

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re: :
: Chapter 11
415 WEST 150 LLC, : Case No. 12-13141 (SMB)
: :
Debtor. :
-----X

**MEMORANDUM DECISION REGARDING APPLICATIONS FOR
PROFESSIONAL COMPENSATION AND REIMBURSEMENT OF EXPENSES**

A P P E A R A N C E S:

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STUART M. BERNSTEIN
United States Bankruptcy Judge:

Miriam Breier, the state court receiver (the “Receiver”), Kossoff & Unger (the “Firm”), her attorneys, and Rosedale Management Company (“Rosedale”), her managing agent, seek awards of compensation and reimbursement of expenses. Their requests aggregate \$218,815.25,

but according to the final operating report filed on June 20, 2013 (ECF Doc. # 98), the Receiver was holding only \$107,094.77 as of April 30, 2013. The only specific objections relate to the Firm's application, and raise two principal issues: (1) is the Firm entitled to compensation and reimbursement of expenses pertaining to services rendered in connection with the Receiver's application in this Court to hold the debtor and its managing member, Martin Weise, in contempt, and (2) should Hamilton Heights Funding LLC ("Hamilton"), the secured lender whose predecessor procured the appointment of the Receiver, be required to pay any shortfall between the amounts awarded to the applicants and the balance in the Receiver's account. The United States Trustee ("UST") and Hamilton have also objected to certain time entries as vague or lumped as well as the amount of time the Firm spent traveling and preparing the applicants' fee applications.

As explained below, the Court concludes that the Firm is not entitled to compensation or reimbursement of expenses for pursuing the contempt motion. In addition, the Court declines to consider the request to compel Hamilton to cover the shortfall, and leaves the parties to their state court remedies. The disposition of the remaining objections is also set out below.

BACKGROUND

The facts are discussed in the Court's *Findings of Fact and Conclusions of Law Regarding Receiver's Contempt Motion*, dated Nov. 16, 2012 ("*Contempt Findings*") (ECF Doc. # 47). At all relevant times, the debtor owned a seven-story building known as and located at 415 West 150th Street, New York, New York (the "Building"). The Building was subject to a mortgage held by the Bank of Smithtown, Hamilton's predecessor. The Bank of Smithtown commenced a foreclosure proceeding in New York State Supreme Court, New York County, and the state court entered an order appointing the Receiver (the "*Receiver Order*"). Among other

things, the *Receiver Order* authorized the Receiver to take charge, enter into possession of the Building, enter into leases, and collect rent from the tenants. The *Receiver Order* also enjoined the debtor, and anyone acting on behalf of the debtor, from collecting the rents, license fees and other charges of the Building and from interfering in any manner with the Building or its possession, and required the debtor, any other owner of record, or anyone acting on behalf of the debtor, to turn over to the Receiver all rents collected from and after the date of the *Receiver Order*.

On July 19, 2012 (the “Petition Date”), the debtor filed a *pro se* petition signed by Weise. Hamilton moved for an order excusing the Receiver from complying with turnover requirements and establishing the Receiver’s powers and duties pursuant to 11 U.S.C. §543(d)(1). (*Motion of Hamilton Heights Funding LLC Excusing Receiver from Compliance with Turnover Requirements and Establishing Powers and Duties of Receiver Pursuant to 11 U.S.C. 543(d)(1)*, dated Aug. 15, 2012 (“*Receivership Motion*”) (ECF Doc. # 15).) The *Receivership Motion* showed, among other things, that Weise had been held in civil and criminal contempt by the state court acts committed in violation of the *Receiver Order* between the entry of the *Receiver Order* and the Petition Date. These included his entry into 20-year sham leases in his own name with the debtor for sixteen apartments in the Building at a below market monthly rent of \$1,000.00 per apartment, the “subletting” of thirteen of those apartments to the actual tenants at substantially greater monthly rents, and the retention of the rent paid by his “subtenants” regardless of whether their checks were payable to the debtor or to Weise personally.

In light of the evidence revealed by the Receiver’s submissions, the Court granted the *Receivership Motion* and the Receiver remained in place and continued to fulfill her duties and responsibilities as set forth in the *Receiver Order*. (*Order Granting Motion Excusing Receiver*

from Compliance with Turnover Requirements and Establishing Powers and Duties of Receiver Pursuant to 11 U.S.C. § 543(d)(1), dated Aug. 27, 2012 (“543(d) Order”) (ECF Doc. # 21.)

The 543(d) Order authorized the Firm and Rosedale to continue to represent the Receiver in accordance with the relevant state court orders, and stated that “[a]ll applications for fees and expenses by the Receiver, Managing Agent and/or Receiver’s Attorney shall be made to this Court in accordance with the local rules of the United States Bankruptcy Court for the Southern District of New York.”

On September 12, 2012, the Receiver filed her motion to hold Martin Weise and 415 West 150 LLC in contempt of court (the “Contempt Motion”) (see ECF Doc. # 24). The Contempt Motion showed that Weise continued to engage in substantially the same conduct that formed the basis for the state court’s adjudication of both civil and criminal contempt. The Contempt Motion sought a declaration of contempt but no other monetary or injunctive relief. Neither Weise nor the debtor opposed the motion, and the Court granted the motion as to Weise, but denied it as to the debtor. (*Contempt Findings* ¶¶ I, J.)

The Receiver thereafter submitted a proposed order to the Court. (See ECF Doc. # 54.) The proposed order adjudged Weise in contempt. It also directed Weise to remit \$42,216.14 in rents and security deposits and sentenced Weise to thirty days of incarceration for civil contempt, but stayed the sentence if Weise paid \$42,216.14 within thirty days. Lastly, the proposed order required Weise to bear the costs and fees associated with the Contempt Motion and its enforcement. The Court declined to sign the proposed order, stating in a Memorandum Endorsement that the Receiver had not sought any monetary or other relief except for a finding of contempt, and the Court had not awarded any other relief. (ECF Doc. # 55.) The Receiver subsequently submitted a revised order that the Court signed holding Weise in contempt but

granting no other relief. (*Order of Contempt of Martin Weise*, dated Jan. 14, 2013 (ECF Doc. # 57).)

In the interim, and following the granting of relief from the automatic stay, Hamilton pursued the foreclosure suit in state court. The referee conducted a sale on November 14, 2012, and issued a deed conveying title to an unrelated third-party on March 22, 2013. The Court subsequently dismissed the chapter 11 case, but retained jurisdiction over all pending fee applications. (*Order Dismissing Chapter 11 Case*, dated June 19, 2013 (ECF Doc. # 97).) The three pending applications are described in greater detail below.

DISCUSSION

A. Introduction

Bankruptcy Code § 330 authorizes a bankruptcy court to award reasonable compensation to a fee applicant based on actual, necessary services, and to reimburse him for his actual, necessary expenses. 11 U.S.C. § 330(a)(1). The relevant criteria include the following:

- (A) the time spent on such services;
- (B) the rates charged for such services;
- (C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;
- (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;
- (E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and
- (F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

11 U.S.C. § 330(a)(3).

The fee applicant bears the burden of proof on its claim for compensation. *Zeisler & Zeisler, P.C. v. Prudential Ins. Co. of Am. (In re JLM, Inc.)*, 210 B.R. 19, 24 (B.A.P. 2d Cir. 1997); *In re Keene Corp.*, 205 B.R. 690, 695 (Bankr. S.D.N.Y. 1997). Even in the absence of an objection, the Court has an independent duty to scrutinize the fee request. *In re Busy Beaver Bldg. Ctrs., Inc.*, 19 F.3d 833, 841 (3d Cir. 1994). The applicant must submit contemporaneous time records, although a computerized printout summary, in lieu of the original time slips, will suffice. *Masterwear Corp. v. Angel & Frankel, P.C. (In re Masterwear Corp.)*, 233 B.R. 266, 278 & n.14 (Bankr. S.D.N.Y. 1999).

The standards for time records are contained in this Court's *Amended Guidelines for Fees and Disbursements for Professionals in Southern District of New York Bankruptcy Cases* (the "Guidelines") which became effective on February 5, 2013, *see* General Order M-447 (Bankr. S.D.N.Y. Jan. 29, 2013), and are now incorporated into Local Bankruptcy Rule 2016-1, *see* Bankr. S.D.N.Y.R. 2016-1. Proper time record keeping is necessary to enable the court to determine the reasonableness of the work that has been performed. Generally, fee applications, standing alone, must contain sufficient detail to demonstrate compliance with § 330. *Guidelines*, (A). Any uncertainties due to poor record keeping are resolved against the applicant. *In re Poseidon Pools of Am.*, 216 B.R. 98, 100-01 (E.D.N.Y. 1997). Time records must be broken down by project. *Guidelines*, (A)(4)(i)-(iii). Entries concerning communications (*e.g.*, telephone calls, letters) should identify the parties and the nature of the communication. *Id.*, (A)(4)(vii). Entries relating to conferences or hearings should identify the subject of the conference or hearing, and explain, where appropriate, why more than one professional from the applicant's firm participated. *Id.* Finally, multiple project services rendered on the same day should be

listed in separate entries unless the aggregate daily time does not exceed one half hour. *Id.* Alternatively, and consistent with the practice followed here prior to the adoption of the *Guidelines*, the applicant may “lump” its daily project entries provided the entry indicates parenthetically the amount of time spent on each activity.

A court does not determine “reasonableness” through hindsight. *In re Brous*, 370 B.R. 563, 570 (Bankr. S.D.N.Y. 2007). A decision reasonable at first may turn out wrong in the end. The test is an objective one, and considers “what services a reasonable lawyer or legal firm would have performed in the same circumstances.” *In re Ames Dep’t Stores, Inc.*, 76 F.3d 66, 72 (2d Cir. 1996) (citing *In re Taxman Clothing Co.*, 49 F.3d 310, 315 (7th Cir. 1995) (Posner, J.)); accord *In re Angelika Films 57th, Inc.*, 227 B.R. 29, 42 (Bankr. S.D.N.Y. 1998), *aff’d*, 246 B.R. 176 (S.D.N.Y. 2000); *In re Keene Corp.*, 205 B.R. at 696; *In re Drexel Burnham Lambert Grp., Inc.*, 133 B.R. 13, 23 (Bankr. S.D.N.Y. 1991).

B. Applications

1. Rosedale

Rosedale seeks a final award of \$16,000.00. The amount, \$2,000.00 per month for the period August 2012 through March 2013, is consistent with the management agreement between Rosedale and the Receiver, and no party has objected. The application is allowed in full.

2. The Receiver

The Receiver seeks a final award of \$8,357.54 in commissions and \$451.45 in reimbursed expenses. According to her accounting, she received \$167,150.90 in income between the Petition Date and March 31, 2013, (*Affidavit of Miriam Breier*, sworn to May 13, 2013, at ¶ 6 (*see* ECF Doc. # 79)), and will eventually pay out that entire sum. She seeks an

award of 5%, *see* N.Y.C.P.L.R. § 8004(a) (McKinney 1981), no party in interest has objected, and she is allowed fees in the sum of \$8,357.54. However, her request for reimbursement of expenses is denied because her application failed to identify the expenses.

3. The Firm

a. The Contempt Motion

The Firm seeks a final award of \$180,792.00 in fees and \$13,214.26 in reimbursed expenses. The UST and Hamilton object to the portion of the fees representing the time spent seeking an order of contempt against Weise. The Firm prosecuted a contempt motion in state court and the separate *Contempt Motion* in this Court. Hamilton objects to all fees relating to the two contempt motions, but the UST objection appears to be directed solely at the proceedings in this Court. The motion in state court resulted in the adjudication of contempt against Weise and another, and arrest warrants for failing to turn over \$36,750.00 in security deposits and \$148,820.00 in rents. (*Receiver's Statement in Further Support of Compensation of the Receiver, Managing Agent and Receiver's Attorney, and in Response to Objections of the U.S. Trustee and Hamilton Heights Funding LLC*, dated June 17, 2013 (“*Receiver's Response*”), at ¶ 8 (ECF Doc. # 91).) Although Weise was never arrested and apparently did not turn over any sums, the Receiver's and the Firm's efforts in state court were reasonable and necessary when considered in light of what the hypothetical attorney would reasonably be expected to do.

The *Contempt Motion* is a different story. According to the UST, the *Contempt Motion* did not confer any benefit on the estate. Although the Court adjudged Weise in contempt, the Court refused to sign the Receiver's first proposed order because the Receiver did not seek monetary or injunctive relief or civil incarceration, but only an adjudication of contempt.

(*United States Trustee's Response with Respect to Final Fee Applications*, dated June 11, 2013 (“*UST Response*”), at 5-6 (ECF Doc. # 87).)

In response, the Firm argued that the UST forced the Receiver to bring the *Contempt Motion*. (*Receiver's Response* ¶ 11 (“The Receiver’s contempt motion against Weise in this Court (Dkt. 24) was prosecuted at the insistence of UST herself.”).) Sally Unger, Esq., the partner at the Firm handling this matter, stated that Serene Nakano, Esq. of the UST’s Office “stated she wished the motion brought in Bankruptcy Court so that Federal authorities would have the basis to prosecute Weise’s ongoing contempt of Court and, potentially, bankruptcy fraud.” (*Receiver's Response* ¶ 13.)

My recollection is that Ms. Nakano denied that she gave such a “direction” at the June 18, 2013 hearing, but whether she did is beside the point. Unger’s response implies that she would not otherwise have brought the motion. If she believed at the time that the *Contempt Motion* was neither reasonable nor necessary, she should not have brought it. A lawyer is not entitled to compensation for services the Court determines were unreasonable and unnecessary even if the UST “directed” the lawyer to perform those services.

Furthermore, the lack of any conceivable benefit to the estate should have been obvious from the outset. The Receiver requested an adjudication of contempt but did not seek any monetary, injunctive or other relief against Weise in the *Contempt Motion*. She had already obtained an order of contempt against Weise in state court, and a second order of contempt would not help the estate.

Accordingly, the Firm is not entitled to an award of compensation based on the services rendered in connection with the *Contempt Motion*. Following the June 18th hearing, and in

response to the Court's inquiry, Unger compiled a chart derived from the Firm's time records that set forth the time records attributable to the *Contempt Motion*. The submission, which was not filed, ascribed 38.8 hours and \$11,230.00 in fees to the *Contempt Motion*. The Court reviewed the Firm's time records as well as the supplemental chart, and concludes that \$12,362.50 is attributable to the *Contempt Motion*. The relevant time entries are reflected in Exhibit A to this decision, and the last column denotes whether the entry also appeared in Unger's supplemental submission. The fees attributable to these entries, \$12,362.50, are disallowed.

b. Lumped Entries

“Lumping or block billing, a timekeeping practice that involves including multiple services in a single, aggregated time entry without any breakdown of the time spent on each service, complicates a court's efforts ‘to gauge the reasonableness of time expended on each activity.’” *In re West End Fin. Advisors, LLC*, No. 11-11152 (SMB), 2012 WL 2590613, at *5 (Bankr. S.D.N.Y. July 3, 2012) (quoting *Ass'n of Holocaust Victims for Restitution of Artwork & Masterpieces v. Bank Austria Creditanstalt AG*, No. 04 Civ. 3600(SWK), 2005 WL 3099592, at *5 n. 9 (S.D.N.Y. Nov. 17, 2005)); accord *Brous*, 370 B.R. at 576. The *Guidelines* allow the timekeeper to lump discrete time entries if they do not aggregate more than 0.5 hours; alternatively, the timekeeper can lump more than 0.5 hours provided he or she notes parenthetically the amount of time spent on each discrete activity. Where the timekeeper lumps entries that aggregate more than 0.5 hours and does not indicate parenthetically how much time was devoted to each activity, the Court will allow no more than 0.5 hours. *E.g., Brous*, 370 B.R. at 577.

Exhibit B to this decision identifies twenty-two lumped entries that are not included on Exhibit A. These entries aggregate \$7,335.00. Each entry is allowed to the extent of 0.5 hours, or the aggregate amount of \$2,692.50, and the balance of \$4,642.50 is disallowed.

c. Vague Entries

Exhibit C lists vague time entries for which the Firm is seeking compensation and that are not included on Exhibit A or Exhibit B. Generally, they concern telephone calls, meetings or other communications that fail to identify the other party to the communication or the subject matter of the communication. The UST also objected to certain admittedly vague time entries relating to Court appearances (*e.g.*, an entry on 8/23/12), but the Court was able to determine the subject of the hearing. The vague entries aggregate \$6,530.00. Eighty percent, or \$5,224.00, of these aggregate fees is allowed, and the balance of \$1,306.00 is disallowed on account of vagueness.

d. Travel Time

The UST contends that the allowed amount attributable to travel time should be reduced by 50%. (*UST Response* at 7-8.) Exhibit D to this decision lists the entries targeted by the UST that do not appear on one of the previous exhibits. They aggregate \$4,470.00.

The UST's objection is not directed at any significant amount of time spent on airplanes traveling from distant lands. The travel time at issue was local, *de minimis*, billed by timekeepers at low rates (\$150.00 per hour) and incident to some other service such as delivering, filing or retrieving documents. Further, the travel time was not the result of a decision by a firm to staff a case with lawyers from out of town offices necessitating travel that could have been avoided. Since it does not appear that the Firm billed the estate for more than

one hour for travel time incident to the performance of a reasonable and necessary service, the Court declines to reduce the award on account of the travel time. *Cf. In re S.T.N. Enter., Inc.*, 70 B.R. 823, 837 (Bankr. D. Vt. 1987) (holding that travel time to or from a single location exceeding one hour or longer may be compensated at one-half the attorney's or other professional's hourly rate, unless the fee application clearly shows the work performed while traveling).

e. Fee Application Preparation Time

The UST objects to excessive amount of time spent preparing fee applications. The charges, which are not listed on any of the previous charts, appear on Exhibit E. They total \$19,677.50, or approximately 9% of the total fees *and expenses* sought in the case.¹ While the Firm is entitled to compensation for the reasonable amount of time spent preparing fee applications for itself, Rosedale and the Receiver, the percentage of overall time billed to the preparation of fee applications in this case is high. In *Mesa Air Grp., Inc.*, 449 B.R. 441 (Bankr. S.D.N.Y. 2011), Bankruptcy Judge Martin Glenn surveyed the law, and although declining to adopt a percentage cap, concluded that the “3-5 % range [of the total fees sought] is a useful metric.” *Id.* at 445; *accord In re Borders*, 456 B.R. 195, 212 (Bankr. S.D.N.Y. 2011).

The metric is a useful one in this case, and the Court will allow 5%, rounded up to \$11,000.00, and disallow \$8,677.50.² Several factors support this conclusion. The narrative

¹ Two entries by “Mark,” one on January 10, 2013 (\$1,120.00) and another on January 11, 2013 (\$245.00) appear to duplicate other entries, although the descriptions of the services are not identical. In light of the disposition of the objection, it is unnecessary to deal separately with the duplication issue.

² The UST also objected to \$365.00 billed for the Firm's response to the UST's informal objection to its interim fee application. (*UST Response* at 8-9.) The objection is well-taken as an applicant should not be compensated for fixing a defective fee application. *In re Fibermark, Inc.*, 349 B.R. 385, 397 (Bankr. D. Vt. 2006). Nevertheless, given the amount of the overall disallowance, including the disallowed amounts pertaining to the

portions of the interim and final applications are relatively brief. For example, the Firm's interim application, the most comprehensive of the interim applications, included a ten page narrative.³ (*Application of Sally E. Unger for an Interim Award of Compensation for Services Rendered and Reimbursement of Expenses as Counsel for the Receiver*, dated Mar. 19, 2013 (ECF Doc. # 63).) The narrative portion of the Firm's final application, which was largely cut and pasted from the interim application, is also only ten pages. (*Application of Sally E. Unger for a Final Award of Compensation for Services Rendered and Reimbursement of Expenses as Counsel for the Receiver*, dated May 13, 2013 (ECF Doc. # 85).) I recognize that it can take time to be brief, but the only significant activity described in this otherwise ordinary single asset real estate case involved the contempt proceedings against Weise. In addition, the Firm spent a substantial amount of time preparing interim applications that were filed, but for some reason, were never presented to the Court.

To recapitulate, the amount of \$26,988.50 in fees requested by the Firm is disallowed, and the balance of \$153,803.50 is allowed. The disallowed amount reflects 14.93% of the total fees requested by the Firm. Applying the same percentage of disallowance to the Firm's request for reimbursement of expenses, *see In re Keene Corp.*, 205 B.R. at 706, \$1,972.62 will be disallowed, and the Firm is entitled to reimbursement of the balance of \$11,241.64.

C. Summary

The following table summarizes the resolution of the fee applications:

preparation of the fee applications and the small sum involved in fixing a defective application, the Court declines to disallow the \$365.00.

³ The Firm is not entitled to compensation for maintaining, reviewing or editing time records. *See In re CCT Commc'ns, Inc.*, No. 07-10210 (SMB), 2010 WL 3386947, at *9 (Bankr. S.D.N.Y. Aug. 24, 2010).

Applicant	Fees Requested (\$)	Fees Allowed (\$)	Expenses Requested (\$)	Expenses Allowed (\$)
Rosedale	16,000.00	16,000.00	0	0
Receiver	8,357.54	8,357.54	451.45	0
Firm	180,792.00	153,803.50	13,214.26	11,972.62
Totals	205,149.54	178,161.04	13,665.71	11,972.62

D. Hamilton’s Obligation to Cover the Shortfall

The aggregate award in the amount of \$190,133.66 exceeds the \$107,094.77 balance in the estate by \$83,038.89. As a result, the applicants will only receive slightly more than 56% of their awards. The Firm and Rosedale have asked the Court to compel Hamilton to make up the difference citing N.Y.C.P.L.R. § 8004(b).⁴ Hamilton opposes the request.

The Court declines to rule upon this request, and defers to the state court. First, it is far from clear that this Court has jurisdiction over a dispute between the Firm and Rosedale on the one hand, and Hamilton on the other. They are not debtors, and the resolution of the dispute will not have any conceivable effect on this dismissed case. The Court also lacks supplemental jurisdiction, 28 U.S.C. § 1367, because the claim against Hamilton does not form part of the same case or controversy regarding the *allowability* of the applicants’ fees and expenses against the estate. Second, even if the Court has supplemental jurisdiction over the dispute, it declines in

⁴ Section 8004(b) states:

Allowance where funds depleted. If, at the termination of a receivership, there are no funds in the hands of the receiver, the court, upon application of the receiver, may fix the compensation of the receiver and the fees of his attorney, in accordance with the respective services rendered, and may direct the party who moved for the appointment of the receiver to pay such sums, in addition to the necessary expenditures incurred by the receiver. This subdivision shall not apply to a receiver or his attorney appointed pursuant to article twenty-three-a of the general business law.

its discretion to exercise it. It is unnecessary to resolve the claim against Hamilton in order to pass upon the fee applications, and if the Court entertains the dispute, it must first engage in a separate factual inquiry regarding whether to surcharge Hamilton. Third, the state court appointed the Receiver at the request of Hamilton or its predecessor, and is in a better position, and perhaps the only position, to pass on the request to surcharge Hamilton for procuring that appointment. Accordingly, the award of fees in this case is without prejudice to the rights of any of the applicants to pursue claims against Hamilton under N.Y.C.P.L.R. § 8004(b) in the state court.

The foregoing constitutes the Court's findings of fact and conclusions of law. The Court has reviewed all of the objectionable entries, and if not specifically addressed in this decision, the objections are overruled as lacking in merit. Settle order on notice that conforms to Local Bankruptcy Rule 2016-1(b), Bankr. S.D.N.Y.R. 2016-1(b).

Dated: New York, New York
August 28, 2013

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
United States Bankruptcy Judge

Exhibit A—The Contempt Motion

Date	Timekeeper	Description	Time (hrs.)	Amount Billed	Included on Unger supp.
9/4/12	Sally	Conference with AB regarding obtaining order of contempt	.2	85.00	
9/5/12	Andreene	Conference with SEU regarding Affidavit in Support of Contempt Motion for Bankruptcy Court	1.5	225.00	*
9/5/12	Andreene	Preparation of revisions to SEU's Affidavit in Support of Contempt Motion and compilation of accompanying exhibits	3.0	450.00	*
9/5/12	Sally	Drafting affidavit for contempt motion for bankruptcy court	2.8	1,190.00	*
9/6/12	Andreene	Preparation of revisions to SEU's Affidavit in Support of Bankruptcy Motion for Contempt	1.5	225.00	*
9/6/12	Sally	Review file and revisions to affidavit regarding Weise	3.4	1,445.00	
9/7/12	Sally	E-mails with Sakano and Leiberman regarding affidavit for contempt motion	.2	85.00	*
9/7/12	Sally	Revisions to contempt motion based on new information regarding Martin/Hardie and to adjust to fact that Alexander is uncooperative	.5	212.50	*
9/10/12	Sally	E-mails with creditor's attorney regarding motion for	.2	85.00	*

Exhibit A—The *Contempt Motion*

		contempt and 341 meeting			
9/11/12	Sally	Drafting motion	.8	340.00	
9/11/12	Andrenee	Scan Exhibits for Bankruptcy Contempt Motion	.7	105.00	*
9/11/12	Andrenee	Revise Bankruptcy Notice of Motion for Contempt	.5	75.00	*
9/11/12	Sally	Conference with AB regarding obtaining date for motion for contempt	.1	42.50	
9/12/12	Andrenee	Filing of motion for contempt with bankruptcy court; copy and service of same via first class mail	1.5	225.00	
9/12/12	Sally	Further revisions to motion for contempt	1.2	510.00	*
9/12/12	Andrenee	Revise motion for contempt	.7	105.00	*
9/13/12	Sally	Telephone conference with client regarding obtaining transcript from contempt hearing in Supreme Court for use in Bankruptcy Court or elsewhere for impeachment of witness; service of notice to attorn on Alexander	.1	42.50	
9/27/12	Sally	Appearance in Court on motion for contempt	1.6	680.00	*
10/1/12	Andrenee	Preparation of revisions to Findings of Facts	1.0	150.00	
10/1/12	Andrenee	Preparation of revisions to Findings of Facts	1.5	225.00	
10/2/12	Sally	Drafting of Findings of Fact	.8	340.00	
10/3/12	Andrenee	Preparation of Revisions to	3.0	450.00	

Exhibit A—The Contempt Motion

		Findings of Facts			
10/3/12	Andrenee	Conference with SEU re: Findings of Facts	.2	60.00	
10/3/12	Sally	Drafting Findings of Facts	.7	297.50	
10/4/12	Andrenee	Revise Findings of Facts	1.5	225.00	
10/4/12	Sally	Drafting of Findings of Facts	1.7	722.50	
10/4/12	Sally	Emails with S. Liberman Regarding Findings of Fact	.2	85.00	
10/5/12	Andrenee	Receipt and review of e-mail from SEU regarding contempt hearing exhibits	.1	15.00	
10/8/12	Sally	Finalizing Findings of Facts	.5	212.50	
10/16/12	Sally	Phone Calls to Bankruptcy Court Chambers Regarding Findings of Fact	.2	85.00	
10/16/12	Sally	Letter to Chambers with Findings of Fact	.2	85.00	
10/16/12	Sally	Emails with Mortgagee's Bankruptcy Attorney Regarding Findings of Fact	.2	85.00	
11/14/12	Sally	Appearance in Court on application to vacate default on motions for contempt and to lift automatic stay	1.7	722.50	
11/16/12	Andrenee	Receipt, download and review of findings of Fact and Conclusions of Law regarding Receivers contempt Motion	.2	30.00	
11/19/12	Sally	Review of findings of fact	.3	127.50	
12/4/12	Sally	Conference with MHG	.6	255.00	*

Exhibit A—The *Contempt Motion*

		regarding contempt motion and resulting order			
12/5/12	Sally	Conference with MHG regarding proposed order of contempt	.3	127.50	*
12/7/12	Andrenee	Conference with MHG regarding bankruptcy contempt order	.3	30.00	
12/7/12	Andrenee	Revisions to Bankruptcy Contempt Order	.1	15.00	
12/7/12	Sally	Review and revise proposed order for submission to court	.4	170.00	
12/7/12	Mark	Draft contempt order	.8	280.00	
12/7/12	Sally	Conference with MHG regarding order of contempt	.3	127.50	
12/12/12	Sally	E-mail to US Trustee and mortgagee attorney regarding proposed contempt order	.2	85.00	*
12/14/12	Sally	E-mail from Seth Leiberman regarding changes to proposed order and review of changes	.2	85.00	
12/19/12	Mark	Finalize, file and serve order of contempt	.3	105.00	*
12/19/12	Joellen	Review of contempt order and e-filing instructions for bankruptcy court	.3	37.50	
12/20/12	Joellen	Review of contempt order and e-filing instructions for bankruptcy court; preparation of cover letter to court; e-filing of order; e-mail order to judges chambers	1.5	187.50	

Exhibit A—The *Contempt Motion*

12/31/12	Mark	Review court file for J. Bernstein's comments, draft revised Order of Contempt in accordance with same	.6	210.00	*
1/2/13	Mark	Review Court file for J. Bernstein's comments, draft revised Order of Contempt in accordance with same	.1	35.00	*
1/2/13	Mark	Conference with SEU regarding revised Order of Contempt	.1	35.00	*
1/2/13	Sally	Conference with MHG regarding contempt order revisions	.1	42.50	
1/3/13	Mark	Conference with SEU regarding revised order of contempt	.1	35.00	*
1/3/13	Sally	Conference with MHG regarding revised order of contempt	.1	42.50	
1/9/13	Mark	Confirm revised proposed contempt order is filed with Court	.2	70.00	*
1/9/13	Andrenee	Conference with Court attorney regarding Contempt Order	.2	30.00	*
1/14/13	Andrenee	Conference with SEU regarding signed Bankruptcy contempt Order	.1	15.00	*
1/14/13	Sally	Conference with AB regarding bankruptcy contempt order	.1	42.50	*
1/15/13	Sally	E-mails with S. Nakano regarding findings of fact	.2	85.00	

Exhibit A—The *Contempt Motion*

1/24/13	Sally	Phone call from and to Seth Leiberman regarding status of Weise contempt	.2	85.00	*
4/2/13	Sally	E-mails with secured creditor regarding contempt applications	.2	85.00	
			Total	12,362.50	

Exhibit B – *Lumped Entries*

Date	Timekeeper	Description	Time (hrs.)	Amount Billed	Allowed Amount
7/24/12	Mitch	Process Service Fee for service of Termination Notice on tenant at subject premises; posting of mailings and preparation of Affidavit of Service regarding same	1.0	135.00	67.50
8/6/12	Elizabeth	Trip to Supreme Court to deliver Promise to pay to SEU; made copies of same; phone call with AB regarding same	.8	120.00	75.00
8/10/12	Sally	Appearance in Court for ruling on contempt hearing and conference with client	2.3	977.50	212.50
8/29/12	Andrenee	Copy notice and demand for service; preparation of service list for process	1.5	225.00	75.00
8/30/12	Olga T	Review lease; prepare draft Licensee Squatter Termination Notice and service instructions	.8	240.00	150.00
9/10/12	Joe F	Trip to 770 Lexington to serve documents; conference with SEU regarding report of service	1.5	225.00	75.00
9/21/12	Olga T	Review file in preparation of court appearance and follow up with SEU, court appearance; follow up with client and SEU regarding adjournment for Inquest; follow up with court attorney; travel time to and from court house	1.5	450.00	150.00
10/1/12	Luke	Trip to Department of Buildings to follow up on violation requests; spoke to Department of Buildings representative who told me they were ready; came back to office to get check to pay for violations and made return trip to Department of Buildings to pick up said copies and writing of memo for all things regarding Department of Buildings violation	1.0	150.00	75.00

Exhibit B – Lumped Entries

10/4/12	Joe F	Trip to Supreme Court to file order and get order certified; trip to Bankruptcy Court to have order certified	2.5	375.00	75.00
10/9/12	Joe F.	Trip to Supreme Court to review case file regarding exhibits from contempt hearing; phone call with AB regarding status	1.7	255.00	75.00
10/20/12	Mitch	Process Service Fee – first and second attempts of Notice service on tenants at subject premises; return trip for completion of same; posting of mailings and preparation of Affidavit of Service of the same.	1.0	375.00	187.50
10/22/12	Olga T	Review of Affidavit of Service of Licensee Squatter notice; prepare draft Notice of Petition and service instructions	1.0	300.00	150.00
11/13/12	Olga T	Review Notice of Petition and service instructions with SEU; finalize Notice of Petition and Petition for filing; finalize service instructions and follow up with process server RB; review service mailings.	.8	240.00	150.00
11/14/12	Andrenee	Revisions to Affirmation in Opposition to Issuance of Order to Show Cause with Bankruptcy Court; finalize; copy and scanning of same; filing of same with Bankruptcy Court	1.3	195.00	75.00
11/14/12	Sally	Attendance at referee sale and conference with client afterwards	1.0	425.00	212.50
11/27/12	Joe F	Trip to Supreme Court to retrieve Motion for Return Date; conference with court clerk in room 232 regarding computer database search on return date, resulting in no available return date on calendar; conference with Ex-Parte Clerk regarding Motion located in Judge's Chambers; phone call with AB regarding status	1.1	165.00	75.00

Exhibit B – Lumped Entries

11/29/12	Sally	Appearance in Bankruptcy Court, conference with U.S. Marshall; conference with Seth Lieberman	1.5	637.50	212.50
12/4/12	Mark	Review pleadings in federal and state contempt proceedings, draft contempt order and warrant of arrest of M. Weise, conference with SEU regarding same	3.4	1,020.00	150.00
12/27/12	Joe F	Trip to Housing Court to duplicate Order to Show Cause; conference with SEU regarding results	.6	90.00	75.00
1/15/13	Mark	Correspondence with Attorney General's office regarding FOIL request for offering plan and related documents; conference with Attorney General's office regarding FOIL request	.9	270.00	150.00
2/7/13	Joe F	Trip to Supreme Court to retrieve certified copy of Transcript; conference with Records Room Clerk regarding missing case files which contain transcript; conference with Certification Clerk regarding issue with missing case files and possible solutions on retrieving certified copy of Transcript; phone call with AB regarding the same	1.5	225.00	75.00
2/25/13	Olga T	Review SEU e-mail and documents regarding proposed settlement and surrender; preparation of settlement agreement draft; review draft with SEU; finalization of settlement agreement	.8	240.00	150.00
			Total	7,335.00	2,692.50

Exhibit C—Vague Entries

Date	Timekeeper	Description	Time (hrs.)	Amount Billed
7/23/12	Sally	E-mail to plaintiff's counsel, e-mail regarding contempt status	.2	85.00
7/23/12	Sally	Telephone conference with client	.2	85.00
7/31/12	Sally	Telephone conference with client	.2	85.00
7/31/12	Sally	Phone calls to and from attorney for tenant Scott Howe	.2	85.00
8/1/12	Sally	Phone calls to and from Scott Howe	.9	382.50
8/1/12	Sally	Phone call from John Bradford	.5	212.50
8/3/12	Sally	Downloading and reviewing e-mails from client and letters from Flaum	.2	85.00
8/3/12	Sally	Telephone conference with plaintiff's counsel's office ¹ ; e-mail to plaintiff's counsel regarding letter to tenants from Flaum; phone call with plaintiff's counsel regarding status	.4	170.00
8/3/12	Sally	Telephone Conference with tenant Rosa Dessisso	.6	255.00
8/3/12	Sally	Telephone Conference with tenant John Bradford	.8	340.00
8/8/12	Sally	E-mails with bankruptcy counsel	.2	85.00
8/13/12	Sally	E-mails to client	.2	85.00
8/23/12	Sally	E-mails with tenants	.8	127.50
8/23/12	Sally	E-mail to client	.2	85.00

¹ The UST limited her objection to this entry, and her objection is sustained. Because the Firm did not separate out the balance of the time in the time records or the *Receiver's Response*, the entire entry for that day will be deemed vague.

Exhibit C—*Vague* Entries

8/23/12	Olga T	Review and respond to e-mails from tenant	.2	60.00
8/27/12	Sally	E-mail to creditor's attorney; review e-mail with proposed order from creditor's attorney	.2	85.00
8/28/12	Andrenee	Revise letter, copy, fax, and prepare mailing for the same	.7	105.00
8/28/12	Sally	E-mails from and to proposed tenant, Gaylord	.3	127.50
8/29/12	Sally	Phone call with Gaylord	.2	85.00
8/29/12	Sally	E-mails with mortgagee's Bankruptcy attorneys	.2	85.00
8/31/12	Sally	E-mails with counsel	.1	42.50
9/4/12	Sally	E-mails with client	.3	127.50
9/4/12	Sally	Various e-mails with creditor's attorney and Serene Nakano	.3	127.50
9/4/12	Sally	E-mails regarding RPIE filing	.1	42.50
9/5/12	Sally	Phone call from tenant	.1	42.50
9/6/12	Sally	E-mails to and from Seth Leiberman	.2	85.00
9/10/12	Sally	E-mails regarding scheduling conflict for meeting with client	.1	42.50
9/12/12	Sally	E-mails with Seth Leiberman	.2	85.00
10/2/12	Sally	Phone call from mortgagee's counsel	.2	85.00
10/9/12	Sally	Email from plaintiff's attorney; ² review Notice of Appeal	.2	85.00
10/18/12	Sally	File review and e-mail to Tsuckerman	.5	212.50
10/18/12	Sally	Telephone conference with Sheriff Fucito	.3	127.50
10/19/12	Sally	Revisions to letter to Sheriff	.2	85.00

² See footnote 1.

Exhibit C—*Vague Entries*

10/22/12	Sally	E-mail to Fucito	.1	42.50
10/26/12	Sally	Telephone calls to and from mortgagee's attorney	.5	212.50
11/13/12	Sally	E-mails with mortgage attorneys	.2	85.00
11/13/12	Sally	File review	.3	127.50
11/13/12	Sally	E-mails with Seth Leiberman	.2	85.00
11/14/12	Sally	Telephone conference with Lt. Feliciano	.2	85.00
11/20/12	Sally	Telephone Call to U.S. Trustee	.1	42.50
11/20/12	Sally	E-mail to U.S. Trustee	.1	42.50
11/20/12	Sally	Phone call from U.S. Trustee	.1	42.50
11/27/12	Sally	E-mails regarding pending motion	.2	85.00
11/30/12	Sally	E-mail to and from broker	.1	42.50
12/3/12	Mark	Review case file, pleadings, court order, correspondence	.5	150.00
12/4/12	Sally	E-mails with Sheriff's department	.3	127.50
12/7/12	Sally	E-mail to and from managing agent	.2	85.00
12/14/12	Sally	Phone Call with Cliff Solomon	.2	85.00
12/28/12	Sally	File review	.3	127.50
1/14/13	Sally	E-mails regarding expired offering plan	.3	127.50
1/17/13	Elizabeth	Preparation of letter and fax to Attorney General's office	.3	90.00
1/23/13	Mark	Correspondence with team regarding offering plan	.3	90.00
1/23/13	Sally	E-mails regarding obtaining certified offering plan	.2	85.00
1/29/13	Sally	Telephone conference with Greg Gleason	.2	85.00

Exhibit C—*Vague* Entries

2/7/13	Sally	E-mails regarding unpaid rents; commencement of proceedings	.3	127.50
2/25/13	Sally	Preparation of letter to marshal and warrant clerk	.3	127.50
2/25/13	Sally	E-mails with OT, client and managing client	.2	85.00
2/25/13	Sally	E-mail from and to tenant	.2	85.00
2/28/13	Sally	E-mail to Under Sheriff Mulqueen	.1	42.50
2/28/13	Sally	File review	.3	127.50
3/4/13	Sally	Review of surrender; e-mail to client	.2	85.00
			Total	6,530.00

Exhibit D—Travel Time

Date	Timekeeper	Description	Time (hrs.)	Amount Billed
8/6/12	Andrenee	Trip to Court to assist SEU Contempt hearing	2.0	300.00
8/7/12	Andrenee	Trip to and from court with SEU	1.0	150.00
8/15/12	Joe F	Trip to Supreme Court to submit Order/Judgment of Notice of Settlement	.6	90.00
8/31/12	Josh K	Travel to Keller Williams NYC to pick up documents for SEU	1.0	150.00
9/4/12	Joe F	Trip to Supreme Court regarding order on Motion	1.0	150.00
9/5/12	Joe F	Trip to Supreme Court to retrieve and file three certified copies of contempt order	.8	120.00
9/6/12	Joe F	Trip to 21 West 38 th Street to deliver tenant files to client managing agent	.9	135.00
9/6/12	Joe F	Trip to Housing Court to meet with Miriam Breier regarding her signature for 30-Day-Notice	.5	75.00
9/6/12	Joe F	Trip to Housing Court to meet with Miriam Breier regarding her signature for 30-Day-Notice	.5	75.00
9/7/12	Joe F	Trip to Housing Court to purchase Index Number	.6	90.00
9/7/12	Joe F	Trip to Housing Court to purchase Index Number	.6	90.00
9/12/12	Luke	Trip to Department of Buildings to inquire about why jobs was put on hold and preparation of memo for submission to PW	.5	75.00
9/14/12	Joe F	Trip to Bankruptcy Court to deliver Notice of Presentment to Judge Bernstein	1.0	150.00
9/24/12	Luke	Return trip to Department of Buildings to obtain as written copies of construction violation	.5	75.00

Exhibit D—Travel Time

10/5/12	Joe F	Trip to Department of Finance to purchase and retrieve Certified Copy of Deed	1.1	165.00
10/9/12	Joe F	Trip to Supreme Court to retrieve warrants	1.2	180.00
10/15/12	Joe F	Trip to Supreme Court to have orders entered and certified	.9	135.00
10/19/12	Joe F	Trip to 66 John Street to submit letter to Sheriff's Office	.5	75.00
10/22/12	Joe F	Trip to Bankruptcy Court to submit document to Judge Bernstein	.5	75.00
10/26/12	Elizabeth	Trip to Supreme Court to obtain copy of transcript	1.0	75.00
11/13/12	Joe F	Trip to Housing Court to retrieve information of adjournment date on the court's computer database	.3	45.00
11/16/12	Joe F	Trip to housing court to purchase index number	.9	135.00
11/29/12	Joe F	Trip to Supreme Court to duplicated short order form and judgment	.8	120.00
12/4/12	Joe F	Trip to housing court to duplicate case file jacket	.6	90.00
12/19/12	Joe F	Trip to Supreme Court to file Notice of Rejection	.6	90.00
12/28/12	Joe F	Trip to Supreme Court Appellate Team to file Notice of Cross-Motion	.9	135.00
1/7/13	Joe F	Trip to Housing Court to deliver documents for trial on behalf of DEU	.6	90.00
1/8/13	Elizabeth	Trip to Appellate Division to hand deliver Affirmation of SEU in Opposition to Respondents' Motion to Dismiss Petition	1.0	150.00
1/23/13	Joe F	Trip to 120 Broadway to retrieve copy of offering plan and amendment #1	.7	105.00
2/7/13	Andrenee	Trip to Supreme Court to pick up transcript	.6	90.00

Exhibit D—Travel Time

2/25/13	Joe F	Trip to Housing Court to duplicate Judgment	.6	90.00
2/27/13	Joe F	Trip to Housing Court to file decision and judgment with Notice of Entry	.6	90.00
3/4/13	Joe F	Trip to Housing Court to Purchase Index Number	.9	135.00
3/21/13	Joe F	Trip to Rosedale Management Corp to deliver keys from Surrender	.4	60.00
3/25/13	Joe F	Trip to Housing Court to duplicate Judgment	.6	90.00
3/28/13	Joe F	Trip to Housing Court to file Notice of Discontinuance	.6	90.00
4/1/13	Joe F	Trip to Housing Court to file Notice of Entry	.6	90.00
4/9/13	Joe F	Trip to Housing Court to duplicate Order to Show Cause	.4	60.00
4/9/13	Joe F	Trip to Housing Court to file cross - Motion	.3	45.00
4/10/13	Joe F	Trip to Housing Court to duplicate Order to Show Cause	.8	120.00
4/11/13	Joe F	Trip to Housing Court to duplicate Order to Show Cause and to deliver letter to Judge Lau	.8	120.00
			Total	4,470.00

Exhibit E—Fee Application Preparation Time

Date	Timekeeper	Description	Time (hrs.)	Amount Billed
11/28/12	Andrenee	Preparation of Bankruptcy Motion for Compensation of Management Fees and all other accompanying documents necessary for Application	2.0	300.00
11/28/12	Andrenee	Revise Bankruptcy Motion for Compensation of Management Fees and all other accompanying documents necessary for Application	.8	120.00
12/6/12	Mark	Draft applications for payment for receiver, managing agent and SEU	1.5	525.00
12/11/12	Mark	Draft motions for interim fees for receiver, managing agent and attorney	2.1	735.00
12/12/12	Mark	Draft motions for interim fees for receiver, managing agent and attorney	5.5	1925.00
12/17/12	Mark	Draft motions for interim fees	1.3	455.00
12/26/12	Mark	Draft motions for interim fees for attorney	2.0	700.00
12/26/12	Mark	Draft motions for interim fees for managing agent	2.1	735.00
1/9/13	Mark	Draft motions for interim fees for receiver, managing agent and attorney	2.0	700.00
1/10/13	Mark	Draft motion for interim fees for receiver, notice, application, supporting affidavit, schedule of rents, summary, proposed order	3.2	1120.00
1/10/13	Mark	Draft motion for interim fees for managing agent, notice, application, supporting affidavit, schedule of rents, summary, proposed order	3.2	1120.00
1/11/13	Mark	Draft motion for interim fees for receiver, notice, application, supporting affidavit, schedule of rents, summary, proposed order	.7	245.00
1/11/13	Mark	Draft motion for interim fees for managing agent, notice, application,	.7	245.00

Exhibit E—Fee Application Preparation Time

		supporting affidavit, schedule of rents, summary, proposed order		
1/11/13	Andrenee	Conference with MHG regarding Bankruptcy Motion for Fees	.2	30.00
1/11/13	Andrenee	Revise Bankruptcy Motion for Fees	.3	45.00
1/11/13	Sally	Conference with MHG regarding applications for payment of commissions for receiver and management fees for manager	.3	127.50
1/15/13	Andrenee	Preparation of revisions to Bankruptcy Application for Receiver's Commissions	.3	45.00
1/15/13	Andrenee	Preparation of revisions to Bankruptcy Application for Kosoff and Unger's compensation	.4	60.00
1/15/13	Andrenee	Preparation of revisions to Bankruptcy Application for Rosedale Management Company's Compensation	.3	45.00
1/15/13	Sally	Revise and revise interim fee application for counsel	.9	382.50
1/15/13	Sally	Revise and revise interim fee application for managing agent	.6	255.00
1/17/13	Andrenee	Conference with MHG regarding Motions for Interim Compensation	.1	15.00
1/18/13	Andrenee	Revisions to Bankruptcy Motions for Compensation	.5	75.00
1/22/13	Andrenee	Revise Bankruptcy Motions for Compensation	.5	75.00
1/23/13	Andrenee	Preparation of revisions to Bankruptcy motion for Interim Compensation	.4	60.00
1/24/13	Andrenee	Revise bankruptcy motions for compensation	.4	60.00
1/25/13	Andrenee	Revise bankruptcy motions for compensation	1.0	150.00
1/29/13	Andrenee	Revise bankruptcy motions for compensation	.3	45.00

Exhibit E—Fee Application Preparation Time

3/6/13	Mark	Draft affidavits in support of motion for interim compensation of managing agent	.5	175.00
3/6/13	Mark	Conference with SEU regarding information needed for motion for interim compensation of managing agent	.2	70.00
3/6/13	Mark	Draft affidavits in support of motion for interim compensation of Kossoff and Unger	.5	175.00
3/8/13	Andrenee	Draft motions for interim compensation	1.0	350.00
3/11/13	Andrenee	Revisions to bankruptcy motion for managing agent's interim fees	.2	30.00
3/11/13	Andrenee	Calculate attorney and paralegal hours	.5	75.00
3/11/13	Andrenee	Revisions to bankruptcy motion for Kossoff and Unger's interim fees	.4	60.00
3/18/13	Andrenee	Conference with SEU regarding revisions to bankruptcy applications for compensation	.2	30.00
3/18/13	Andrenee	Revisions to bankruptcy applications for compensation	.5	75.00
3/19/13	Andrenee	Revisions to bankruptcy applications for compensation	.5	75.00
3/19/13	Andrenee	Telephone conference with bankruptcy court clerk regarding hearing date for applications	.2	30.00
3/19/13	Andrenee	Scanning and filing bankruptcy applications for compensation	.7	105.00
3/19/13	Sally	Finalizing motions for bankruptcy court	.6	255.00
4/2/13	Andrenee	Conference with bankruptcy clerk regarding adjournment for hearing on fee applications	.2	30.00
4/3/13	Mark	Review earlier-filed motions for interim compensation	.5	175.00
4/3/13	Mark	Draft Kossoff and Unger motion including notice, application, affirmation, certification, proposed order	.5	175.00

Exhibit E—Fee Application Preparation Time

4/3/13	Mark	Draft Breier motion including notice, application affirmation, certification, proposed order	.6	210.00
4/3/13	Mark	Draft Crane motion including notice, application affirmation, certification, proposed order	.5	175.00
4/12/13	Sally	Conference with MHG regarding fee applications	.2	85.00
4/12/13	Mark	Review Crane fee application	.2	70.00
4/12/13	Mark	Review Brier fee application	.2	70.00
4/12/13	Mark	Review SEU fee application	.2	70.00
4/12/13	Mark	Conference with SEU regarding fee applications and case history	.2	70.00
4/15/13	Andrenee	Copy exhibits for bankruptcy motions for compensation	.2	30.00
4/15/13	Mark	Draft Crane fee application	.3	105.00
4/15/13	Mark	Draft SEU fee application	1.4	490.00
4/15/13	Mark	Compile exhibits for fee applications	.5	175.00
4/16/13	Mark	Shepardize caselaw cited in application for attorney's fees	.8	280.00
4/16/13	Mark	Review SDNY Bankruptcy local rules regarding applications for fees	.3	105.00
4/16/13	Mark	Draft Notice of Motion	.2	70.00
4/16/13	Mark	Draft application for attorney's fees	.5	175.00
4/16/13	Mark	Conference with AB regarding fee applications	.3	105.00
4/16/13	Sally	Review and revise application for final compensation for counsel	.8	340.00
4/17/13	Mark	Preparation of draft of attorney's fees application for SEU	.6	140.00
4/17/13	Mark	Preparation of draft of E. Crane fees application	1.0	350.00
4/17/13	Mark	Conference with SEU regarding application for attorney's fees	.1	35.00
4/17/13	Mark	Legal research regarding CPLR 8004(b)	.2	70.00

Exhibit E—Fee Application Preparation Time

4/18/13	Mark	Research application of Johnson factors in 2d., SDNY decisions	.2	70.00
4/18/13	Mark	Preparation of draft of E. Crane fees application	1.0	350.00
4/18/13	Mark	Preparation of draft of M. Breier application	2.3	805.00
4/18/13	Mark	Conference with SEU regarding application and research	.2	105.00
4/18/13	Sally	Receipt and review receiver's application for fees	1.2	510.00
4/18/13	Sally	Attention to application of managing agent	.4	170.00
4/18/13	Sally	Conference with MHG regarding applications to be made to Bankruptcy Court and necessary research	.3	127.50
4/19/13	Mark	Draft receiver's attorney fees application	.1	35.00
4/19/13	Mark	Draft E. Crane fees application	.1	35.00
4/19/13	Mark	Draft of M. Breier application	.2	70.00
4/22/13	Mark	Draft E. Crane fees application	1.2	420.00
4/22/13	Mark	Draft M. Breier fee application	.8	280.00
4/22/13	Mark	Conference with SEU regarding final applications	.2	70.00
4/22/13	Sally	Conference with MHG regarding final application for compensation	.3	85.00
4/23/13	Mark	Draft M. Breier application	.8	280.00
4/23/13	Mark	Draft E. Crane application	.6	210.00
4/23/13	Andrenee	Revise Bankruptcy Motion for Final compensation of management fees	.2	30.00
4/24/13	Andrenee	E-mails to and from JM regarding Kossoff and Unger's fees for Bankruptcy	.2	30.00
4/24/13	Sally	Conference with MHG regarding supplemental motion	.2	85.00
4/24/13	Sally	E-mails to AB and JM regarding supplemental billing	.2	85.00
4/25/13	Mark	Review correspondence from JM regarding fees	.1	35.00

Exhibit E—*Fee Application Preparation Time*

4/30/13	Mark	Correspondence with SEU regarding receiver and managing agent fees	.3	105.00
4/30/13	Mark	Review correspondence from JM regarding attorney fees	.1	35.00
4/30/13	Andrenee	Calculate attorney and paralegal hours for bankruptcy motion	.7	105.00
4/30/13	Andrenee	Update Kossoff and Unger's bankruptcy motion for final compensation	.2	45.00
			Total	19,677.50