

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 03-80612 -Civ-Marra/Vitunac ✓

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

MICHAEL LAUER,  
LANCER MANAGEMENT GROUP, L.L.C. and  
LANCER MANAGEMENT GROUP II, L.L.C.,

Defendants,

and

LANCER OFFSHORE, INC.,  
LANCER PARTNERS, LP, OMNIFUND, LTD.,  
LSPV, INC. and LSPC, L.L.C.,

Relief Defendants.

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Case No. 04-80211-Civ-Marra/Vitunac

In Re:

LANCER PARTNERS, L.P.

ORDER SETTING HEARING

THIS CAUSE is before the Court on Order of Reference (DE 106 in 04-80211) from  
United States District Judge Kenneth A. Marra "for appropriate disposition of all applications  
for authorization to pay fees and costs." Pending before the Court are the following:

Fifth Interim Application for Authorization to Pay (I) Receiver's Attorneys' Fees and Costs, (II) Receiver's Fees, and (III) Receiver's Investigative Fees From Receivership Funds (Request for Relief in Receivership Proceeding Only) (DE 793), filed on February 14, 2005, seeking \$1,805,100.01;

Fifth Interim Application of Hunton & Williams LLP for Payment of Attorneys Fees and

1109  
[Signature]

Costs for Services Rendered as Counsel for the Debtor from July 1, 2004 Through November 30, 2004 (Request for Relief in Bankruptcy Proceeding Only) (DE 797), filed on February 14, 2005, seeking \$312,379.59;

Sixth Application for Compensation of Fees and Costs of Accountants for Receiver (Request for Relief in Receivership Proceeding Only) (DE 798), filed on February 11, 2005, seeking \$1,230,900.00;

Sixth Application for Compensation of Fees and Costs of Accountants for Receiver (Request for Relief in Bankruptcy Proceeding Only) (DE 799), filed on February 11, 2005, seeking \$398,796.50;

Sixth Interim Application for Authorization to Pay (I) Receiver's Attorneys' Fees and Costs, (II) Receiver's Fees, and (III) Receiver's Investigative Fees From Receivership Funds (Request for Relief in Receivership Proceeding Only) (DE 963), filed on May 26, 2005, seeking \$1,321,239.83;

Sixth Interim Application of Hunton & Williams LLP for Payment of Attorneys Fees and Costs for Services Rendered as Counsel for the Debtor from December 1, 2004 Through March 31, 2005 (Request for Relief in Bankruptcy Proceeding Only) (DE 962), filed on May 26, 2005, seeking \$392,356.63;

Seventh Interim Application for Compensation of Fees and Costs of Accountants for Receiver (Request for Relief in Receivership Proceeding Only) (DE 964), filed on May 27, 2005, seeking \$678,263.00;

Seventh Application for Compensation of Fees and Costs of Accountants for Receiver (Request for Relief in Bankruptcy Proceeding Only) (DE 965), filed on May 27, 2005, seeking \$216,085.50.

The Group Plaintiffs filed Consolidated Objections to these fee applications (DE 849) on March 4, 2005, and (DE 1045) on August 22, 2005. Michael Lauer filed an Objection to the Sixth Report of the Receiver (DE 1008) on June 29, 2005.

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The Court entered an Order (DE 1066) setting a hearing on the above-listed fee applications. Due to weather-related conditions, the hearing was subsequently cancelled. In the interim, Hunton & Williams, LLP, submitted a Notice of Filing Letter Agreement Resolving Objections to Interim Applications for Payment of Fees and Costs (DE \_\_\_\_). This agreement resolves the Group Plaintiffs' objections to the fee applications. Thus, the following fee

applications are now uncontested and no longer require a hearing: DE 793; DE 797; DE 798; DE 799; DE 964; and DE 965. The Court will independently review these fee applications to determine whether the fees requested are reasonable.

Lauer's Objection to the Sixth Report of the Receiver (DE 1008) filed on June 29, 2005 remains outstanding. However, the language contained within Lauer's Objection makes it unclear whether Lauer simply disagrees with certain statements contained within the Receiver's sixth report, or whether Lauer objects to the actual fees requested.

Noting Lauer's *pro se* status, and in an abundance of caution, the Court hereby sets a hearing on the following fee applications:

Sixth Interim Application for Authorization to Pay (I) Receiver's Attorneys' Fees and Costs, (II) Receiver's Fees, and (III) Receiver's Investigative Fees From Receivership Funds (Request for Relief in Receivership Proceeding Only) (DE 963), filed on May 26, 2005, seeking \$1,321,239.83;

Sixth Interim Application of Hunton & Williams LLP for Payment of Attorneys Fees and Costs for Services Rendered as Counsel for the Debtor from December 1, 2004 Through March 31, 2005 (Request for Relief in Bankruptcy Proceeding Only) (DE 962), filed on May 26, 2005, seeking \$392,356.63.

It is hereby ORDERED that a hearing on the above-listed fee applications is set before this Court on the following date and time:

DATE: Monday, December 5, 2005  
TIME: 11:00 A.M.  
PLACE: U.S. District Court  
300 South Sixth Street  
Fort Pierce, FL 34950

DONE and ORDERED in Chambers at West Palm Beach in the Southern District of Florida, this 4 day of November 2005.

  
ANN E. VITUNAC  
Chief United States Magistrate Judge

Copies to:  
Honorable Kenneth A. Marra  
Michael Lauer, *pro se*  
Kevin Eckhardt, Esq. shall serve copies of this Order upon all parties



# United States District Court Southern District of Florida

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### CM/ECF COMING EARLY 2006

The United States District Court for the Southern District of Florida is planning to implement the Case Management/Electronic Case Files (CM/ECF) system. CM/ECF will provide electronic noticing via e-mail and user-friendly electronic case filing features. CM/ECF will replace FaxBack noticing; therefore attorneys will be asked to register for CM/ECF at some point later this year. To keep current with CM/ECF developments please view our website at [www.fisd.uscourts.gov](http://www.fisd.uscourts.gov).

### Notice of Orders or Judgments

Date: 11/07/05

To: Andrew David Zaron (aty)  
1111 Brickell Avenue  
Suite 2500  
Miami, FL 33131

Re: Case Number: 9:03-cv-80612 Document Number: 1109

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Be sure to promptly notify the Clerk of Court in writing of any changes to your name, address, law firm, or fax number. This notification should be sent for each of your active cases.

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Number of pages including cover sheet:

5