

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

CAPITALSTREET FINANCIAL, LLC,
And Sean F. Mescall,

Defendants, and

Gerald T. Mescall, and
Gaincapital, Inc.,

Relief Defendants.

CASE NO. 3:09-cv-00387 (RJC-DCK)

**NOTICE OF FIRST
MOTION FOR COMPENSATION FOR GRIER, FURR & CRISP, P.A.**

NOTICE IS HEREBY GIVEN that Joseph W. Grier, III, Temporary Receiver, has filed a motion for compensation for the period of September 8, 2009 through November 10, 2009 to Grier, Furr & Crisp, P.A., his law firm. The motion for compensation to his law firm seeks fees of \$25,374.00 and reimbursement of expenses of \$169.83, for a total of **\$25,543.83**.

If you do not want the Court to approve the motions for compensation, or if you want the Court to consider your views, then on or before December 7, 2009, you or your attorney must do the following:

1. **File with the Court a written response explaining your position.** The response must be filed electronically with the United States District Court for the Western District of North Carolina, www.ncwd.uscourts.gov. Under certain circumstances, if you are an individual who is not represented by an attorney, you may hand deliver your response to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. If you qualify to file by hand delivery, you must deliver the response to the Court on or before the date stated above.

2. **On or before the date stated above for filing your written response, you must also mail, fax or email a copy of your written response to:**

Joseph W. Grier, III

Grier, Furr & Crisp, P.A.
101 N. Tryon St., Suite 1240
Charlotte, NC 28246
Fax: 704 332-0215
Email: jgrier@grierlaw.com

If the Court schedules a hearing, you or your attorney must attend the hearing, which will be held at a time and date which will be noticed only to any party who files a response, at the United States District Court, 401 West Trade Street, Charlotte, NC 28202.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief the Receiver requests and may enter an order approving the motions for compensation.

Dated this 17th November, 2009.

/s/ Joseph W. Grier, III
Joseph W. Grier, III (State Bar No. 7764)
A. Cotten Wright (State Bar No. 28162)
Grier Furr & Crisp, PA
101 North Tryon Street, Suite 1240
Charlotte, North Carolina 28246
Phone: 704.375.3720
Fax: 704.332.0215
jgrier@grierlaw.com
cwright@grierlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the *First Motion for Compensation to Grier Furr & Crisp, PA, Attorneys for Receiver, Receiver's First Report, and Notice of Motion*, were served by CM/ECF system upon the following parties:

Investors by email

August A. Imholz, III
Kassra Goudarzi
Michael Solinsky
U.S. Commodity Futures Trading Commission
Division of Enforcement
Three Lafayette Center
1151 21st St., NW
Washington, DC 20851
Email: aimholtz@cftc.gov
Email: kgoudarzi@cftc.gov
Email: msolinsky@cftc.gov

Sean F. Mescall (individually)
4605 River Hills Drive
Denver, NC 28037

Sean F. Mescall (on behalf of CapitalStreet Financial, LLC)
4605 River Hills Drive
Denver, NC 28037

Sean F. Mescall (on behalf of Gaincapital, Inc.)
4605 River Hills Drive
Denver, NC 28037

Gerald Mescall
4605 River Hills Drive
Denver, NC 28037

This the ____ day of November, 2009.

/s/ Joseph W. Grier, III
Joseph W. Grier, III
Grier Furr & Crisp, PA
101 N. Tryon St., Ste. 1240
Charlotte, NC 28246
(704) 332-0215 - Fax