

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Company is due an interim award of fees of \$500,000.00 and costs of \$11,874.85.

Accordingly, it is

In re:

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

LOUIS J. PEARLMAN, *et al.*,

Debtors.

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ORDERED, ADJUDGED and DECREED that Kapila & Company, CPAs is hereby awarded on an interim basis fees of \$500,000.00 plus costs of \$11,874.85, for a total award of \$511,874.85, as an allowed administrative expense 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.

ORDER

Dated this 26th day of September, 2008.

This matter came before the Court on the First Application of Kapila & Company for Interim Allowance of Compensation and Reimbursement of Expenses (Doc. No. 1307) and the Supplement to First Application of Kapila & Company for Interim Allowance of Compensation and Reimbursement of Expenses (Doc. No. 1315) filed by Kapila & Company, CPAs ("Kapila & Company") pursuant to 11 U.S. C. Sections 330 and 331. 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 Kapila & Company and various other parties in interest appeared. Kapila & Company filed a post-hearing summary of its application (Doc. No. 1385) pursuant to the Court's directive.

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

Kapila & Company requests an interim administrative expense award of \$1,039,852.45 consisting of fees of \$1,027,977.60 and costs of \$11,874.85. The Application reflects fees and costs incurred in connection with accounting services provided to the Chapter 11 Trustee during the period March 27, 2007 through April 30, 2008. The Application reflects a total of 7,308.05 hours billed at hourly rates ranging from \$48.00 to \$400.00 for both professionals and paraprofessionals, with a blended hourly rate of \$140.66.

After consideration of the First Colonial and Johnson factors,¹ Kapila &

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 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 the Matter of First Colonial Corp. of Am., 544 F.2d