

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

award of fees of \$350,000.00 and costs of \$13,897.72.

Accordingly, it is

In re:

Case No. 6:07-bk-00761-ABB
Chapter 11
(Jointly Administered)

LOUIS J. PEARLMAN, *et al.*,

Debtors.

ORDER

This matter came before the Court on the First Interim Application for Allowance and Payment of Compensation and Reimbursement of Expenses to Genovese Joblove & Battista, P.A., as Special Litigation and Conflicts Counsel for the Trustee in the Jointly Administered Cases (Doc. No. 1306) filed by Genovese Joblove & Battista, P.A. ("Genovese") pursuant to 11 U.S.C. Section 330. A hearing was held on July 16, 2008 at which the Chapter 11 Trustee, counsel for the Chapter 11 Trustee, counsel for the Office of the United States Trustee, counsel for Genovese, and various other parties in interest appeared. Genovese filed a post-hearing summary of its application (Doc. No. 1385) pursuant to the Court's directive.

Genovese requests an interim administrative expense award of \$707,588.72 consisting of fees of \$693,691.00 and costs of \$13,897.72¹. The Application reflects fees and costs incurred in connection with various legal services provided to the Chapter 11 Trustee during the period March 27, 2007 through April 30, 2008. The Application reflects a total of 1,893.0 hours billed at hourly rates ranging from \$70.00 to \$525.00 for both professionals and paraprofessionals, with a blended hourly rate of \$366.45.

After consideration of the First Colonial and Johnson factors,² Genovese is due an interim

ORDERED, ADJUDGED and DECREED that Genovese Joblove & Battista, P.A. is hereby awarded on an interim basis fees of \$350,000.00 plus costs of \$13,897.72, for a total award of \$363,897.72, as an allowed administrative pursuant to 11 U.S.C. Sections 503(b) and 507(a)(2). This interim award of fees and costs is subject to disgorgement upon final application and review by the Court.

Dated this 26th day of September, 2008.

/s/Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge

the Matter of First Colonial Corp. of Am., 544 F.2d 1291 (5th Cir. 1977) and Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974). The twelve factors are: (1) the time and labor required; (2) the novelty and difficulty of the questions involved; (3) the skill requisite to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the "undesirability" of the case; (11) the nature and the length of the professional relationship with the client; (12) awards in similar cases. Johnson at 714.

¹ Genovese erroneously requested \$13,897.73 in its prayer for relief, but the Application taken as a whole reflects costs of \$13,897.72.

² The reasonableness of attorney's fees and costs is determined through an examination of the criteria enunciated by the Fifth Circuit Court of Appeals in In