

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>UNITED STATES SECURITIES AND EXCHANGE COMMISSION,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 1:19-CV-08454</b>
	)	
<b>v.</b>	)	<b>Hon. Andrea R. Wood</b>
	)	
<b>TODAY’S GROWTH CONSULTANT, INC. (d/b/a THE INCOME STORE),</b>	)	
	)	
<b>and</b>	)	
	)	
<b>KENNETH D. COURTRIGHT, III,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**RECEIVER’S MOTION FOR EXTENSION OF DEADLINE  
TO FILE FOURTH AND FIFTH INTERIM APPLICATIONS  
FOR AN ORDER APPROVING AND AUTHORIZING PAYMENT OF  
FEES AND EXPENSES OF RECEIVER AND HER PROFESSIONALS**

Melanie E. Damian, Esq., the court-appointed receiver (“Receiver”) in the above-captioned action seeks an extension of time through and including July 30, 2021 for the Receiver to file her fourth and fifth interim applications for approval and authorization of all fees and costs incurred by the Receiver and her professionals from October 1, 2020 through March 31, 2021, for the reasons that follow:

Pursuant to the Order Appointing Receiver, the Receiver and her court-approved professionals are entitled to reasonable compensation and expense reimbursement from the Receivership Estate as described in the “Billing Instructions for Receivers in Civil Actions Commenced by the [SEC], to which the Receiver agreed. ECF No. 19 at ¶ 62. To receive such compensation and reimbursement, the Receiver is required, within fifteen (15) days after the end

of each calendar quarter, to provide counsel for the Securities and Exchange Commission (“SEC”) with a proposed fee application and the supporting invoices, and, within forty-five (45) days after the end of each calendar quarter, file with the Court an application for compensation and expense reimbursement from the Receivership Estate (“Fee Application”). *See id.* at ¶ 63.

Because there were insufficient funds in the Estate to pay the fees and costs incurred by the Receiver and her professionals during the fourth reporting period (October 1, 2020 through December 31, 2020), the Receiver and the SEC jointly filed a motion for extension of the deadline for the Receiver to file her fourth Fee Application to May 17, 2021, when the Receiver expected the Estate to have sufficient funds to pay those fees and costs. *See* ECF No. 118. The Court granted that motion, making the new deadline to file the fourth Fee Application May 17, 2021 [*see* ECF No. 124], which, pursuant to the Order Appointing Receiver, was also the deadline for the Receiver to file her fifth Fee Application, covering the period from January 1, 2021 through March 31, 2021. As such, the deadline for the Receiver to file her fourth and fifth Fee Applications, covering the period from October 1, 2020 through March 31, 2021 (“Fourth Quarter 2020 and First Quarter 2021 Fee Application”), was May 17, 2021.

On May 13, 2021, the Receiver and the SEC filed a joint motion for extension of the deadline for the Receiver to file her Fourth Quarter 2020 and First Quarter 2021 Fee Application because there were insufficient funds in the Estate to pay the fees and costs incurred by the Receiver and her professionals during the corresponding reporting periods. *See* ECF No. 136. The Receiver anticipated that there would be sufficient funds in the Estate by June 30, 2021 to pay the fees and costs incurred by the Receiver and her professionals during the Fourth Quarter 2020 and First Quarter 2021 because the remaining assets of the Estate were set to be sold at the Court-approved auction on June 16, 2021. *See id.*; *see also* ECF No. 142 (Order Granting Receiver’s

Unopposed Motion for Six-Day Extension of Time to Conduct Asset Sale, moving the asset sale to June 16, 2021). The Court granted the joint motion and extended the deadline for the Receiver to file her Fourth Quarter 2020 and First Quarter 2021 Fee Application through and including June 30, 2021. *See* ECF No. 138.

Because the assets of the Estate were not sold as one lot at the auction held on June 16, 2021, the Receiver and her professionals are now working to separate the assets into multiple lots comprising smaller groups and individual assets to be sold at a second auction sale to be held on July 8, 2021, which was authorized by this Court. *See* ECF No. 144.

Given that the Receiver has not yet sold the Estate's assets and received the sale proceeds, the Estate still does not have sufficient funds to pay 80% of the fees (with a 20% holdback) and 100% of the costs incurred by the Receiver and her professionals during the Fourth Quarter of 2020 and First Quarter of 2021. And, the Receiver does not expect the Estate to have sufficient funds until after the July 8, 2021 auction sale.

Further, the SEC has an interest in seeing that the Receiver and her professionals are not paid more than Claimants with Allowed Claims. Once the July 8, 2021 auction sale is concluded, the SEC can better evaluate the Receiver's Fourth Quarter of 2020 and First Quarter of 2021 Fee Application.

The Receiver estimates that the second auction sale will generate significant proceeds and provide the Estate with sufficient funds to (i) pay all of the outstanding and future fees and costs of the Receiver and her professionals, and (ii) make substantial distributions to the claimants whose claims are allowed in the claims process.

In light of the foregoing, there is good cause to postpone the filing of the Receiver's Fourth Quarter 2020 and First Quarter 2021 Fee Application until July 30, 2021.

**CERTIFICATION OF CONFERENCE**

Undersigned counsel for the Receiver hereby certifies that on June 30, 2021, he sent an email to Defendant Kenneth D. Courtright, III, explaining the need for the relief requested herein and inquiring as to whether he had any objection thereto. Defendant Courtright informed undersigned counsel that he has no objection to the relief requested herein.

Undersigned counsel for the Receiver hereby certifies that on June 30, 2021, he called and sent email correspondence to counsel for the SEC attaching a draft of the instant Motion, explaining the need for the relief requested herein, and inquiring as to whether the SEC would join in the relief sought or, in the alternative, whether the SEC has any objection thereto. At the time of the filing of the instant Motion, the undersigned counsel for the Receiver has not received a response from counsel for the SEC.

WHEREFORE, the Receiver respectfully requests that the Court (i) grant this Motion and extend the deadline for the Receiver to file her Fourth Quarter 2020 and First Quarter 2021 Fee Application as proposed herein, and (ii) grant such further relief as the Court deems just and proper.

Dated: June 30, 2021

Respectfully submitted,

DAMIAN & VALORI, LLP  
*Counsel for Melanie E. Damian, Receiver*  
1000 Brickell Avenue, Suite 1020  
Miami, Florida 33131  
Telephone: (305) 371-3960  
Facsimile: (305) 371-3965

/s/ Kenneth Dante Murena  
Kenneth Dante Murena, Esq.  
Florida Bar No. 147486  
E-mail: [kmurena@dvlp.com](mailto:kmurena@dvlp.com)

*Admitted Pro Hac Vice and  
General Admission to N.D. Ill.*

**CERTIFICATE OF SERVICE**

I HEARBY CERTIFY that a true and correct copy of the foregoing was served via electronic transmission via this Court's CM/ECF filing system on June 30, 2021 on all counsel or parties who have appeared in the above-styled action.

*/s/ Kenneth Dante Murena* \_\_\_\_\_  
Kenneth Dante Murena, Esq.  
*Counsel for Melanie E. Damian,  
Court-Appointed Receiver  
(Admitted Pro Hac Vice and  
General Admission to N.D. Ill.)*