

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

**FILED**  
U.S. DISTRICT COURT

APR 26 2001

SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS, INDIANA

UNITED STATES SECURITIES )  
AND EXCHANGE COMMISSION, )

Plaintiff, )

v. )

CIVIL ACTION

JOHN E. BRINKER, JR., )

CASE NO. IP01-0259-C-H/G

GARY J. BENTZ, )

CASTLEROCK CONSULTING, LLC, )

GUARDIAN FIRST LIMITED, INC. )

(A NEVADA CORPORATION), )

GUARDIAN FIRST LIMITED, INC. )

(A GRENADA CORPORATION), )

WELLINGTON BANK AND TRUST, LTD., )

WELLINGTON CAPITAL HOLDINGS, )

LTD., INC., )

WELLINGTON CAPITAL HOLDINGS, LTD., )

WELLINGTON INTERNATIONAL )

INVESTMENTS, INC., )

WELLINGTON FIRST INTERNATIONAL )

INVESTMENTS, INC., AND ALL )

SUBSEQUENTLY NUMBERED )

WELLINGTON INTERNATIONAL )

INVESTMENTS, INC. ENTITIES, )

Defendants, )

and )

ALPHA ADVANTAGE II, INC., )

ELEVEN-EIGHTY-FIVE, LP AND )

STEADFAST MINISTRIES, INC. )

Relief Defendants. )

**ORDER ON FIRST APPLICATION OF EXAMINER'S COUNSEL FOR  
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

This case came before the Court upon the First Application of Examiner's Counsel

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for Compensation and Reimbursement of Expenses filed by Kroger, Gardis & Regas, counsel for the Examiner herein.

The Application requested interim attorneys' fees and expenses of \$18,993.38. The period of time for which compensation is sought is from February 27, 2001 through March 27, 2001.

Notice of the First Application was given to the United States Securities and Exchange Commission, the Defendants, and Relief Defendants, and no objections to the Application were filed.

The Court notes that there is adequate information as to the details of the work performed, the person performing the work, the time spent, the hourly rate charged for each person performing the work, and the expenses for which reimbursement is sought. When determining fee awards, the Court considers the time and labor required, the novelty and difficulty of the questions presented, the skill necessary to perform the legal services properly, the preclusion of other employment by the attorneys requesting fees due to their acceptance of the case, the customary fee for similar work in the community, the time limitations imposed by the client or the circumstances of the case, the experience, reputation, and the ability of the attorneys requesting fees, the undesirability of the case, the nature and length of the professional relationship with the client, and finally, the awards granted in similar cases.

The Court finds that the services rendered were necessary and beneficial to the Examiner and the fees and expenses incurred are compensable from the boat sale proceeds as more specifically described in this Court's Order of February 27, 2001. To the

extent the boat sale proceeds are not sufficient to fund this fee award, counsel to the Examiner may make further application to the Court.

Accordingly, the Court now orders that Kroger, Gardis & Regas be awarded attorneys' fees of \$17,382.50 and be reimbursed for expenses in the amount of \$1,610.88.

DATED: APRIL 26, 2001

DAVID F. HAMILTON  
JUDGE DAVID F. HAMILTON  
UNITED STATES DISTRICT COURT

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