

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.,  
PAL BEACH FINANCE II, L.P.,

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

Debtors.

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**LIQUIDATING TRUSTEE'S APPLICATION TO EMPLOY  
JOHN H. GENOVESE AND GENOVESE JOBLOVE & BATTISTA, P.A.,**

Barry E. Mukamal, in his capacity as liquidating trustee (the "*Liquidating Trustee*"), through undersigned counsel and pursuant to 11 U.S.C. §327(a) and Fed.R.Bank.P. 2014(a), respectfully requests an Order of the Court authorizing the employment of John H. Genovese ("*Mr. Genovese*") and the firm of Genovese Joblove & Battista, P.A. ("*GJB*," and together with Mr. Genovese, the "*Applicant*"). In support, the Liquidating Trustee states as follows:

1. On November 30, 2009, the Debtors filed voluntary petitions under Chapter 11 of the United States Bankruptcy Code [ECF No. 1]. By subsequent Order of this Court, the cases are jointly administered.
2. On January 28, 2010, the Court entered the Agreed Order Directing Appointment of Chapter 11 Trustee and Denying United States Trustee's Motion to Convert Cases to Cases under Chapter 7 [ECF No. 100].
3. On January 29, 2010, the United States Trustee appointed the Liquidating Trustee as Chapter 11 Trustee in both of the Debtors' estates [ECF No. 107].
4. The Liquidating Trustee is the Liquidating Trustee by virtue of this Court's Order Confirming Second Amended Joint Plan of Liquidation dated October 21, 2010 [ECF No. 444].

5. The Liquidating Trustee desires to employ the Applicant as an ‘expert.’ The Applicant will assist the Liquidating Trustee with expert consulting services, and may in the future provide expert testifying services, in contested matters or one or more adversary proceedings commenced by the Liquidating Trustee. Mr. Genovese’s hourly rate for this engagement will be \$600.

6. The Applicant will assist the Liquidating Trustee in an objective and independent evaluation of issues relating to fraudulent schemes, attorney malpractice and negligence, and breach of duties and responsibilities in the professional context and otherwise, as well as other related or similar analyses that the Liquidating Trustee may request. In support, attached as Exhibit 1 is the Mr. Genovese’s professional bio.

7. Attached as Exhibit 2 is the Mr. Genovese’s affidavit demonstrating that he is disinterested as required by 11 U.S.C. § 327(a) and a verified statement as required under Fed.R.Bank.P. 2014. To the best of the Liquidating Trustee’s knowledge, the Applicant does not (i) have any connection with the Debtors or the Debtors’ estates; and (ii) represent any interest adverse to the Liquidating Trustee, the Debtors or the Debtors’ estates; other than as set forth on attached Exhibit 2.

8. The Liquidating Trustee believes that the employment of the Applicant is in the best interest of the Debtors’ estates and their creditors.

**WHEREFORE**, the Liquidating Trustee respectfully requests (i) an Order authorizing retention of Applicant as his expert upon the terms and conditions set forth above; and (ii) for all other relief this Court deems just and proper.

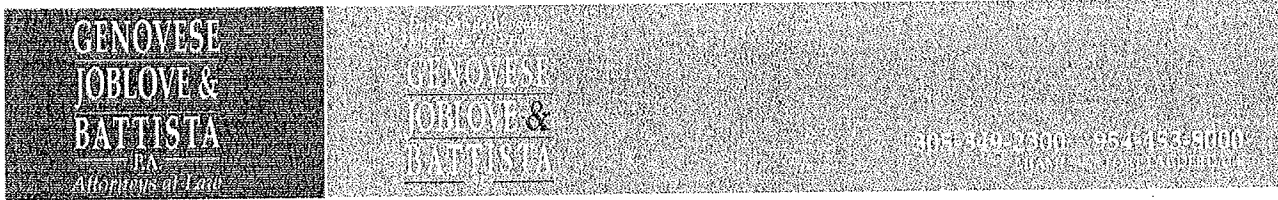
**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing served via the Court's Notice of Electronic Filing upon all Registered Users on the list attached as Exhibit "A" and was mailed via U.S. Regular Mail to all parties on the list attached as Exhibit "B".

Dated: March 28, 2012.

s/ Solomon B. Genet  
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Attorneys for Liquidating Trustee



## John H. Genovese

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**John H. Genovese** is head of the firm's reorganization and insolvency practice. His areas of proficiency and practice include troubled loan workouts, bankruptcy, insurance insolvencies, with an emphasis on complex litigation in Bankruptcy and U.S. District Courts, and other complex commercial litigation. He acted as co-counsel for the class action shareholders/noteholders in Enron Chapter 11 proceeding and related matters, which resulted in settlements, in excess of \$7.2 billion, the largest class action recovery ever.

Mr. Genovese is "AV" rated by Martindale-Hubbell, has been listed in each edition of Woodward/White's *The Best Lawyers in America*, since 1989, and has been named to the Legal Media Group's guide to the *World's Leading Insolvency and Restructuring Lawyers*, one of sixteen Florida attorneys named. He has also been named as one of Florida's top lawyers by Florida Trend Magazine's Legal Elite, *South Florida Legal Guide*, *Florida Super Lawyers*, *Who's Who Legal: Florida 2008*, which refers to Mr. Genovese as a 'formidably skilled individual' and a top Florida bankruptcy attorney in *'Chambers & Partners USA.'* *Chambers & Partners USA* has described Mr. Genovese as a 'tenacious fighter' and 'tough as nails when fighting to get a solution.' Mr. Genovese was formerly co-chair of New York's Kelley Drye & Warren's national bankruptcy practice.

A frequent lecturer on bankruptcy and creditors' rights issues, Mr. Genovese is also active in the Bankruptcy/UCC Committee of the Business Law Section of The Florida Bar and has served as co-chairman of the South Florida Court and U.S. Trustee Liaison Committee. Additionally, Mr. Genovese was appointed to the Florida Judicial Nominating Commission by Florida U.S. Senators Bill Nelson and Mel Martinez and elected to the Board of Directors for the Bankruptcy Bar Association for the Southern District of Florida. Mr. Genovese was a founding director of the Florida Receivers' Forum and serves on the Board of Directors of the Florida Fiduciary Forum. He co-authored 'Rash Ruling Should Not Affect Chapter 11 Valuations' and 'Breakout the D&O Policy,' in the National Law Journal.

He served as Law Clerk to former Chief Judge Norman C. Roettger, U.S. District Court for the Southern District of Florida, from 1979-81. Mr. Genovese is a member of the Florida Bar and is admitted to practice before the United States District Courts for the Southern and Middle Districts of Florida and the

United States Court of Appeals for the Eleventh Circuit. In 1979, he earned his Juris Doctor, with distinction, from Ohio Northern University, where he was Vice President of the Student Bar Association, Best Oral Advocate and a member of the National Moot Court Team and earned his Bachelor of Science degree in business, magna cum laude, from Siena College, in 1976. He also served in the United States Army from 1968-1971.

### **Areas of Practice**

- Bankruptcy Law and Litigation
- Insolvency
- Complex Commercial Litigation

### **Bar Admissions**

- Florida
- U.S. District Court Southern District of Florida
- U.S. District Court Middle District of Florida
- U.S. Court of Appeals 11th Circuit

### **Education**

- **Ohio Northern University Pettit College of Law, Ada, Ohio**
  - J.D. - 1979
  - Honors: Vice President, Student Bar Association
  - Honors: Member, National Moot Court Team, Member
  - Honors: Best Oral Advocate
- **Siena College**
  - B.S. (*Magna Cum Laude*) - 1976
  - Major: Business

### **Published Works**

- "'Rash' Ruling Should Not Affect Chapter 11 Valuations", National Law Journal

### **Classes/Seminars**

- Frequent Lecturer, Bankruptcy and Creditors' Rights Issues

### **Honors and Awards**

- "AV" Rated, Martindale-Hubbell
- Listed in each Edition of Woodward/White's The Best Lawyers in America, 1989 - Present
- "Top Lawyer", South Florida Legal Guide
- "Legal Elite", Florida Trend Magazine
- "Super Lawyer", Florida Super Lawyers Magazine
- First Tier Florida Bankruptcy Attorney in Chambers & Partners USA

### **Professional Associations and Memberships**

- Florida Bar, Business Law Section, Bankruptcy/UCC Committee

- South Florida Court and U.S. Trustee Liaison Committee, Co-Chairman
- Bankruptcy Bar Association for the Southern District of Florida, Board of Directors
- Florida Receivers' Forum, Founding Director

### **Past Employment Positions**

- New York's Kelley Drye & Warren's National Bankruptcy Practice, Co-Chair
- Former Chief Judge Norman C. Roettger, U.S. District Court for the Southern District of Florida, Law Clerk, 1979 - 1981
- United States Army, 1968 - 1971

### **Languages**

- English
  - - La Descripcion de la Firma
    - Abogados de Caracas, Venezuela
    - Caracas-Contact-Us
  - - Al Maloof
    - Who We Are
    - What We Do
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undersigned has not been, nor will I be, involved in such representation, nor will I, or the Firm's attorneys responsible for the Golden Sun representation have inappropriate access to confidential or privileged information respecting each engagement.

5. Except for the performance of services for the Liquidating Trustee and as otherwise described above, neither I nor the Firm has or will represent any other entity in connection with this case, unless agreed by the Liquidating Trustee and subject of further disclosure to the Court and creditors; and neither I nor the Firm will accept any fee from any other party or parties in this case in connection with the Firm's work in the instant case.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
JOHN H. GENOVESE

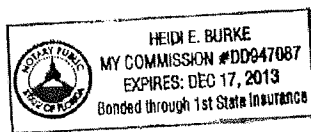
Sworn to and Subscribed before me

March 27<sup>th</sup>, 2012:

Heidi E. Burke

Notary Public, State of Florida

My Commission Expires:





## Mailing Information for Case 09-36379-PGH

### Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

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