

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
PALM BEACH FINANCE II, L.P.<sup>1</sup>

Case No. 09-36379-PGH  
Case No. 09-36396-PGH  
(Jointly Administered)

Debtors.

**DAVID S. MANDEL AND MANDEL & MANDEL, LLP'S  
THIRD INTERIM POST CONFIRMATION FEE APPLICATION**

1.	Name of Applicant:	<i>Mandel &amp; Mandel, LLP</i>
2.	Role of Applicant:	<i>Liquidating Trustee's Special Co-Counsel</i>
3.	Name of Certifying Professional:	<i>David S. Mandel</i>
4.	Date cases filed:	<i>November 30, 2009</i>
5.	Date of application for employment:	<i>February 14, 2014 [ECF No. 2167]</i>
6.	Date of order approving employment:	<i>March 18, 2014 [ECF No. 2197] nunc pro tunc to February 17, 2014</i>
7.	If debtor's counsel, date of Disclosure of Compensation form:	<i>N/A</i>
8.	Date of this application:	<i>December 19, 2014</i>
9.	Dates of services covered:	<i>July 1, 2014 thru October 31, 2014</i>
<b>Fees...</b>		
10.	Total fee requested for this period (from Exhibit 1):	\$ 367,369.30
11.	Balance remaining in fee retainer account, not yet awarded:	\$ 0.00
12.	Fees paid or advanced for this period, by other sources:	\$ 0.00

<sup>1</sup>The address and last four digits of the taxpayer identification number for each of the Debtors are as follows: (i) Palm Beach Finance Partners, L.P., 3601 PGA Blvd., Suite 301, Palm Beach Gardens, FL 33410, TIN 9943; and (ii) Palm Beach Finance II, L.P., 3601 PGA Blvd., Suite 301, Palm Beach Gardens, FL 33410, TIN 0680.

13.	<b>Net amount of fee requested for this period:</b>	\$ 367,369.30
<b>Expenses...</b>		
14.	Total expense reimbursement requested for this period:	\$ 2,434.70
15.	Balance remaining in expense retainer account, not yet received:	\$ 0.00
16.	Expenses paid or advanced for this period, by other sources:	\$ 0.00
17.	<b>Net amount of expense reimbursements requested for this period</b>	\$ 2,434.70
18.	Gross award requested for this period (#10 + #14)	\$ 369,804.00
19.	<b>Net award requested for this period (#13 + #17)</b>	\$ 369,804.00

## History of Fees and Expenses

1. Dates, sources, and amounts of retainers received:			
Dates	Sources	Amounts	For fees or costs?
N/A			
2. Dates, sources, and amounts of third party payments received:			
Dates	Sources	Amounts	For fees or costs?
N/A			
3. Prior fee and expense awards...			
<b>First interim application [ECF No. 2253]</b>			
Dates covered by first application:		February 17, 2014 - February 28, 2014	
Amount of fees requested:		\$ 11,008.52	
Amount of expenses requested:		\$ 481.59	
Amount of fees awarded:		\$ 11,008.52	
Amount of expenses awarded:		\$ 481.59	
Amount of fee retainer authorized to be used:		\$ 0.00	
Amount of expense retainer authorized to be used:		\$ 0.00	
Fee award, net of retainer:		\$ 0.00	
Expense award, net of retainer:		\$ 0.00	

Date of first award:	June 4, 2014 [ECF No. 2323]
Amount of fees actually paid:	\$ 11,008.52
Amount of expense reimbursement actually paid:	\$ 481.59
Portion of fees requested but not awarded, which applicant wishes to defer to final fee application:	\$ 0.00
Portion of expenses requested but not awarded, which applicant wishes to defer to final fee application:	\$ 0.00

<b>Second interim application [ECF No.2399]</b>	
Dates covered by second application:	March 1, 2014 - June 30, 2014
Amount of fees requested:	\$ 360,960.27
Amount of expenses requested:	\$ 4,056.24
Amount of fees awarded:	\$ 360,960.27
Amount of expenses awarded:	\$ 4,056.24
Amount of fee retainer authorized to be used:	\$ 0.00
Amount of expense retainer authorized to be used:	\$ 0.00
Fee award, net of retainer:	\$ 0.00
Expense award, net of retainer:	\$ 0.00
Date of second award:	September 24, 2014 [ECF No. 2448]
Amount of fees actually paid:	\$ 360,960.27
Amount of expense reimbursement actually paid:	\$ 4,056.24
Portion of fees requested but not awarded, which applicant wishes to defer to final fee application:	\$ 0.00
Portion of expenses requested but not awarded, which applicant wishes to defer to final fee application:	\$ 0.00

<b>Summary of All Prior Applications and Awards</b>	
Total fees requested:	\$ 371,968.79
Total fees awarded:	\$ 371,968.79
Prior fees awarded but not yet paid, if any (do not include holdbacks in this number)	\$ 0.00
Total prior fees requested but not awarded, deferred to final fee application	\$ 0.00
Total expenses requested:	\$ 4,537.83
Total expenses awarded:	\$ 4,537.83
Prior expenses awarded but not yet paid, if any (do not include holdbacks in this number)	\$ 0.00
Total prior expenses requested but not awarded, deferred to final fee application	\$ 0.00

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated February 28, 2014</b>	
Dates covered by invoicing:	February 17, 2014 through February 28, 2014
Amount of fees and expenses requested:	\$ 11,490.11
Amount of fees and expenses paid absent objection:	\$ 11,490.11

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated March 31, 2014</b>	
Dates covered by invoicing:	March 1, 2014 through March 31, 2014
Amount of fees and expenses requested:	\$ 25,111.87
Amount of fees and expenses paid absent objection:	\$ 25,111.87

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated April 30, 2014</b>	
Dates covered by invoicing:	April 1, 2014 through April 30, 2014
Amount of fees and expenses requested:	\$ 120,038.02
Amount of fees and expenses paid absent objection:	\$ 120,038.02

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated May 31, 2014</b>	
Dates covered by invoicing:	May 1, 2014 through May 31, 2014
Amount of fees and expenses requested:	\$ 119,428.74
Amount of fees and expenses paid absent objection:	\$ 119,428.74

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated June 30, 2014</b>	
Dates covered by invoicing:	June 1, 2014 through June 30, 2014
Amount of fees and expenses requested:	\$ 100,437.88
Amount of fees and expenses paid absent objection:	\$ 100,437.88

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated July 31, 2014</b>	
Dates covered by invoicing:	July 1, 2014 through July 31, 2014
Amount of fees and expenses requested:	\$ 110,453.14
Amount of fees and expenses paid absent objection:	\$ 110,453.14

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated August 30, 2014<sup>2</sup></b>	
Dates covered by invoicing:	August 1, 2014 through August 30, 2014
Amount of fees and expenses requested:	\$ 83,248.80
Amount of fees and expenses paid absent objection:	\$ 83,248.80

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated September 30, 2014</b>	
Dates covered by invoicing:	September 1, 2014 through September 30, 2014
Amount of fees and expenses requested:	\$ 79,228.27
Amount of fees and expenses paid absent objection:	\$ 79,228.27

<sup>2</sup>Reflects a credit of \$1,532.64 in fees for time billed in the GECC Adversary (as defined below), which was inadvertently requested in Applicant's Second Interim Fee Application [ECF No. 2399] and paid.

<b>Monthly <i>POST CONFIRMATION</i> invoicing dated October 31, 2014</b>	
Dates covered by invoicing:	October 1, 2014 through October 31, 2014
Amount of fees and expenses requested:	\$ 95,341.15
Amount of fees and expenses paid absent objection:	\$ 95,341.15

UNITED STATES BANKRUPTCY COURT  
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In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
PALM BEACH FINANCE II, L.P.<sup>3</sup>

Case No. 09-36379-PGH  
Case No. 09-36396-PGH  
(Jointly Administered)

Debtors.

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**THIRD INTERIM POST CONFIRMATION FEE APPLICATION FOR ALLOWANCE  
AND PAYMENT OF COMPENSATION AND REIMBURSEMENT OF EXPENSES OF  
DAVID S. MANDEL AND MANDEL & MANDEL, LLP, AS SPECIAL CO-COUNSEL  
TO CHAPTER 11 LIQUIDATING TRUSTEE**

Mandel & Mandel, LLP (“*M&M*”), having been approved by this Court as special co-counsel for Chapter 11 Liquidating Trustee, Barry E. Mukamal (“*Trustee*”), applies for allowance of compensation for professional services rendered and reimbursement of the necessary expenses paid or incurred by M&M between July 1, 2014, through October 31, 2014, and in support states:

1. On November 30, 2009, Palm Beach Finance Partners, L.P. (the “*Debtor*”) filed its Voluntary Petition for relief under chapter 11 of the United States Bankruptcy Code [ECF No. 1]. On December 1, 2009, this case was jointly administered with the estate of *In re Palm Beach Finance II, L.P.*, Case No. 09-36396-PGH [ECF No. 19].

2. On January 28, 2010, the Court entered the Agreed Order Directing Appointment of Chapter 11 Trustee and denying the United States Trustee’s Motion to Convert Cases to Cases under Chapter 7 [ECF No. 100].

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<sup>3</sup>The address and last four digits of the taxpayer identification number for each of the Debtors are as follows: (i) Palm Beach Finance Partners, L.P., 3601 PGA Blvd., Suite 301, Palm Beach Gardens, FL 33410, TIN 9943; and (ii) Palm Beach Finance II, L.P., 3601 PGA Blvd., Suite 301, Palm Beach Gardens, FL 33410, TIN 0680.

3. On January 29, 2010, the United States Trustee appointed the Liquidating Trustee as Trustee in both estates [ECF No. 107].

4. On March 18, 2014, this Court entered an Order [ECF No. 2197] granting, among other things, the Liquidating Trustee's Application to Employ David S. Mandel and Mandel & Mandel, LLP, as special co-counsel to the Liquidating Trustee.

5. At the confirmation hearing held on October 19, 2010, the Court confirmed the *Second Amended Joint Plan of Liquidation of Barry Mukamal, as Chapter 11 Trustee of Palm Beach Finance Partners, L.P. and Palm beach Finance II, L.P. and Geoffrey Varga, as Joint Official Liquidator of Palm Beach Offshore, Ltd. And Palm Beach Offshore II, Ltd.*, dated September 3, 2010 [ECF No. 245] (the "**Plan**") in the above referenced jointly administered bankruptcy proceeding.

The Plan defines Confirmation Date as "the date on which the Bankruptcy Court enters the Confirmation Order on its docket". The Order Confirming Second Amended Joint Liquidating Chapter 11 Plan [ECF No. 444] (the "**Confirmation Order**") was entered on the Court's docket on October 21, 2010.

6. Article 7 of the Plan provides:

7.1.4 *PBF Liquidating Trust Management.* Barry Mukamal shall be PBF Liquidating Trustee with the power and authority set forth in the PBF Liquidating Trust Agreement.

7.1.5 *PBF Liquidating Trust Structure.* As more fully set forth in the PBF Liquidating Trust Agreement, the PBF Liquidating Trustee shall oversee and direct the PBF Liquidating Trust's operations and activities, including the retention of counsel.

7.1.7 *PBF II Liquidating Trust Monitor.* Geoffrey Varga, as Joint Official Liquidator for Offshore Funds shall be the PBF II Liquidating Trust Monitor with the power and authority set forth in the PBF II Liquidating Trust Agreement.

7.1.11 *Compensation of Professionals Retained by the Liquidating Trustees and the PBF II Liquidating Trust Monitor.* Professionals retained by the PBF II

Liquidating Trust Monitor and the Liquidating Trustee shall be entitled to monthly interim compensation for fees and expenses incurred in carrying out their duties consistent with the Plan and the Liquidating Trust Agreements; provided, however, that the PBF II Liquidating Trust Monitor or the Liquidating Trustee shall provide to the other, and the United States Trustee, notice of such requested fees and expenses on a monthly basis. Following such notice, if no objections to the fees and expenses set forth in the monthly statement are received in writing within 10 business days, 100% of such professional's fees and expenses shall be paid. Notice of objections to such fees and expenses shall be made via e-mail and/or facsimile. If objections to the fees and expenses are made and cannot be resolved, such objections will be heard and resolved by the Bankruptcy Court. Any such fees and expenses shall be payable from the Trust Asset of the Liquidating Trusts. The PBF II Liquidating Trust Monitor and the Liquidating Trustee shall, no less frequently than once every four (4) months, submit applications to the Bankruptcy Court for final approval of reimbursement of fees and expenses paid to their professionals.

7. This application is submitted pursuant to 11 U.S.C. § 331 for the allowance and payment to M&M in the amount of \$367,369.30 for fees and \$2,434.70 for costs incurred between July 1, 2014, and October 31, 2014, for a total request of \$369,804.

8. All of the services rendered by M&M were performed for and on behalf of the Liquidating Trustee.

### **I. SUMMARY OF SERVICES RENDERED**

9. M&M in consultation with MR&B, is co-counsel in both the adversary proceeding styled *Mukamal v. BMO Harris Bank N.A.*, Adv. Case No. 11-3015-PGH ("**M&I Adversary**") and the adversary proceeding styled *Mukamal v. General Electric Capital Corporation*, Adv. Case No. 12-1979-PGH ("**GECC Adversary**").

10. M&M rendered varied services as special co-counsel on behalf of the Liquidating Trustee for the period of time from July 1, 2014 through October 31, 2014. M&M is requesting \$367,369.30 in professional fees for services rendered in connection with the M&I Adversary.

M&M logged a total of 1,800 hours in the M&I Adversary at the reduced hourly rates ranging from \$82.50 to \$506.25 during the time period for which fees were required in this fee application.

11. Specifically, in the M&I Adversary, M&M devoted 1,800 hours, for a total of \$367,369.30, towards, among other things, the analysis of issues, extensive research and review of documents and other case materials.

## **II. REQUEST FOR COMPENSATION**

12. Pursuant to the decisions of the United States Court of Appeals for the Fifth Circuit in In re First Colonial Corp. of America, 544 F.2d 1291 (5th Cir. 1977); and In re Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974), the applicant requests that this Court consider the following factors in determining the amount of compensation that is reasonable for the applicant's services in this case.

## **III. TIME AND LABOR REQUIRED**

13. The transcribed time records and details of services rendered by M&M in the M&I Adversary are attached hereto as Exhibit 3. In the M&I Adversary, M&M has devoted 1,800 hours in time in providing services to the Liquidating Trustee between July 1, 2014 through October 31, 2014. Attached as Exhibit 1-A is a Summary of Professional and Paraprofessional Time Total Per Individual for this Period Only and attached as Exhibit 1-B is a Summary of Professional and Paraprofessional Time by Activity Code Category for this Time Period Only. Also attached as Exhibit 2 is a Summary of Requested Reimbursement of Expenses for this Time Period Only.

14. All professionals of M&M record the time expended in the rendition of professional services for the Liquidating Trustee by recording a detailed description of such professional services rendered.

15. All professionals involved in the rendering of services in this proceeding avoided, to the best of their ability, any unnecessary duplication of work and time expended.

**IV. NOVELTY AND DIFFICULTY OF THE ISSUES AND QUESTIONS PRESENTED**

16. M&M in consultation with MR&B, is co-counsel in both the M&I Adversary and the GECC Adversary.

**V. SKILL REQUISITE TO PERFORM THE LEGAL SERVICES PROPERLY**

17. M&M submits that the professionals assigned to these cases have the requisite experience, seniority and skills necessary to effectively and efficiently meet the requirements of the tasks required. M&M believes it has demonstrated the requisite, substantial expertise to skillfully provide its services.

**VI. PRECLUSION FROM OTHER EMPLOYMENT**

18. Though M&M has devoted time as special co-counsel for the Liquidating Trustee as more fully set forth in Exhibit 3, M&M has not been forced to decline other matters as a result of its accepting this employment.

**VII. CUSTOMARY FEE**

19. The hourly rates charged by M&M related to the M&I Adversary have been reduced by 25 %t as per the terms of M&M's retention agreement, exclusive of a partial contingency fee. With respect to the GECC Adversary, M&M is compensated purely on a contingency fee basis.

**VIII. TIME LIMITATIONS IMPOSED BY THE CLIENT  
OR THE CIRCUMSTANCES**

20. M&M has not been required to expend considerable time within short periods.

**IX. THE EXPERIENCE, REPUTATION AND ABILITY OF THE PROFESSIONALS**

21. M&M is a well-respected law firm having substantial experience in the type of services required under this engagement. The quality of work performed by M&M in this

proceeding attests to the firm's experience, reputation and ability.

22. A copy of Mr. Mandel's resume is attached to the Liquidating Trustee's (I) Motion to Modify Compensation Structure for Meland Russin & Budwick, P.A. as to Two Litigation Matters and (II) Application to Employ David S. Mandel and Mandel & Mandel, LLP, as Special Co-Counsel *Nunc Pro Tunc* to February 17, 2014 [ECF No. 2167], and is incorporated by reference.

#### **X. THE UNDESIRABILITY OF THE CASE**

23. M&M does not deem these cases to be undesirable and is honored to have been retained by the Liquidating Trustee.

#### **XI. APPLICABLE LEGAL STANDARD**

24. The amount requested by M&M is reasonable in terms of awards in cases of similar magnitude and complexity. The compensation which M&M is requesting comports with the mandate of the Bankruptcy Code, which directs that services be evaluated in light of comparable services performed in non-bankruptcy cases in the community. The fees requested by M&M in the amount of \$367,369.30 for 1,800 hours of services is entirely appropriate.

25. M&M considers the reasonable value of services rendered to this estate to be not less than \$367,369.30 for services rendered for the Fee Period.

#### **XII. ALLOCATION BETWEEN DEBTORS' ESTATES**

26. The Liquidating Trustee requests that 18% of the fee awarded be allocated to Palm Beach Finance Partners, L.P. ("**PBF**") and 82% of the fee awarded be allocated to Palm Beach Finance II, L.P. ("**PBF II**"). Section 1.76, entitled "Pro Rata Allocation Formula," of the Second Amended Joint Plan of Liquidation dated September 3, 2010 [ECF No. 245] provides for a *pro rata* allocation formula derived from the Compiled Financial Statements, dated April 30, 2008, for each of the Debtors by Kaufman Rossin & Co. The data contained therein supports an 18%/82%

allocation between PBF and PBF II, respectively, based upon the total assets of each entity as of the date of such compilations. Based on the circumstances and since the services provided by M&M were performed on behalf of and benefitted both estates, the Liquidating Trustee believes that this formula is the proper methodology to allocate certain fees and expenses between the two estates and respectfully requests the Court approve the allocation of fees requested in this Application as follows:

<b>Estate / Percentage</b>	<b>Fees</b>	<b>Costs</b>
Palm Beach Finance Partners, L.P. (18%)	\$65,850.60	\$438.25
Palm Beach Finance II. L.P. (82%)	\$299,986.06	\$1,996.45
<b>TOTAL FEES AND COSTS:</b>	<b>\$365,836.66<sup>4</sup></b>	<b>\$2,434.70</b>

**WHEREFORE,** M&M respectfully requests that it be allowed the full compensation and reimbursement of expenses sought under this application. M&M requests this Court to award a total of \$367,369.30 for fees in connection with the M&I Adversary and \$2,434.70 for costs incurred between July 1, 2014 and October 31, 2014, less a credit of \$1,532.64 for inadvertently billed time representing work done in the GECC Adversary included in the Applicant's Second Interim Fee Application, for a total request of \$368,271.36. Further, Applicant requests this Court approve the allocation of fees and expenses between the estates, and for such other and further relief this Court deems just and proper.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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<sup>4</sup>Reflects a credit of \$1,532.64 in fees for time billed in the GECC Adversary, which was inadvertently requested in Applicant's Second Interim Fee Application [ECF No. 2399] and paid.

**CERTIFICATION**

1. I have been designated by Mandel & Mandel, LLP, (the "Applicant") as the professional with responsibility in these cases for compliance with the current Mandatory Guidelines on Fees and Disbursements For Professionals In The Southern District of Florida Bankruptcy Cases (the "Guidelines").

2. I have read the Applicant's application for compensation and reimbursement of costs (the "Application").

3. To the best of my knowledge, information, and belief formed after reasonable inquiry, the Application complies with the Guidelines.

4. To the best of my knowledge, information, and belief formed after reasonable inquiry, the fees and disbursements sought fall within the Guidelines, except as specifically noted in this Certificate and described in the Application.

5. Except to the extent that fees or disbursements are prohibited or restricted by the Guidelines, the fees and disbursements sought are billed at rates and in accordance with practices customarily employed by the Applicant and generally accepted by the Applicant's clients.

6. In providing a reimbursable service or disbursement (other than time charged for paraprofessionals and professionals), the Applicant does not make a profit on that service or disbursement (except to the extent that any such profit is included within the permitted allowable amounts set forth in the Guidelines for photocopies and facsimile transmission).

7. In charging for a particular service or disbursement, the Applicant does not include in the amount for which reimbursement is sought the amortization of the cost of any investment, equipment or capital outlay (except to the extent that any such amortization is included within the permitted allowable amounts set forth herein for photocopies and facsimile transmission).

8. In seeking reimbursement for a service which the Applicant justifiably purchased or contracted for from a third party, the Applicant is requesting reimbursement only for the amount billed to the Applicant by the third-party vendor and paid by the Applicant to such vendor.

9. The trustee, the examiner (if any), the chairperson of each official committee (if any), the debtor, the U.S. Trustee, and their respective counsels, will be mailed, simultaneously with the filing of the Application with the Court, a complete copy of the Application (including all relevant exhibits).

10. The following are the variances with the provisions of the Guidelines, the date of the specific Court approval of such departure, and the justification for the departure: None.

**I HEREBY CERTIFY** that the foregoing is true and correct.

Mandel & Mandel, LLP  
1200 Alfred I. duPont Building  
169 East Flagler Street  
Miami, FL 33131  
T: 305-374-7771  
F: 305-374-7776

By: 

David S. Mandel, Esquire  
Fla. Bar No. 38040  
[dmandel@mandel-law.com](mailto:dmandel@mandel-law.com)

**I HEREBY CERTIFY** that, pursuant to that certain Order Authorizing Professionals Employed by the Liquidating Trustee and Monitor to Provide Notice of their Post Confirmation Fee Applications for Compensation in Summary Form [ECF No. 648], a Notice of Filing, which will include a Certificate of Service for the foregoing, will be filed at a later date.

s/ Michael S. Budwick  
Michael S. Budwick, Esquire  
Fla. Bar No. 938777  
[mbudwick@melandrussin.com](mailto:mbudwick@melandrussin.com)  
MELAND RUSSIN & BUDWICK, P.A.  
3200 Southeast Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131  
Telephone: (305) 358-6363  
Telecopy: (305) 358-1221  
Attorneys for the Liquidating Trustee

**EXHIBIT "1-A"****Summary of Professional and Paraprofessional Time  
Total per Individual for this Period Only**

[If this is a final application, and does not cumulate fee details from prior interim applications, then a separate Exhibit 1-A showing cumulative time summary from all applications is attached as well.]

<b>Name</b>	<b>Title</b>	<b>Year Licensed</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Fees</b>
David S. Mandel	Attorney	1986	82.20	\$506.25	\$ 41,613.75
Nina S. Mandel	Attorney	1988	170.20	\$450.00	\$ 76,590.00
Camellia Noriega	Attorney	2013	295.80	\$251.25	\$ 74,319.75
Maria Vernace	Attorney	2004	10.10	\$251.25	\$ 2,537.63
David Gottesmann	Attorney	2010	490.30	\$225.00	\$ 110,317.50
Paul Crespo	Paralegal	N/A	156.70	\$82.50	\$ 12,927.75
Frenki Vidovic	Paralegal	N/A	594.70	\$82.50	\$ 49,062.92
Blended Hourly Rate				\$204.09	
<b>Total Fees</b>			1800.00		\$ 367,369.30

**EXHIBIT "1-B"****Summary of Professional and Paraprofessional Time  
by Activity Code Category for this Time Period Only**

<b>Professional Services</b>				
	<b>Name</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
Attorney	David S. Mandel	\$506.25	82.20	\$ 41,613.75
Attorney	Nina S. Mandel	\$450.00	170.20	\$ 76,590.00
Attorney	Camellia Noriega	\$251.25	295.80	\$ 74,319.75
Attorney	Maria Vernace	\$251.25	10.10	\$ 2,537.63
Attorney	David Gottesmann	\$225.00	490.30	\$ 110,317.50
Paralegal	Paul Crespo	\$82.50	156.70	\$ 12,927.75
Paralegal	Frenki Vidovic	\$82.50	594.70	\$ 49,062.92
<b>CATEGORY TOTALS:</b>			<b>1800.00</b>	<b>\$ 367,369.30</b>

EXHIBIT "2"  
Summary of Requested Reimbursement Of Expenses  
for this Time Period Only

[If this is a final application which does not cumulate prior interim applications, a separate summary showing cumulative expenses for all applications is attached as well]

1.	Filing Fees	\$ 0.00
2.	Process Service Fees	\$ 0.00
3.	Witness Fees	\$ 0.00
4.	Court Reporter & Transcripts	\$ 0.00
5.	Lien and Title Searches	\$ 0.00
6.	Photocopies ( in-house copies) (6,118 copies @ 15¢)	\$ 917.70
7.	Photocopies (outside copies)	\$ 0.00
8.	Postage	\$ 0.00
9.	Overnight Delivery Charges	\$ 135.03
10.	Outside Courier/Messenger Services	\$ 0.00
11a.	Long Distance (a) Telephone Charges	\$ 0.00
11b.	Long Distance (b) Conference Calls	\$ 0.00
12.	Long Distance Fax Transmission @ \$1.00/pg.	\$ 0.00
13.	Computerized Research	\$ 1,366.97
14.	Out of Southern District of Florida Travel A. Transportation B. Lodging C. Meals	\$ 15.00
15.	Other (Not specifically disallowed; must specify and justify):	\$ 0.00
<b>TOTAL "GROSS" AMOUNT OF REQUESTED DISBURSEMENTS</b>		<b>\$ 2,434.70</b>

**MANDEL & MANDEL LLP**

1200 Alfred I. duPont Building

169 East Flagler Street

Miami, Florida 33131

Telephone: (305) 374-7771

Facsimile: (305) 374-7776

Tax I.D. # 65-0963493

Barry E. Mukamal, Liquidating Trustee  
 c/o Michael S. Budwick, Esq.  
 Meland, Russin & Budwick  
 200 Southeast Biscayne Boulevard, Suite 3200  
 Miami, FL 33131

Re: **Mukamal v. BMO Harris Bank N.A., Adv. Case No. 11-3015-PGH (Bk. S.D. Fla.)**

For the period ending July 31, 2014

Invoice # 15903

		<u>Hours</u>	<u>Amount</u>
7/1/2014	NSM	Review deposition digests.	1.50 675.00
	FV	Continue review of specific emails in preparation for upcoming depositions.	6.20 511.50
	DG	Review specific deposition in preparation for consultant review, upcoming depositions and trial.	7.00 1,575.00
	PC	Continued review of specific deposition transcript (1.50); continued review documents produced by defendant in preparation for depositions (2.50) and receipt and review of e-mail from consultant and respond to same including forwarding requested documents (.50).	4.50 371.25
7/2/2014	NSM	Review new confidential designations from opposing counsel (.75); conference re analysis (.25).	1.00 450.00
	DG	Meeting with counsel to discuss deposition preparation and trial strategy (.5); continue summarizing deposition transcript for upcoming depositions, consultant review and trial (7.)	7.50 1,687.50
	FV	Continue research of specific email re his involvement with the Petters' accounts (5); review all categories of documents to confirm confidential documents (2.5).	7.50 618.75

**EXHIBIT 3**

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
7/3/2014	NSM	Review specific deposition digest.	1.00 450.00
	CN	Review meeting agenda with co-counsel and filed Rule 15 motion.	0.30 75.38
	PC	Receipt and review of e-mail from consultant (.10); review database for requested documents (.40); and respond to same (.20).	0.70 57.75
	DG	Summary of specified deposition in preparation for consultant review, upcoming depositions and trial.	6.00 1,350.00
	FV	Review all categories of documents to confirm confidential documents.	5.50 453.75
7/7/2014	DSM	Conference with counsel.	3.50 1,771.88
	NSM	Meeting re Rule 15 hearing (3.5); conferences with paralegal and consultant (.7); review spoliation arguments, caselaw (.8).	5.00 2,250.00
	CN	Attend meeting with NSM and DSM and co-counsel re preparation for Rule 15 hearing and other discovery issues and strategy.	3.50 879.38
	PC	Confer with counsel re: additional document searches in database (.25), perform searches and download documents (2.25), and advise re: results (.50).	3.00 247.50
	DG	Summary of specified deposition [REDACTED] upcoming depositions and trial.	7.50 1,687.50
	FV	Review all categories of documents to confirm confidential documents.	7.50 618.75
7/8/2014	DSM	Review of file.	1.00 506.25
	NSM	Telephone conference with counsel and consultant re documents (1.0); review documents re BSA/AML (1.0).	2.00 900.00
	PC	Receipt and review of [REDACTED] exhibits and place on server (.60); receipt and review of e-mails from consultant (.20); perform requesting document searches	2.80 231.00

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
	(1.75); and response to consultant with results (.25).		
7/8/2014	DG Summary of specified deposition [REDACTED] [REDACTED] upcoming depositions and trial.	7.50	1,687.50
	FV Review all categories of documents to confirm confidential documents.	6.50	536.25
7/9/2014	DSM Review of file.	1.00	506.25
	PC [REDACTED] (.10); Perform requesting document searches (1.00); and response to consultant with results (.40).	1.50	123.75
	DG Summary of specified deposition [REDACTED] [REDACTED] upcoming depositions and trial.	7.50	1,687.50
	FV Review all categories of documents to confirm confidential documents (5.); updated information re bates numbers and dates to specified document notes (2.).	7.00	577.50
7/10/2014	DSM Review discovery responses and email correspondence with counsel (.50); review of file regarding discovery issues (2.0).	2.50	1,265.63
	NSM Review documents (.5); review deposition digest (1.)	1.50	675.00
	DG Summary of specified deposition [REDACTED] [REDACTED] upcoming depositions and trial.	7.00	1,575.00
	FV Review all categories of documents to confirm confidential documents and documents withdrawn by M&I as being confidential.	7.50	618.75
7/11/2014	DSM Email correspondence with opposing counsel regarding motion to compel (.25); conference with counsel regarding same (.25); review of file regarding various discovery matters (1.6).	2.10	1,063.13
	NSM Review documents (1); review spoliation timeline and documents (1.5).	2.50	1,125.00

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
7/11/2014	PC	Receipt and review of new production from Defendant.	0.50 41.25
	DG	Summary of specified deposition [REDACTED] [REDACTED] upcoming depositions and trial.	8.00 1,800.00
	FV	Review all categories of documents to confirm confidential documents.	7.50 618.75
7/12/2014	MNV	Research all federal law cases re: grand jury subpoenas, including reading and analysis of findings (1.3); research all federal law cases re: section 1510 and the production of subpoenas, including reading and analysis of findings (0.8); research all federal law cases re: Rule 6 and the production of grand jury subpoenas, including reading and analysis of findings (0.6); draft notes identifying pertinent statutes, identifying arguments supporting production of the requested subpoenas, identifying arguments against the production of the requested subpoenas identifying pertinent case law found, and identifying the possible applicability of Rule 6 of the Federal Rules of Criminal Procedure (1.2).	3.90 979.88
7/14/2014	CN	Review and analyze specific appeal briefs from 8th Circuit.	0.30 75.38
	NSM	Emails with counsel re additional discovery; review documents and law re spoliation.	2.20 990.00
	DG	Summary of specified deposition [REDACTED] [REDACTED] upcoming depositions and trial.	8.00 1,800.00
	FV	Review all categories of documents to confirm confidential documents.	7.00 577.50
	MNV	Email correspondence to counsel providing research findings.	0.20 50.25
	DSM	Legal research and email correspondence with counsel regarding discovery dispute.	2.90 1,468.13
7/15/2014	NSM	Review Defendant's response to Rule 15 motion and documents (2); meeting with counsel (2).	4.00 1,800.00

Barry E. Mukamal, Liquidating Trustee

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			<u>Hours</u>	<u>Amount</u>
7/15/2014	DSM	Review and analysis of defendant's response to motion to amend.	2.00	1,012.50
	CN	Review and analyze defendant's response to Rule 15 motion and cases relied upon and key exhibits to support assertions (2.3); review and analyze relevant briefs from 8th circuit and key case relied upon contrary to 11th Circuit case law (2.5).	4.80	1,206.00
	PC	Confer with counsel re: hearing strategy (.50); preparation of hearing binder for counsel (1.50) and assist counsel with hearing preparation including but not limited to performing searched in document database for review (1.75).	3.80	313.50
	DG	Summary of specified deposition in preparation for summary for consultant review, upcoming depositions and trial (2.); review pertinent documents [REDACTED] upcoming depositions and trial (5.5) .	7.50	1,687.50
	FV	Creating and updating spreadsheet database re alleged confidentiality documents.	7.50	618.75
7/16/2014	DSM	Email correspondence with counsel regarding production of government subpoenas and additional research regarding same (2.0), conference with counsel regarding spoliation and related issues and review of file regarding same.	3.90	1,974.38
	NSM	Review documents re alerts, etc.; conferences with team; review spoliation evidence and argument (6.5)	6.50	2,925.00
	CN	Finished review and notes on specific deposition summary (.6); review bankruptcy rules and Rule 2004 examination and assertions of lack of knowledge (.3); review specific transcripts (3.0); analyze exhibits to defendant response to rule 15 motion (1.5)	5.40	1,356.75
	PC	Preparation of case law binder per counsel's request.	2.90	239.25
	DG	Review of specified materials [REDACTED] upcoming depositions and trial (2.5); review pertinent documents to prepare	7.50	1,687.50

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
	██████████ upcoming depositions and trial (5.) .		
7/16/2014 FV	Review all categories of documents to confirm confidential documents (3.); conduct searches for "██████████" "██████████" "██████████" and entire customer profile re Petters (4.5).	7.50	618.75
7/17/2014 DSM	Review of exhibit register and assist in preparation for hearing.	1.50	759.38
CN	Review specific deposition transcript (.8); research spoliation and standard for litigation hold and interpretation of defendant's disaster recovery systems under case law (1.8); analyze exhibits specific to spoliation for defendant's Rule 15 response and plaintiff's spoliation documents (1.5); create list of potential arguments and necessary information for spoliation (.5); discussion with counsel re potential arguments (.5); discussion with paralegal re document searches for documents regarding documents retention, backup tapes, disaster recovery and litigation hold (.3).	5.40	1,356.75
PC	Assist counsel with hearing preparation including but not limited to performing searched in document database for review (1.15).	1.30	107.25
NSM	Consultation re confidential documents (.4); review documents re: spoliation, M&I's investigations of PCI account, etc. in preparation for hearing (2.5); conference with counsel re same (.7); review Bank's exhibits (.7).	4.30	1,935.00
DG	Review and organization of materials pertinent to AML suspicious activity in preparation for trial, deposition and consultant review.	7.50	1,687.50
FV	Updating additional information to spreadsheet database re alleged confidentiality documents.	7.50	618.75
7/18/2014 CN	Research recycled backup tapes and party's delay in explanation for missing information (1.8); research spoliation of backup tapes and duty to preserve information (1.8); research bad faith standard and spoliation specific to backup tapes (1.9); prepare summary of backup tapes and duty to preserve for	6.60	1,658.25

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		<u>Hours</u>	<u>Amount</u>
	counsel (.5); discussion of case law with counsel re backup tapes and spoliation(.3); review of defendant response to tenth document requests and discussion with counsel (.3)		
7/18/2014	PC Receipt and review of additional discovery responses from Defendant (.10); review Exhibit Register for Hearing (.60); and continue to assist counsel with hearing preparation by performing searches in document database (1.10).	1.80	148.50
	NSM Review potential objections to Bank's exhibits; meeting with counsel re Rule 15 hearing; ; telephone conference with bank counsel re exhibits; review emails re same; review new production from defendant.	5.30	2,385.00
	DG Review and organization of materials pertinent to AML suspicious activity in preparation for trial, deposition [REDACTED]	7.50	1,687.50
	FV Updating additional information to database re alleged confidentiality documents.	7.50	618.75
	DSM Review of file and email correspondence regarding spoliation issue.	2.70	1,366.88
7/20/2014	NSM Preparation for Rule 15 hearing (2.5)	2.50	1,125.00
7/21/2014	DSM Preparation for hearing.	2.10	1,063.13
	PC Confer with counsel regarding additional hearing preparation (.60); receipt and review of Amended Exhibits Registers and new exhibits (.40); and continue to assist counsel with hearing preparation including but not limited to updating hearing binder (3.0).	4.00	330.00
	NSM Preparation for hearing on Rule 15 motion.	4.50	2,025.00
	CN Research "bad faith" of spoliation and malicious intent and prepare notes for counsel (6.5); discussion with counsel re strategy for hearing (1.1); research elements of backup programs, logs, and whether [REDACTED] [REDACTED] (.5).	8.10	2,035.13

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
7/21/2014	DG	Review and organization of materials pertinent to AML suspicious activity in preparation for trial, deposition [REDACTED]	7.50 1,687.50
	FV	Review documents and updating additional information to database re alleged confidentiality documents and if they are designated confidential or not.	7.50 618.75
7/22/2014	NSM	Preparation for and attendance at Rule 15 hearing.	5.30 2,385.00
	DG	Review and organization of materials pertinent to AML suspicious activity in preparation for trial, deposition [REDACTED]	7.50 1,687.50
	CN	Research case history in the 9th Circuit where [REDACTED] pursuant to counsel request (1.5); prepare detail history and analysis of case and email to counsel (.25); research other cases where [REDACTED] (.15).	1.90 477.38
	FV	Review documents and updating additional information to database re alleged confidentiality documents and if they are designated confidential or not.	7.50 618.75
	DSM	Hearing on rule 15 motion; travel to and from court.	4.50 2,278.13
7/23/2014	DSM	Review of proposed order and conferences with counsel regarding same and review of discovery.	0.90 455.63
	NSM	Conference with counsel; draft deposition notice re: 30b6 witness on spoliation issues; review documents;	2.50 1,125.00
	DG	Review and organization of materials pertinent to AML suspicious activity in preparation for trial, deposition [REDACTED]	7.50 1,687.50
	FV	Review documents and updating additional information to database re alleged confidentiality documents and if they are designated confidential or not.	7.00 577.50
	CN	Research cases of SARs where [REDACTED] (.9); research cases where spoliation was granted (2); research cases where spoliation held for destruction	5.90 1,482.38

Barry E. Mukamal, Liquidating Trustee

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			<u>Hours</u>	<u>Amount</u>
		of backup tapes (1.5); research [REDACTED] in summary judgment(1.5).		
7/24/2014	DSM	Review of discovery (.75); conference with counsel and review of correspondence with opposing counsel (.50).	1.30	658.13
	NSM	Revise deposition notice (.8); review documents and conference with discovery team (1.5).	2.30	1,035.00
	DG	Review analyze and organize specified materials in preparation for consultant review, upcoming depositions and trial (5.3); summarize and memorialize integral findings (2.2).	7.50	1,687.50
	FV	Review documents and updating additional information to database re alleged confidentiality documents and if they are designated confidential or not.	7.50	618.75
	CN	Continue research on [REDACTED] and preparation of outline for possible memo part of summary judgment or motion to dismiss response.	6.80	1,708.50
7/25/2014	DSM	Review of file.	1.00	506.25
	DG	Review, analyze and organize specified materials in preparation for summary to prepare for upcoming deposition, [REDACTED]	7.50	1,687.50
	FV	Review all documents regarding missing attachments.	7.50	618.75
	NSM	Review revised charts re bank account activity.	0.80	360.00
	CN	Commence preparation of outline of facts supporting [REDACTED] and continue analysis of case law supporting [REDACTED]	2.00	502.50
7/28/2014	DG	Review of specified materials in preparation for summary [REDACTED] upcoming depositions and trial.	7.50	1,687.50
	FV	Review documents and update information to database re confidential documents and if they are designated confidential or not.	1.50	123.75

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		<u>Hours</u>	<u>Amount</u>
7/28/2014	NSM	Review proposed orders; conference with team; [REDACTED] and counsel re spoliation issues; conference with counsel re same.	1.80 810.00
	CN	Telephone conference call with counsel [REDACTED] on recycled tapes and assistance with review of [REDACTED].	0.50 125.63
	DSM	Review of file and email correspondence with counsel regarding discovery and related issues.	1.80 911.25
7/29/2014	DG	Review, organize and analyze pertinent materials from opposing counsel production in preparation for depositions, [REDACTED] and trial.	7.50 1,687.50
	FV	Review documents and update information to database re confidential documents and if they are designated confidential or not.	7.50 618.75
	NSM	Review proposed order; conference with counsel; conference re spoliation issues.	1.00 450.00
7/30/2014	NSM	[REDACTED] (.50); conference with counsel re same (.25); review documents(.25).	1.00 450.00
	FV	Review documents and updating additional information to database re alleged confidentiality documents and if they are designated confidential or not.	7.50 618.75
	DG	Review, analyze and organize specified materials in [REDACTED] upcoming depositions and trial.	7.50 1,687.50
	CN	Research other similar statutory privileges that parties waived and tried to use as [REDACTED] in litigation as similar to [REDACTED] this case as requested by counsel.	1.30 326.63
7/31/2014	DG	Review of specified materials in preparation for [REDACTED] upcoming depositions and trial.	7.50 1,687.50

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
7/31/2014 FV      Review of documents database for missing attachments.	7.50	618.75
For professional services rendered	493.60	\$109,825.60
Additional Charges :		
7/31/2014 FedEx delivery expense. (documents to consultant for review)		78.48
Computerized research expense.		337.21
Photocopying cost @ 0.15 cents.		211.95
Total costs		\$627.64
Total amount of this bill		\$110,453.24
Previous balance		\$100,437.88
7/31/2014 Credit- to balance % difference in fees and discounted rates.		(\$0.10)
8/7/2014 Payment - thank you. Check No. 11349&53		(\$101,681.85)
Total payments and adjustments		(\$101,681.95)
Balance due		\$109,209.17

## Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
David S. Mandel	34.70	506.25
Nina Stillman Mandel	58.50	450.00
Camellia Noriega	52.80	251.25
David Gottesmann	163.50	225.00
Maria N. Vernace	4.10	251.25
Frenki Vidovic	153.20	82.50
Paul Crespo	26.80	82.50

\*\*\* Billing rates are 75 percent of actual per agreement with the Liquidating Trustee.

**MANDEL & MANDEL LLP**

1200 Alfred I. duPont Building

169 East Flagler Street

Miami, Florida 33131

Telephone: (305) 374-7771

Facsimile: (305) 374-7776

Tax I.D. # 65-0963493

Barry E. Mukamal, Liquidating Trustee  
 c/o Michael S. Budwick, Esq.  
 Meland, Russin & Budwick  
 200 Southeast Biscayne Boulevard, Suite 3200  
 Miami, FL 33131

Re: **Mukamal v. BMO Harris Bank N.A., Adv. Case No. 11-3015-PGH (Bk. S.D. Fla.)**

For the period ending August 31, 2014

Invoice # 15907

		<u>Hours</u>	<u>Amount</u>
8/1/2014	FV	Review all documents regarding missing attachments.	7.00 577.50
	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50 1,687.50
8/4/2014	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50 1,687.50
	FV	Review all documents regarding missing attachments.	7.50 618.75
8/5/2014	DSM	Review of file.	1.00 506.25
	FV	Review all documents regarding missing attachments (6.); meeting counsel and team (.8); review pertinent documents to determine if they are confidential or not (.7).	7.50 618.75
	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED] (6.7); meeting with counsel and team (.8).	7.50 1,687.50
	PC	Receipt and review of additional confidential designation by Defendant (.90 ); attend team meeting (.50 ); and confer with counsel re: status of matter (.50).	1.90 156.75

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
8/5/2014	CN	Review discovery and interrogatories re [REDACTED] (1.2); research spoliation claims granted [REDACTED] as part of sanctions (2.4).	3.60 904.50
	NSM	Meeting re document review (.8); follow-up discussions re redacted and confidential documents (.7)	1.50 675.00
8/6/2014	DG	Review, organize and analyze pertinent materials in preparation for depositions, consultant review and trial.	7.50 1,687.50
	FV	Review documents and updating additional information to database re confidentiality designation.	7.50 618.75
8/7/2014	NSM	Review correspondence re discovery and related correspondence (.5); review documents (.5)	1.00 450.00
	DSM	[REDACTED]	1.50 759.38
	FV	Review documents and updating additional information to database re confidentiality designation.	7.00 577.50
	DG	Review, organize and analyze pertinent materials in preparation for depositions, consultant review and trial.	7.50 1,687.50
	CN	Research case law on motions to lift stays and appropriate standard (2.10); research caselaw where stay lifted for discovery sanction (2.2).	4.30 1,080.38
8/8/2014	DSM	Email correspondence with counsel and review and analysis of correspondence concerning discovery issues and potential motion to compel.	1.30 658.13
	FV	Review documents and updating additional information to database re confidentiality designation.	7.50 618.75
	DG	Review, organize and analyze pertinent materials in preparation for depositions, consultant review and trial.	7.50 1,687.50
	CN	Begin drafting motion for leave to lift stay and compel deposition re possible destruction of email (1.8); research case law where party failed to answer questions re spoliation or destruction of documents (2.1), where stay lift partially (.8), where stay lift for prejudice to moving party (1.5); review subpoena language requiring	7.30 1,834.13

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
	maintenance of documents and other spoliation supportive documents (1.1).		
8/8/2014 NSM	Conferences re spoliation issues and discovery strategy.	1.50	675.00
8/11/2014 DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED] and trial.	7.50	1,687.50
FV	Review documents and updating additional information to database re confidentiality designation.	7.50	618.75
CN	Begin drafting factual section of brief re discovery completed and notice of preservation of documents (3.0); research similar spoliation cases where defendant asserted recycle of backup tapes or destruction of information without explanation (2.3) and deposition specifically about spoliation (1.0).	6.30	1,582.88
8/12/2014 DG	Review, organize and analyze pertinent materials in preparation for depositions, consultant review and trial.	7.50	1,687.50
FV	Review documents and updating additional information to database re confidentiality designation.	7.50	618.75
CN	Research case law where grant of motion to lift stay for single deposition (1.2) or for possible spoliation or destruction of documents (1.4), or bases of lift of stay for prejudice and effect on dispositive motion (1.3).	3.90	979.88
8/13/2014 FV	Review documents and updating additional information to database re confidentiality designation.	7.50	618.75
DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50	1,687.50
PC	[REDACTED] redacted documents (.40); Review documents produced by Defendant (.75); and advise consultant (.25).	1.40	115.50
NSM	Review discovery responses.	0.40	180.00
8/14/2014 FV	Review documents and updating additional information to database re confidentiality designation.	2.50	206.25

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
8/14/2014	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50 1,687.50
	PC	Telephone conversation with consultant re: production (.25); and forward requested documents to consultant (.25).	0.50 41.25
	PC	[REDACTED]	0.80 66.00
	NSM	Review documents re spoliation and bank issues.	1.00 450.00
8/15/2014	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50 1,687.50
	FV	Review documents and updating additional information to database re confidentiality designation.	7.50 618.75
	NSM	Review wire transfer information; emails re extensions of time.	1.00 450.00
8/18/2014	DSM	Legal research re spoliation issue and email communication with counsel regarding same.	2.30 1,164.38
	FV	Review documents and updating additional information to database re: responsiveness.	2.50 206.25
	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50 1,687.50
	CN	Research additional cases re standard to lift stay of discovery (1.5), lifted stay for deposition and destruction of documents issues (1.5), lifted stay where discovery necessary to decide dispositive motion (2.0); continue drafting motion for leave to lift stay (1.9).	6.90 1,733.63
8/19/2014	FV	Review documents and updating additional information to database re confidentiality designation.	7.50 618.75
	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50 1,687.50
8/20/2014	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50 1,687.50

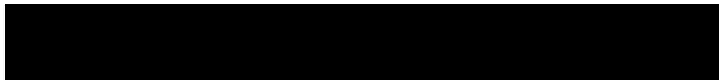
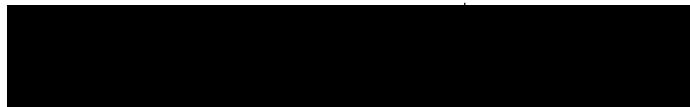


Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
8/20/2014	FV	Review documents and updating additional information to database re confidentiality designation.	7.50 618.75
	CN	Research motions to compel for withholding documents or documents that have disappeared with no explanation (1.5), and motions to compel for depositions where defendant refuses to explain circumstances of destruction (1.6); continue drafting motion for leave and to compel (2.).	5.10 1,281.38
8/21/2014	DSM	Meeting regarding [REDACTED] same.	1.50 759.38
	FV	Review documents and updating additional information to database re confidentiality designation.	7.50 618.75
	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED]	7.50 1,687.50
	CN	Continue research cases on motions to compel deposition for spoliation or destruction or disappearance of documents (2.3) and where defendant evades or confuses understanding of destruction (1.1) continue drafting motion (2.1).	5.50 1,381.88
	NSM	Discussion and review of bank documents.	0.50 225.00
8/22/2014	DSM	[REDACTED]	2.00 1,012.50
	NSM	Conference with counsel re spoliation issues and documents (.5); review caselaw and documents (1.0).	1.50 675.00
	FV	Review documents and updating additional information to database re confidentiality designation.	7.00 577.50
	DG	Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED] challenging redacted areas.	7.50 1,687.50
	CN	Discussion with counsel re documents that plaintiff base relevancy of 2001-2005 emails (.5); research basis of relevancy of missing information (2.2) and any analysis of unequal position of parties where one party controls	6.00 1,507.50

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
	information and missing information in determining relevancy (1.6); continue drafting motion (1.7)		
8/23/2014 DSM		4.00	2,025.00
8/24/2014 DSM		8.00	4,050.00
8/25/2014 NSM	Review confidential document analysis.	1.20	540.00
FV	Review documents and updating additional information to database re confidentiality designation.	7.50	618.75
DG	Review, organize and analyze pertinent materials in preparation for depositions,  challenging redacted areas.	7.50	1,687.50
PC	Confer with counsel re: searches to be performing in the document database (.40); perform researches in the database (2.00); confer with counsel with results of searches (.60).	3.00	247.50
CN	Continue to draft and edit motion for leave to lift stay and motion to compel (5); working with paralegal on finding citations and relevant discovery (.1).	5.10	1,281.38
8/26/2014 DG	Review, organize and analyze pertinent materials in preparation for depositions,  challenging redacted areas.	7.50	1,687.50
FV	Review documents and updating additional information to database re confidentiality designation.	7.50	618.75
CN	Edit and continue to finalize motion for leave to lift stay and compel deposition (5.); research additional case law for standard for motion to compel and lifts of stay while summary judgment pending (1.4)	6.40	1,608.00
8/27/2014 FV	Review documents and updating additional information to database re confidentiality designation.	5.50	453.75

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
8/27/2014	DG	7.50	1,687.50
	PC	5.80	478.50
	CN	6.30	1,582.88
	NSM	1.00	450.00
8/28/2014	PC	3.80	313.50
	CN	7.40	1,859.25
	FV	7.50	618.75

Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED] challenging redacted areas.

Confer with counsel re: searches to be performing in the document database (.50); perform researches in the database (1.50); confer with counsel with results of searches (.50); Telephone conversation with consultant re: documents produced by Defendant (.25); [REDACTED] send electronically (.50); and perform searches in document database, download, and forward same to consultant (2.50)

Edit and finalize motion for leave to lift stay (4.5); discussion with counsel re updates on status of defendant's discovery and strategy (.3); incorporate case law to support motion to compel and requirement re deposition where [REDACTED] spoliation case law (1.5).

Review discovery responses and correspondence (.5); conference with counsel (.5).

[REDACTED] documents produced by Defendant (.25); Continued review of [REDACTED] send electronically (.75); and continue to perform searches in document database, download, and forward same to consultant (2.75)

Discussion with counsel re status of discussion with defendant's re deposition and timing of filing motion to lift stay (.4); research case law applying [REDACTED] (1.8), motion for leave to lift deposition stay where summary judgment is pending (1.6); continue drafting of motion [REDACTED] (1.6); finalize draft motion for leave to [REDACTED]

Review documents and updating additional information to database re confidentiality designation.

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
8/28/2014	DG      Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED] and challenging redacted areas.	7.50	1,687.50
	NSM      Discussion re discovery issues (.8); emails re same (.2).	1.00	450.00
8/29/2014	PC      Perform searches in document database, download, and forward same to consultant.	5.50	453.75
	DG      Review, organize and analyze pertinent materials in preparation for depositions, [REDACTED] and challenging redacted areas.	7.50	1,687.50
	FV      Review documents and updating additional information to database re confidentiality designation.	7.50	618.75
8/30/2014	NSM      Review correspondence from Ingrisano; discussion re same.	0.50	225.00
	DSM      Review of file.	0.50	253.13
	For professional services rendered	432.50	\$84,441.07
	Additional Charges :		
8/1/2014	FedEx overnight delivery expense to expert.		56.55
8/24/2014	Parking at Miami International airport re: August 24th meeting.		15.00
8/31/2014	Photocopying cost @ 0.15 cents.		108.45
	Computerized research expense.		160.43
	Total costs		\$340.43
	Total amount of this bill		\$84,781.50
	Previous balance		\$109,209.17
8/26/2014	Credit: Per Invoice# 15846.		(\$1,532.64)
8/28/2014	Payment - thank you. Check No. 11365 & 68		(\$110,453.24)
8/31/2014	Credit re fees.		(\$0.06)

Barry E. Mukamal, Liquidating Trustee

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	<u>Amount</u>
Total payments and adjustments	(\$111,985.94)
Balance due	<u>\$82,004.73</u>

Timekeeper Summary		
<u>Name</u>	<u>Hours</u>	<u>Rate</u>
David S. Mandel	22.10	506.25
Nina Stillman Mandel	12.10	450.00
Camellia Noriega	74.10	251.25
David Gottesmann	157.50	225.00
Frenki Vidovic	144.00	82.50
Paul Crespo	22.70	82.50

\*\*\* Billing rates are 75 percent of actual per agreement with the Liquidating Trustee.

**MANDEL & MANDEL LLP**

1200 Alfred I. duPont Building

169 East Flagler Street

Miami, Florida 33131

Telephone: (305) 374-7771

Facsimile: (305) 374-7776

Tax I.D. # 65-0963493

Barry E. Mukamal, Liquidating Trustee  
c/o Michael S. Budwick, Esq.  
Meland, Russin & Budwick  
200 Southeast Biscayne Boulevard, Suite 3200  
Miami, FL 33131

Re: Mukamal v. BMO Harris Bank N.A., Adv. Case No. 11-3015-PGH (Bk. S.D. Fla.)

For the period ending September 30, 2014

Invoice # 15926

	<u>Hours</u>	<u>Amount</u>
9/1/2014 DSM	0.70	354.38
9/2/2014 DG	7.50	1,687.50
FV	7.50	618.75
NSM	1.20	540.00
PC	4.90	404.25
DSM	1.00	506.25
9/3/2014 NSM	1.70	765.00
FV	7.50	618.75

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
9/3/2014 DG	7.50	1,687.50
PC	6.30	519.75
DSM	0.80	405.00
9/4/2014 DG	7.50	1,687.50
FV	7.50	618.75
PC	4.00	330.00
9/5/2014 DG	7.50	1,687.50
FV	7.50	618.75
NSM	0.50	225.00
PC	5.00	412.50
DSM	0.40	202.50
9/8/2014 FV	7.50	618.75
DG	7.50	1,687.50
PC	5.90	486.75

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
9/8/2014 NSM	2.00	900.00
DSM	0.40	202.50
9/9/2014 NSM	2.00	900.00
DG	7.50	1,687.50
FV	7.50	618.75
PC	4.50	371.25
DSM	0.50	253.13
9/10/2014 FV	7.50	618.75
DG	7.50	1,687.50
PC	5.50	453.75
NSM	1.30	585.00
DSM	0.40	202.50
9/11/2014 DG	7.50	1,687.50

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
9/11/2014 FV	7.50	618.75
PC	5.50	453.75
NSM	3.60	1,620.00
DSM	1.70	860.63
9/12/2014 FV	7.00	577.50
DG	7.50	1,687.50
PC	5.30	437.25
CN	1.50	376.88
9/15/2014 DG	7.50	1,687.50
PC	4.30	354.75
CN	2.50	628.13
NSM	1.50	675.00

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
9/16/2014 FV	7.50	618.75
DG	7.50	1,687.50
PC	5.30	437.25
CN	1.30	326.63
NSM	3.50	1,575.00
DSM	1.50	759.38
9/17/2014 FV	7.00	577.50
DG	7.50	1,687.50
PC	4.50	371.25
CN	2.50	628.13
NSM	1.80	810.00

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
9/17/2014 DSM	0.20	101.25
9/18/2014 FV	7.00	577.50
DG	7.50	1,687.50
CN	3.10	778.88
NSM	1.00	450.00
9/19/2014 DG	7.50	1,687.50
FV	7.50	618.75
CN	1.90	477.38
DSM	0.90	455.63
NSM	1.30	585.00
9/22/2014 NSM	2.10	945.00
FV	7.50	618.75
DG	7.50	1,687.50
PC	4.50	371.25

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
9/22/2014 CN	3.50	879.38
9/23/2014 PC	5.00	412.50
FV	6.50	536.25
DG	7.50	1,687.50
CN	3.10	778.88
DSM	2.60	1,316.25
NSM	0.30	135.00
9/24/2014 PC	4.40	363.00
FV	7.50	618.75
CN	4.50	1,130.63
9/25/2014 PC	5.30	437.25
FV	7.50	618.75

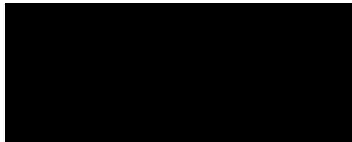

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
9/25/2014 CN	7.60	1,909.50
9/26/2014 NSM	2.50	1,125.00
FV	7.00	577.50
PC	2.00	165.00
CN	5.60	1,407.00
DSM	1.80	911.25
9/27/2014 DSM	0.80	405.00
9/29/2014 NSM	2.50	1,125.00
FV	7.50	618.75
CN	5.50	1,381.88
9/30/2014 FV	7.50	618.75
PC	2.30	189.75
CN	6.20	1,557.75

Barry E. Mukamal, Liquidating Trustee

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	<u>Hours</u>	<u>Amount</u>
9/30/2014 DSM 	0.60	303.75
NSM 	0.20	90.00
	<hr/>	<hr/>
For professional services rendered	443.60	\$78,649.20
Additional Charges :		
9/30/2014 Computerized research expense.		364.87
Photocopies cost @ 0.15 cents.		214.20
		<hr/>
Total costs		\$579.07
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Total amount of this bill		\$79,228.27
Previous balance		\$82,004.73
10/6/2014 Payment - thank you. Check No. 11375		(\$14,795.01)
10/6/2014 Payment - thank you. Check No. 11378		(\$67,209.72)
		<hr/>
Total payments and adjustments		(\$82,004.73)
		<hr/>
Balance due		\$79,228.27
		<hr/>

## Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
David S. Mandel	14.30	506.25
Nina Stillman Mandel	29.00	450.00
Camellia Noriega	48.80	251.25
David Gottesmann	120.00	225.00
Frenki Vidovic	147.00	82.50
Paul Crespo	84.50	82.50

\*\*\* Billing rates are 75 percent of actual per agreement with the Liquidating Trustee.

**MANDEL & MANDEL LLP**

1200 Alfred I. duPont Building

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Miami, Florida 33131

Telephone: (305) 374-7771

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Tax I.D. # 65-0963493

Barry E. Mukamal, Liquidating Trustee  
 c/o Michael S. Budwick, Esq.  
 Meland, Russin & Budwick  
 200 Southeast Biscayne Boulevard, Suite 3200  
 Miami, FL 33131

Re: **Mukamal v. BMO Harris Bank N.A., Adv. Case No. 11-3015-PGH (Bk. S.D. Fla.)**

For the period ending October 31, 2014

Invoice # 15938

		<u>Hours</u>	<u>Amount</u>
10/1/2014 FV	Continue download, review and updating to database [REDACTED] documents.	7.50	618.75
DG	Review and summarize deposition of witness.	2.00	450.00
NSM	Work on response to motion to dismiss (2.5); [REDACTED] [REDACTED] (1); conference with counsel (.6).	4.10	1,845.00
CN	Continue research use of spoliation inference on motion to dismiss or summary judgment stage (1.9); continue preparation of summary of this research (2.0); summarize spoliation case law for 11th and 8th circuits (2.0); discussion with counsel re differences between circuits on spoliation (.6).	6.50	1,633.13
10/2/2014 FV	Continue download, review and updating to database consultants highlighted documents.	7.50	618.75
NSM	Conference with counsel re responses to motion to dismiss and for summary judgment (1.0); Work on response to motion to dismiss (1.5).	2.50	1,125.00
PC	Receipt and review [REDACTED] search document database for requested documents, and [REDACTED] [REDACTED]	3.40	280.50

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
10/2/2014	CN	Research case law on four corners of complaint and use of court of documents outside of complaint and to what extent defendant's exhibits to motion to dismiss can be considered (6.6); discussion with counsel re research results (.1)	6.70 1,683.38
10/3/2014	FV	Continue download, review and updating to database consultants highlighted documents.	7.50 618.75
	NSM	Review court order (.3); conferences with counsel (.3); work on response to motion to dismiss.(1.4)	2.00 900.00
	PC	Receipt and review e-mails from consultant, search document database for requested documents, [REDACTED] and receipt and review of Order Amending Briefing Schedule and update calendar to reflect same.	2.50 206.25
	CN	Research cases that allowed additional facts to be added to plaintiff's response to motion to dismiss (4.8).	4.80 1,206.00
	DSM	Review notice of hearing.	0.20 101.25
10/6/2014	FV	Continue download, review and updating to database consultants highlighted documents.	7.50 618.75
	NSM	Prepare for hearing on motion to compel.	6.50 2,925.00
	PC	Preparation of binder to be used by counsel during strategy meeting; and continued review e-mails produced by defendant and update index.	4.50 371.25
	CN	Research use of additional facts for a response to motion to dismiss and different basis to exclude documents attached to motion to dismiss (4.5); review exhibits attached to motion to dismiss (.2).	4.70 1,180.88
10/7/2014	FV	Continue download, review and updating to database consultants highlighted documents.	7.50 618.75
	NSM	Attend court hearing on motion to dismiss (5.5); conferences with counsel (.5).	6.00 2,700.00

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
10/7/2014	CN	Continue research on court acceptance of additional facts for plaintiff's response to motion to dismiss and basis to strike defendant's exhibits.	3.30 829.13
	DSM	Conference with counsel concerning motion to compel and related matters.	0.40 202.50
10/8/2014	FV	Continue download, review and updating to database consultants highlighted documents.	7.50 618.75
	DG	Review, analyze and summarize part 1 of specified emails.	2.30 517.50
	CN	Continue research on basis to exclude exhibits from motion to dismiss (6.8); prepare summary on general case law (1.0)	7.80 1,959.75
	DSM	Email correspondence with counsel regarding discovery matters.	0.50 253.13
	NSM	Review documents (.8); conferences re additional requests for production and/or searches (.6).	1.40 630.00
10/9/2014	NSM	Review documents and work on response to motion to dismiss (3.5); review analysis of bank's revised confidentiality designations (.4); telephone conference with counsel re confidentiality designations (.3)	4.20 1,890.00
	FV	Continue download, review and updating to database consultants highlighted documents.	7.50 618.75
	DG	Continue review, analysis and summary of part 1 of specified emails.	7.50 1,687.50
	CN	Research incorporation by reference doctrine and summarize case law.	6.60 1,658.25
	DSM	Review of file.	0.50 253.13
10/10/2014	FV	Continue download, review and updating to database consultants highlighted documents.	7.00 577.50
	DG	Continue review, analysis and summary of part 1 of specified emails.	7.50 1,687.50

Barry E. Mukamal, Liquidating Trustee

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		<u>Hours</u>	<u>Amount</u>
10/10/2014	CN	Finalize summary of basic arguments for additional facts and striking exhibits (2.5); research additional basis to strike exhibits (2.7).	5.20 1,306.50
	NSM	Review research memo re arguments for response to motion to dismiss (1).	1.00 450.00
10/13/2014	NSM	Review facts and caselaw re response to motion to dismiss (2.5); meeting with co-counsel (1.5)	4.00 1,800.00
	FV	Review and indexing of 3rd party documents production.	7.50 618.75
	DG	Review of October 7, 2014 hearing transcript in preparation for drafting Order (.6); review Motion to Compel Production in order to prepare for drafting proposed Order (1.2); meeting with counsel re preparation of Order (.8); drafting Proposed Order re evidentiary deadlines and instructions (4.9)	7.50 1,687.50
	DSM	Conference with counsel concerning response to motion to dismiss and review of file regarding same (1.25); review of 10/7 hearing transcript (.5).	1.30 658.13
10/14/2014	NSM	Review transcript from hearing on motion to compel and draft proposed order (2.0); conferences with counsel (1.); work on response to motion to dismiss (2.4).	5.40 2,430.00
	FV	Review and indexing of 3rd party documents production.	7.50 618.75
	DG	Review and analyze consultants report in preparation for upcoming hearing and depositions	7.50 1,687.50
	PC	Confer with counsel re: status of matter and searches to be performed in database; and perform and review searches and organize and save results.	3.40 280.50
10/15/2014	NSM	Legal research re motion to dismiss (2.3); review and revise defendant's version of order re motion to compel, telephone conference re same (1.7).	4.00 1,800.00
	DSM	Review of file.	1.00 506.25
	FV	Review and indexing of 3rd party documents production.	7.50 618.75

Barry E. Mukamal, Liquidating Trustee

Page 5

		<u>Hours</u>	<u>Amount</u>
10/15/2014	PC	Receipt and review of ASCII files for the depositions taken in the matter and process to PDF searchable transcripts.	1.10 90.75
	CN	Review motion to dismiss and specific arguments by defendant of inclusion of exhibits (1.5); continue research on incorporation by reference doctrine (1.9).	3.40 854.25
10/16/2014	DG	[REDACTED] preparation for upcoming hearing and depositions	7.50 1,687.50
	FV	Review and indexing of 3rd party documents production.	7.50 618.75
	NSM	Review documents re response to motion to dismiss (2.5).	2.50 1,125.00
	PC	Perform and review searches in database per counsel's request and advise same of results.	1.70 140.25
	CN	Research case law excluding from motion to dismiss exhibits filed with prior motions and arguments from prior motions as well as prior complaints and its exhibits (2.1); continue research on incorporation by reference use in Southern District and all circuits (3.0); research exclusion based on types of similar documents defendant attached to motion to dismiss and in cases of similar types of claims (3.0)	8.10 2,035.13
10/17/2014	NSM	Work on response to motion to dismiss (1.8); [REDACTED] and review documents (.7).	2.50 1,125.00
	FV	Review and indexing of 3rd party documents production.	6.00 495.00
	DG	Review and analyze [REDACTED] upcoming hearing and depositions.	7.50 1,687.50
	CN	Continue research [REDACTED] (3.5), [REDACTED] (2.0), and what [REDACTED] (1.5).	7.00 1,758.75
10/20/2014	CN	Research courses where [REDACTED] dismiss (6.4); research [REDACTED] precedent rule (.5).	6.90 1,733.63

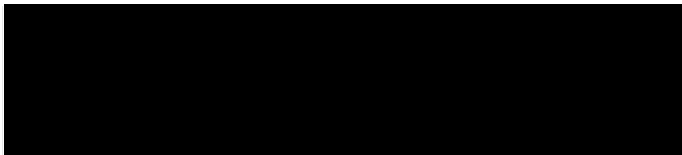

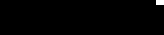

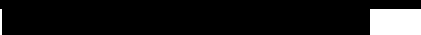
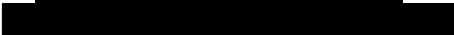

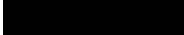
Barry E. Mukamal, Liquidating Trustee

Page 6

		<u>Hours</u>	<u>Amount</u>
10/20/2014	NSM	Review documents and [REDACTED] (.7); work on response to motion to dismiss (.7)	1.50 675.00
10/21/2014	FV	Review and indexing of 3rd party documents production.	7.50 618.75
	PC	Receipt and review of e-mails from counsel and respond to same; confer with counsel re exhibits attached to various pleadings and review and contrast same.	2.90 239.25
	MINV	Research [REDACTED]	1.80 452.25
	CN	Continue research cases that [REDACTED] (6.8); work with paralegal re comparing [REDACTED] (.1).	6.90 1,733.63
	NSM	Review court filings and conferences with counsel re same (.4); conference with counsel re various legal issues (.5); work on response to motion to dismiss (1.3).	2.20 990.00
10/22/2014	FV	Review and indexing of 3rd party documents production.	7.50 618.75
	DSM	Conference with counsel regarding response to motion to dismiss and editing of same.	2.50 1,265.63
	PC	Receipt and review of e-mails from counsel and consultant and respond when necessary; and perform database searches for document requested by counsel.	1.40 115.50
	NSM	Review documents and conferences re same (1); research and work on brief re motion to dismiss (1.5)	2.50 1,125.00
	MINV	[REDACTED]	2.80 703.50
	CN	Research [REDACTED] (5.1); prepare draft of analysis of exhibits and arguments (2.0); discussion with	7.30 1,834.13

Barry E. Mukamal, Liquidating Trustee

Page 7

		<u>Hours</u>	<u>Amount</u>
	counsel re edits to draft (.2)		
10/23/2014	FV Review and indexing of 3rd party documents production.	7.50	618.75
	DSM Conference with counsel regarding response to motion to dismiss and editing of same.	1.30	658.13
	NSM Work on response to motion to dismiss (3.0)	3.00	1,350.00
	MNV 	1.40	351.75
	CN Continue research on basis to exclude exhibits from motion to dismiss (3.9); finalize draft exclusion of exhibits and analysis per exhibit (2.5); discussion with counsel re possible strategy weaknesses and strengths (.2).	6.60	1,658.25
10/24/2014	DSM Email correspondence with opposing counsel and review of file.	1.20	607.50
	FV Review and indexing of 3rd party documents production.	7.00	577.50
	CN Research caselaw re exhibits that contradict allegations in complaint (2.5); continue to update case law in draft exclusion of exhibits and research additional case law to support strongest arguments (2.5)	5.00	1,256.25
10/27/2014	PC Review various e-mails from counsel and respond to same when necessary.	1.00	82.50
	FV Review and indexing of 3rd party documents production.	7.50	618.75
	CN Discussion with counsel re  precedent (.4); research additional case law re   (2.1) and  argument (3.0),  Southern District of Florida (.5).	6.00	1,507.50
	NSM Conference with counsel re research on   work on responsive brief.	2.20	990.00

Barry E. Mukamal, Liquidating Trustee

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			<u>Hours</u>	<u>Amount</u>
10/27/2014	DSM	Email correspondence with counsel regarding response to motion and review of file regarding same.	1.20	607.50
10/28/2014	NSM	Work on response to motion to dismiss.	1.00	450.00
	DSM	Email correspondence with counsel and review of draft rule 26 disclosures.	0.50	253.13
	FV	Review and indexing of 3rd party documents production.	6.50	536.25
	DSM	Review of rule 26 initial disclosures.	0.50	253.13
10/29/2014	NSM	Review order on motion to compel and related documents (.5); meeting with counsel (1.5); conference call with opposing counsel (.5); work on various arguments in re response to motion to dismiss (1.5).	4.00	1,800.00
	FV	Review and indexing of 3rd party documents production.	7.50	618.75
	CN	Finish research on contradiction of exhibits and complaint (6.1); prepare summary and analyze exhibits that defendant [REDACTED] (.6); discussion with counsel re research results (.2).	6.90	1,733.63
10/30/2014	NSM	Legal research re response to motion to dismiss (1.5); work on response to motion to dismiss (2.5); conference with counsel (.20)	4.20	1,890.00
	CN	Review draft response to motion to dismiss (1.0); edit and revise exclusion insert to [REDACTED] arguments(6.1); discussion with counsel re [REDACTED] (.2)	7.30	1,834.13
10/31/2014	PC	Review 3rd Party documents index status and advise counsel; and edit spreadsheets being used for index and advise team of changes.	0.80	66.00
	NSM	Review documents (1.0); work on sections of response to motion to dismiss (2.5); conference with counsel (.40).	3.90	1,755.00
	FV	Review and indexing of 3rd party documents production.	4.00	330.00
	CN	Revised [REDACTED] (2.7); discussion with NSM re [REDACTED]	3.10	778.88

Barry E. Mukamal, Liquidating Trustee

Page 9

	<u>Hours</u>	<u>Amount</u>
argument (.4).		
For professional services rendered	430.30	\$94,453.59
Additional Charges :		
10/31/2014 Photocopying cost @ 0.15 cents.		383.10
Computerized research expense.		504.46
Total costs		<u>\$887.56</u>
Total amount of this bill		<u>\$95,341.15</u>
Previous balance		\$79,228.27
Balance due		<u><u>\$174,569.42</u></u>

## Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
David S. Mandel	11.10	506.25
Nina Stillman Mandel	70.60	450.00
Camellia Noriega	120.10	251.25
David Gottesmann	49.30	225.00
Maria N. Vernace	6.00	251.25
Frenki Vidovic	150.50	82.50
Paul Crespo	22.70	82.50

\*\*\* Billing rates are 75 percent of actual per agreement with the Liquidating Trustee.