

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

| | | |
|----------------------------------|---|--------------------|
| MICHAEL J. QUILLING, as Receiver | § | |
| for Megafund Corporation and | § | |
| Lancorp Financial Group, LLC | § | |
| | § | |
| Plaintiff, | § | |
| | § | NO. 3-06-CV-0959-L |
| VS. | § | |
| | § | |
| GARY McDUFF, ET AL. | § | |
| | § | |
| Defendants. | § | |

ORDER

Plaintiff Michael J. Quilling, as Receiver for Megafund Corporation and Lancorp Financial Group, LLC, has filed an application for \$21,550.00 in attorney's fees and \$561.76 in non-taxable expenses as the prevailing party in this civil action brought under the Texas Uniform Fraudulent Transfer Act ("TUFTA"), Tex. Bus. & Comm. Code Ann. § 24.001, *et seq.*¹ The court notes that the application is not supported by the affidavit of counsel, or any other evidence, establishing the reasonableness of time spent, hourly rates charged, or costs incurred in prosecuting this action. Nor does plaintiff describe the services performed on behalf of the Megafund and Lancorp Financial Group Receivership Estates. Finally, plaintiff does not cite any authority to show his entitlement to fees incurred by the Receiver, as opposed to his attorney, or the recovery of non-taxable costs and expenses. Without this information, the court cannot rule on the fee application.

Accordingly, the Receiver's application for attorney's fees and costs [Doc. #47] is denied without prejudice. The Receiver may refile his application, together with any evidence and

¹ As the prevailing party in this case, the Receiver is entitled to recover "costs and reasonable attorney's fees as are equitable and just." *See* TEX. BUS. & COMM. CODE ANN. § 24.013 (Vernon 2002).

additional briefing necessary to support his fee application, by **February 16, 2007**.

SO ORDERED.

DATED: February 7, 2007.



JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE