

Paul T. Moxley (2342)  
Thomas J. Burns (8918)  
Z. Ryan Pahnke (11146)  
Joshua D. Chandler (12466)  
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*Attorneys for Curtis L. DeYoung*

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| <b>IN THE UNITED STATES DISTRICT COURT<br/>FOR THE DISTRICT OF UTAH, CENTRAL DIVISION<br/>UNITED STATES OF AMERICA</b>  |   |
| <b>SECURITIES AND EXCHANGE<br/>COMMISSION,</b><br><br>Plaintiff,<br><br>vs.<br><br>AMERICAN PENSION SERVICES, INC., a<br>Utah Corporation and CURTIS L. DeYOUNG,<br>an individual,<br><br>Defendants. | <b>SUPPLEMENT TO DeYOUNG’S THIRD<br/>MOTION TO RELEASE FUNDS FOR<br/>PAYMENT OF ATTORNEY FEES</b><br><br>Case No: 2:14-cv-00309<br><br>Judge Robert J. Shelby |

Defendant Curtis L. DeYoung (“DeYoung”), by and through his counsel, hereby supplements his DeYoung’s Third Motion to Release Funds for Payment of Attorney Fees (“Third Motion to Release Fees”) (Dkt. 313), to move the Court for an Order requiring the Receiver to release an additional \$30,672.60. With these additional fees and expenses, DeYoung

moves for the release of the total of \$90,010.23 for DeYoung's unpaid fees and costs from the funds of American Pension Services, Inc. that are subject to the Order Appointing Receiver, Freezing Assets, and Other Relief (the "Freeze Order"), entered by this Court on April 24, 2014 (Dkt. No. 9).

As explained in the declaration of Paul T. Moxley, attached hereto as Exhibit A, these fees and expenses were incurred to pay for the work completed by counsel for DeYoung during the month of October. In accordance with the Court's prior directions regarding submission of details about the representation of Mr. DeYoung, a copy of Mr. DeYoung's bill for October from DJP, which provides an explanation of the fees and costs incurred by Mr. DeYoung, will be filed separately with the Court for *in camera* review.

This Supplement to DeYoung's Third Motion to Release Fees incorporates the arguments and authorities presented in the Third Motion to Release Fees (Dkt. No. 313).

DeYoung respectfully asks this Court to release the total amount of \$90,010.23 from the funds that are subject to the Freeze Order for the payment of attorney fees and costs associated with the ongoing representation of DeYoung in this matter.

Dated: November 18, 2014.

Respectfully submitted,  
**Durham Jones & Pinegar**  
/s/ Paul T. Moxley  
Paul T. Moxley  
Thomas J. Burns  
Z. Ryan Pahnke  
Joshua D. Chandler  
Durham Jones & Pinegar  
**Counsel for Curtis L. DeYoung**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th of November, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification to counsel of record in this matter.

/s/ Paul T. Moxley

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| <b>SECURITIES AND EXCHANGE<br/>COMMISSION,</b><br><br>Plaintiff,<br><br>vs.<br><br>AMERICAN PENSION SERVICES, INC., a<br>Utah Corporation and CURTIS L. DeYOUNG,<br>an individual,<br><br>Defendants. | <b>DECLARATION OF PAUL T. MOXLEY<br/>IN SUPPORT OF SUPPLEMENT TO<br/>DeYOUNG’S THIRD MOTION TO<br/>RELEASE FUNDS FOR PAYMENT OF<br/>ATTORNEY FEES</b><br><br>Case No: 2:14-cv-00309<br><br>Judge Robert J. Shelby |

PAUL T. MOXLEY hereby declares as follows:

1. I am an adult residing in the State of Utah. I am a member of the Utah State bar and am licensed to practice law in the State of Utah. My bar number is 2342. I am a shareholder of Durham Jones & Pinegar, P.C. (“DJP”).

2. This declaration is based on my personal knowledge of the matters stated herein.

3. I derive my knowledge as stated in this declaration from having served as lead counsel for Mr. DeYoung in this matter. As previously indicated, I have been assisted by Thomas J. Burns, Z. Ryan Pahnke, and Joshua D. Chandler. Mr. Burns and Mr. Pahnke are shareholders of DJP. Mr. Chandler is an associate of DJP. I have worked directly with these attorneys and have supervised all of their work.

**Fees incurred in the representation of DeYoung in July.**

4. In the time since DeYoung's Third Motion to Release Funds for Payment of Attorney Fees (Dkt. No. 313), DJP has continued to represent defendant Curtis L. DeYoung ("Mr. DeYoung").

5. I have reviewed the legal services and time that have been incurred in October in connection with the representation of Mr. DeYoung.

6. In October, Mr. DeYoung incurred \$30,672.60 in legal fees and costs for representation in this case.

7. With these fees and costs, the total amount of DeYoung's unpaid attorney fees and costs through October 31, 2014 is \$90,010.23.

8. In accordance with the Court's prior directions regarding submission of details about the representation of Mr. DeYoung, a copy of Mr. DeYoung's bill for October from DJP, which provides an explanation of the fees and costs incurred by Mr. DeYoung, will be filed separately with the Court for *in camera* review.

9. Mr. DeYoung does not intend to waive any attorney-client or work-product privilege by providing this information and will provide additional details to the Court regarding the information described above as requested by the Court.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on November 18, 2014

*/s/ Paul T. Moxley* \_\_\_\_\_  
Paul T. Moxley

