
6/22/2017	NK	Conduct research re joint defense privilege.	1.30	\$200.00	\$260.00
6/22/2017	NLM	Conduct legal research relating to joint defense privilege asserted by Howard and Bracewell. Review correspondence from Soblinskas attorney regarding absence of joint defense agreement. Research law on joint defense privilege and outline for response to motion to strike and motion to seal. Pursue strategy regarding same.	8.50	\$250.00	\$2,125.00
6/22/2017	WCS	Attention to correspondence from Tracy Alexander regarding call she received from SAP America. Attention to drafting response to Howard's various motions to seal, discovery, strike, and other filings related to Mr. McCarthy's February 26, 2017 email. Research issues regarding same. Confer with Soblinskas and her counsel regarding facts relevant to Howard's motions.	7.50	\$325.00	\$2,437.50
6/23/2017	NLM	Conference with receiver regarding response to motion to strike and motion to seal filed by Howard. Pursue strategy regarding same.	1.50	\$250.00	\$375.00

6/23/2017	WCS	Attention to correspondence from creditors. Draft response to various motions filed by Howard.	2.60	\$325.00	\$845.00
6/26/2017	WCS	Attention to invoice from Consilio. Send correspondence to Zach Pope regarding same. Attention to sales options for TU Flow bottles. Investigate potential claims.	2.20	\$325.00	\$715.00
6/27/2017	NLM	Draft response to Docket Entries 85, 86, 90 and 91. Conduct legal research relating to same. Review and analyze correspondence and emails relating to same. Email to Receiver regarding same.	6.00	\$250.00	\$1,500.00
6/27/2017	WCS	Attention to vendor inquiry from Rivacare. Correspond regarding TU bottles in inventory. Attention to research and briefing regarding Howard's recent motions and other filings.	4.60	\$325.00	\$1,495.00
6/28/2017	KTDT	Check bank and update QuickBooks register. 6/9/17 bank reconciliation. Issue checks.	0.60	\$125.00	\$75.00
6/28/2017	NLM	Conduct legal research relating to common legal interest doctrine. Conduct legal research regarding waiver. Conduct legal research relating to conclusory statements in affidavits.	3.00	\$250.00	\$750.00
6/28/2017	WCS	Confer with Zach Pope regarding receivership implications upon his outstanding invoice and creditor status. Confirm no information with Consilio will be destroyed, but rather it will be archived. Correspond regarding same. Attention to research and drafting regarding issues in motions and other filings by Howard. Confer with counsel for Soblinskas regarding issues related to same and possible declaration regarding facts.	6.50	\$325.00	\$2,112.50
6/29/2017	KJS	Correspondence to investor Michael Selzer in response to communication. Review and analysis of Patrick Howard's Request for Admissions and Interrogatories to Receiver. Confer with Receiver regarding response to same.	0.50	\$300.00	\$150.00

6/29/2017	NK	Conduct research re attorney client privilege, Rule 11 sanctions, and joint defense.	0.80	\$200.00	\$160.00
6/29/2017	NK	Review order appointing receiver; confer re Defendants' discovery demands.	0.30	\$200.00	\$60.00
6/29/2017	NLM	Conduct legal research for use in response brief. Pursue case law relating to disclosure of attorney client privileged information to third parties. Pursue case law relating to confidentiality requirements for privileged communications. Conduct legal research relating to good cause standard for expedited discovery. Incorporate cases into response brief.	4.00	\$250.00	\$1,000.00
6/29/2017	WCS	Review, revise, and edit response to Howard filings. Confer with counsel for Soblinskas and Soblinskas regarding declaration. Research issues related to response brief. Review harassing discovery served by Howard. Research issues related to same.	6.80	\$325.00	\$2,210.00
6/30/2017	KJS	Preparation and revision of Receiver's Response in Opposition to Defendant Patrick Howard's Motion to Strike Receiver's Omnibus Response and Brief in Support filed on June 9, 2017, Motion to Strike; Howard's Affidavit in Support of His Motion to Strike Receiver's Omnibus Response and Brief in Support, filed on June 12, 2017 [Dkt. 86], Howard's Motion for Expedited Discovery and Brief in Support filed on June 16, 2017 [Dkt. 90], and Howard's Motion to Seal and Brief in Support filed on June 20, 2017 [Dkt. 91] .	1.20	\$300.00	\$360.00
6/30/2017	NK	Conduct research re discovery, protective orders, conflicts of interest, and privileges.	2.50	\$200.00	\$500.00
6/30/2017	NK	Update and revise letter to opposing counsel re discovery	0.20	\$200.00	\$40.00
6/30/2017	NLM	Review and revise response brief. Draft table of contents. Draft table of authorities. Draft appendix. Assemble exhibits into appendix. Finalize response brief for filing. Attention to filing.	4.00	\$250.00	\$1,000.00
6/30/2017	WCS	Attention to draft transaction documents related to Whrzt conversion to equity. Confer regarding same.	6.50	\$325.00	\$2,112.50



Finalize and file response to Howard filings and motions. Attention to issues regarding scope of authorized discovery in case. Attention to correspondence to counsel for Howard regarding same and harassing nature of discovery.

Total Fees \$41,870.00

**Expenses**

Description	Charges
Process Service - Barns & Associates Inv.#28796	\$275.00
Process Service - Barns & Associates Inv.#28797	\$264.00
	Total Expenses <u>\$539.00</u>
Total New Charges	<u>\$42,409.00</u>
Retained Balance from Previous Invoices	<u>\$15,655.80</u>

Balance Due \$58,064.80