

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-81080-CIV-MIDDLEBROOKS/JOHNSON

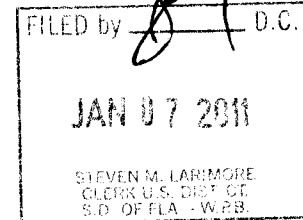
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

MERCER CAPITAL, INC., et al.,

Defendants.



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**ORDER APPROVING FOURTH INTERIM AGREED  
APPLICATION FOR ALLOWANCE OF FEES AND EXPENSES**

THIS CAUSE came before the Court on the Fourth Interim Agreed Application for Allowance of Fees and Expenses for the Receiver Mercer Capital, Inc., Mercer Capital Management, Inc., Tri-State Energy Group, LLC, Tri-State Energy Group I, Ltd., Tri-State Energy Group II, Ltd., and Mercer Asset Management, and his counsel, Broad and Cassel, and forensic accountants Berenfeld Spritzer Schechter Sheer LLP (the "Application"). The Court, having reviewed the Application and the entire court file in this matter and being otherwise duly advised in the premises, finds that the following interim allowance is reasonable and appropriate under the applicable equitable principles governing federal receiverships in actions such as the instant one.

Accordingly, it is hereby ORDERED AND ADJUDGED:

1. The Application is granted as filed.
2. The following amounts shall be paid immediately to the Receiver, his counsel and his forensic accountants: Broad and Cassel, present counsel for the Receiver, is hereby allowed interim compensation in the amount of \$49,552.00 and reimbursement of expenses in the amount

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of \$1,025.20, and the Receiver is authorized to immediately pay the foregoing amounts. Berenfeld Spritzer Schechter Sheer LLP, forensic accountants to the Receiver, is hereby allowed interim compensation in the amount of \$30,641.25, and the Receiver is authorized to immediately pay the foregoing amount.

3. In allowing the foregoing fees, the Court has considered each of the factors that govern the reasonableness of fees as set forth in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5<sup>th</sup> Cir. 1974). The Receiver is authorized, forthwith, to pay the amounts set forth in paragraph 2 to the Applicants specified herein.

4. This Order is without prejudice to the rights of the above Applicants to apply for payment of additional compensation and reimbursement for services and expenses not covered by this Application.

DONE and ORDERED in the Southern District of Florida, this 7 day of

JANUARY, ~~2010.~~ <sup>2011</sup> (S)

  
HONORABLE LINNEA R. JOHNSON  
U.S. MAGISTRATE JUDGE

Copies furnished to:  
counsel of record