

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:09-CV-387-RJC-DCK**

**U.S. COMMODITY FUTURES TRADING)
COMMISSION,)
)
 Plaintiff,)
)
 v.)
)
**CAPITAL STREET FINANCIAL LLC, and)
SEAN F. MESCALL,)
)
 Defendants, and)
)
**GERALD T. MESCALL, and)
GAINCAPITAL, INC.,)
)
 Relief Defendants.)
_____)******

ORDER

THIS MATTER IS BEFORE THE COURT on the “Final Motion For Compensation To Grier Furr & Crisp, P.A., Attorneys For Temporary Receiver” (Document No. 77) filed on March 21, 2011. The motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and is ripe for disposition. Having fully considered the record, including the motion and itemized list of services, the undersigned finds as follows:

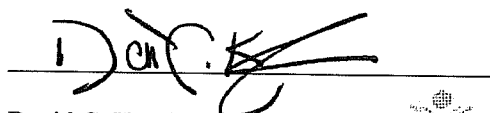
This Court appointed Joseph W. Grier, III, as Receiver for the assets of CapitalStreet Financial, LLC, Sean Mescall, Gerald Mescall, and Gaincapital, Inc. on September 16, 2009. (Document No. 14). The Receiver is authorized to “[c]hoose, engage and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of his duties and responsibilities.” (Document No. 14, ¶29(I)). Grier Furr & Crisp, PA has rendered valuable services to the Receiver during this civil

proceeding. The reasonable value of the services, as set forth in the itemized list attached to the motion, is \$5,426.00. (Document No. 77, Exhibit A). Grier Furr & Crisp, PA has also included expenses in the amount of \$371.54, and therefore seeks for a total fees and disbursements of \$5,797.54. Id.


The Receiver served a "Notice Of Receiver's Final Motion For Compensation To Grier, Furr & Crisp, PA.; Receiver's Motion For Approval Of Final Receiver's Report, Final Accounting And Dismissal Of The Receiver" upon the parties as required by law. (Document No. 77-1). The Notice required that responses to the motion be filed with the Court on or before **March 31, 2011**. No responses to the pending motion have been filed.

IT IS, THEREFORE, ORDERED that the "Final Motion For Compensation To Grier Furr & Crisp, P.A., Attorneys For Temporary Receiver" (Document No. 77) is **GRANTED**.

Signed: April 11, 2011



David C. Keesler
United States Magistrate Judge



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)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the *Order Authorizing Compensation to Grier Furr & Crisp, PA*, were served by CM/ECF system, electronic mail or U.S. Mail as indicated below, 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

Rimas R. Gavelis
897 E. Broadway
Boston, MA 02127

Elvin Zimmerman
Atty David Howard
4398 Plymouth Spring Mill Rd
Shelby, OH 44875

Horace Gilliam
825 Featherstone St.
Cleburn, TX 76033-4753

Morris Law Firm
Bradley C. Morris
Attorney for the Lake Norman Company
122 Gateway Blvd., Ste. 200
 Mooresville, NC 28117

This the 11th day of April, 2011.

/s/ Joseph W. Grier, III
Joseph W. Grier, III (NC St. Bar No. 7764)
Grier Furr & Crisp, PA
101 N. Tryon St., Ste. 1240
Charlotte, NC 28246
(704) 332-0215 - Fax