

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
www.flsb.uscourts.gov

In re:

Chapter 11

PALM BEACH FINANCE PARTNERS, L.P.,  
PALM BEACH FINANCE II, L.P.,

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

Debtors.

/

**LIQUIDATING TRUSTEE'S APPLICATION TO EMPLOY  
BRIAN A. CUMMINS AND CHAMPION LEGAL GRAPHICS AND VIDEO, LLC**

Barry E. Mukamal, in his capacity as liquidating trustee ("Liquidating Trustee") for the Palm Beach Finance Partners Liquidating Trust and Palm Beach Finance II Liquidating Trust, by and through undersigned counsel and pursuant to 11 U.S.C. § 327(a) and *Fed. R. Bank. P.* 2014(a), respectfully requests that this Court enter an Order authorizing the employment of Brian A. Cummins ("Mr. Cummins") and the firm of Champion Legal Graphics and Video, LLC ("Champion"; and collectively with Mr. Cummins, 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 a consultant. Mr. Cummins is the President and Co-Founder of Champion Legal Graphics and Video, LLC.

6. The Applicant will advise and assist the Liquidating Trustee on issues related to graphics, technology and video operation and production in connection with certain pending adversary proceedings, and with other related litigation and trial support matters.

7. The Liquidating Trustee believes that the Applicant is qualified to advise and assist the Liquidating Trustee with the matters described above. In support, Mr. Cummins' *curriculum vitae* is attached as Exhibit 1.

8. Attached as Exhibit 2 is the consultant engagement agreement ("*Engagement Agreement*") executed between the Applicant and the Liquidating Trustee. As set forth therein, the Applicant's hourly rates for this engagement range from \$75 to \$175 per hour depending on the particular service provided by the Applicant.

9. To the best of the Liquidating Trustee's knowledge, the Applicant does not (i) have any connection with the Debtors or the Debtors' estates; or (ii) represent any interest adverse to the Liquidating Trustee, the Debtors or the Debtors' estates.

10. Attached as Exhibit 3 is Mr. Cummins's fully executed and notarized 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.

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

12. Article 7.1.11 of the Plan states, among other things, that professionals retained shall: (i) be entitled to monthly interim compensation for fees and expenses incurred and; (ii) professionals shall, no less frequently than once every four (4) months, submit applications to the Bankruptcy Court for final approval of same.

13. Nonetheless, the Liquidating Trustee requests the authority to compensate the Applicant without filing a fee application, and that the Applicant not be included in any operating reports, status reports or otherwise public reporting to this Court (or otherwise in a public manner). The Liquidating Trustee requests this relief so that his work product and trial strategy are not disclosed to the defendants in certain of the Liquidating Trustee's adversary proceedings. However, the Liquidating Trustee will advise the Trust Monitor, Geoff Varga, and the Office of the United States Trustee, of the pertinent information related to use of the Applicant, and payment for its services.

14. Article 1.76 of the Plan, entitled "Pro Rata Allocation Formula", provides for a *pro rata* allocation formula supporting an 18% / 82% allocation between the PBF and PBF II estates, respectively, based upon the total assets of each entity. The Trustee believes that this formula is the proper methodology to allocate certain fees and expenses between the two estates.

**WHEREFORE**, the Liquidating Trustee respectfully requests the Court enter an Order (similar in form to the attached Exhibit 4) (i) authorizing the retention of the Applicant as his consultant upon the terms and conditions set forth above; and (ii) for all other relief this Court deems just and proper.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on October 28, 2014, via the Court's Notice of Electronic Filing upon the Registered Users listed on the attached Exhibit 5 and via U.S. Mail to those parties listed on the attached Composite Exhibit 7.<sup>1</sup>

s/ Solomon B. Genet  
Solomon B. Genet, Esquire  
Florida Bar No. 617911  
[sogenet@melandrussin.com](mailto:sogenet@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 Liquidating Trustee*

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<sup>1</sup> “NEF” means that service was made by Notice of Electronic Filing as set forth on Exhibit 5 and is not being additionally served by mail.

“DUP” means that the address appears more than once on this exhibit and is only being served one time by mail.

“INC” means that the Matrix contains an incomplete addresses; hence, no service by mail.

“NNR” means no notice is required. Examples are professionals retained.

“ADDL” means these additional parties served as a courtesy. See Exhibit 6.



## BRIAN CUMMINS CURRICULUM VITAE

### PROFILE

With over 15 years of legal graphics and video production operations and consulting, my team and I provide trial presentation services ranging from e-document management to full-scale multimedia presentations with sophisticated graphics and animation to help efficiently and reliably present evidence and testimony at trial.

### EXPERIENCE

#### CHAMPION LEGAL, CORAL GABLES, FL – 2008-PRESENT

**President and Co-Founder of Champion Legal Graphics and Video**, a litigation consulting firm specializing in trial presentation solutions nationally. My notable cases at Champion Legal include Banco Espirito Santo v. BDO International, Coquina v TD Bank / Scott Rothstein and Investors v. American Express Bank / Bernard Madoff.

#### LITIGATION GRAPHIX, MIAMI, FL – 1999-2008

**Founder and Director of the Trial Technology Department of Litigation Graphix.** My inauguration into providing complete graphics and video trial presentation services began in 1999 with the 10-week Model Imperial v. KPMG case under the direction of Harley Tropin. During my tenure as Trial Technology Director I participated in landmark personal injury trials: Hinton v. Adams, Peterson v. Sta-Rite and Barrak v. Report. Each case tried by the Michael Haggard resulted in jury verdicts in excess of \$100,000,00.

#### VALUABLE VIDEO, MIAMI, FL – 1997-1999

**Associate Videographer at Valuable Video Inc.** My career in trial presentation services began at Valuable Video under the direction of Jeffrey Menton, a Certified Court Video Specialist. Mr. Menton and I continue to work together in the area of video deposition services.

### EDUCATION

#### UNIVERSITY OF MIAMI, SCHOOL OF COMMUNICATIONS, CORAL GABLES, FL

### SKILLS

Courtroom Presentation Technology	Deposition Videography
Computer Graphic Design	Video Conferencing
Certified Software Training, TrialDirector 6	3D Animation Design
Photography	Documentary Video Production
Large Format Printing	Streaming Video Production

Brian Cummins, 306 Alcazar Avenue, Suite 201, Coral Gables, Florida 33134



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Coral Gables, FL 33134

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Nationwide 866-485-9098  
[www.championlegal.com](http://www.championlegal.com)

Thursday, October 9, 2014

Attention: Barry E. Mukamal, in his capacity as Liquidating Trustee for the Palm Beach Finance Partners Liquidating Trust and Palm Beach Finance II Liquidating Trust

Mr. Mukamal,

My assistance has been requested in The jointly administered bankruptcy cases of In re Palm Beach Finance Partners, L.P. and In re Palm Beach Finance II, L.P., Case Nos. 09-36379-BKC-PGH and 09-36396-BKC-PGH, respectively, including certain related adversary proceedings. As you may remember, we have worked together on previous cases with outstanding results.

Based upon conversations with attorney from Mandel & Mandel and Meland Russin Budwick, I have prepared a proposal for serving your trial preparation needs in connection with the above captioned matters. This is a rough estimate of hours dedicated to trial preparation over the next 30 days. My firm and I are also available for future trial preparation and trial attendance as the case progresses.

I look forward to working with you and your colleagues.

Sincerely,

Brian A. Cummins  
President  
Champion Legal Graphics and Video LLC



## PROFILE

With over 15 years of legal graphics and video production operations and consulting, my team and I provide trial presentation services ranging from e-document management to full-scale multimedia presentations with sophisticated graphics and animation to help efficiently and reliably present evidence and testimony at trial.

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## SKILLS

Courtroom Presentation Technology	Deposition Videography
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## TERMS AND CONDITIONS

**Prepared:** Thursday, October 9, 2014

**Client:** Barry E. Mukamal, in his capacity as Liquidating Trustee for the Palm Beach Finance Partners Liquidating Trust and Palm Beach Finance II Liquidating Trust.

**Case:** The jointly administered bankruptcy cases of In re Palm Beach Finance Partners, L.P. and In re Palm Beach Finance II, L.P., Case Nos. 09-36379-BKC-PGH and 09-36396-BKC-PGH, respectively, including certain related adversary proceedings.

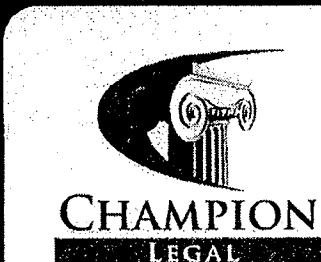
- I. Retainer: Nonrefundable retainer (25% of estimate) has been waived in this matter.
- II. Payment of all invoices referenced herein are subject to Bankruptcy Court approval and shall be made in accordance with the terms of Section 7.1.1 of the Second Amended Joint Plan of Liquidation, the Bankruptcy Code and the Orders entered in the above-reference bankruptcy cases.
- III. Late fees have been waived in this matter.
- IV. Estimates and proposals: are not to be construed as fixed price contracts or capped estimates. CLGV will determine what constitutes significant changes to scope of proposed work as described in estimate or proposal and such changes may be requested in writing by client before work can proceed.
- V. The client is solely responsible for payment of all sums due. For all purposes client shall be defined as Barry E. Mukamal, in his capacity as Liquidating Trustee for the Palm Beach Finance Partners Liquidating Trust and Palm Beach Finance II Liquidating Trust. Payment of all sum owed to CLGV is not contingent on payment of client law firm by third parties or final settlement of the legal claims at issue.
- VI. Rates for work and equipment rental are those found in the CLGV proposal attached to these Terms. By the signature below, client confirms receipt and acceptance of rates contained in this proposal.
- VII. Client is liable for replacement cost of all equipment provided to client not returned to CLGV within 5 business days of request for return.
- VIII. Intellectual property: all graphic work product remains the property of CLGV and may not be reused or altered without the express permission of CLGV. Client will be provided with paper hard copy or PDF (portable document format) version of graphics produced once final bill is paid.

By signature below Barry E. Mukamal, in his capacity as Liquidating Trustee for the Palm Beach Finance Partners Liquidating Trust and Palm Beach Finance II Liquidating Trust, acknowledges and agrees with all the above terms and conditions:



Signature

Date Signed



**306 Alcazar Ave, Suite 201  
Coral Gables, FL 33134**

**Phone 305-444-9279  
Nationwide 866-485-9098  
www.championlegal.com**

# PRICE LIST

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Exhibit Design and Technology Services .....	\$175/hour
On-site/Courtroom Technology Support .....	\$175/hour

### VIDEO SERVICES

Video Deposition Coverage (1 hr. minimum).....	\$175/hour
each additional hour .....	\$100/hour
Video Synchronization.....	\$75/hour

### PRESENTATION EQUIPMENT RENTAL

Projector and 60" Screen (daily) .....	\$295
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### EXHIBIT BOARDS

Our exhibit board service includes large format printing and mounting on foam board.

Size	Black and White Enlargements	Color Enlargements
18x24	\$20	\$70
24x36	\$35	\$125
30x40	\$45	\$150
36x48	\$55	\$175
40x60	\$65	\$195

\* Lamination \$15 additional

\* Lamination included

We offer comprehensive multimedia, video and technology solutions. Please contact Champion Legal for detailed proposals regarding animation, multimedia design, medical illustration, equipment rental and video services.

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SOUTHERN DISTRICT OF FLORIDA  
PALM BEACH DIVISION  
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PALM BEACH FINANCE II, L.P.,

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

Debtors.

**AFFIDAVIT OF BRIAN A. CUMMINS**

STATE OF FLORIDA )  
                      )  
                      ) ss:  
COUNTY OF MIAMI-DADE )

Brian A. Cummins, being duly sworn, says:

1. I am over the age of eighteen and of sound mind.

2. I am the President and Co-Founder of Champion Legal Graphics and Video, LLC,

with principal offices located at 306 Alcazar Ave, Suite 201, Coral Gables, Florida 33134.

3. I do not represent any interest adverse to the Liquidating Trustee, the Liquidating Trusts, the Debtors or their estates with respect to the matters for which I am to be employed. Further, I am "disinterested" as that term is used in 11 U.S.C. § 327(a).

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

4. Except for the performance of services for the Liquidating Trustee, I do not and will not represent any other entity in connection with this case, and I will not accept any fee from any other party or parties in this case in connection with my work in the instant case.

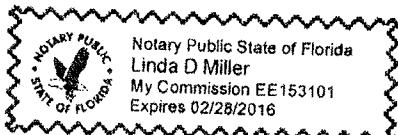
FURTHER AFFIANT SAYETH NAUGHT.

  
BRIAN A. CUMMINS  
showed FL Driver's License

Sworn to and Subscribed before me  
Oct 21., 2014:

  
Linda D. Miller  
Notary Public, State of Florida

My Commission Expires:



UNITED STATES BANKRUPTCY COURT  
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(Jointly Administered)

Debtors.

/

**ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF  
BRIAN A. CUMMINS AND CHAMPION LEGAL GRAPHICS AND VIDEO, LLC**

THIS CAUSE came before the Court on \_\_\_\_\_, 2014 at \_\_\_\_\_ upon the Liquidating Trustee's *Application to Employ Brian A. Cummins and Champion Legal Graphics and Video, LLC* ("Applicant") [ECF No. \_\_\_\_] ("Application"). Upon the representations that the Applicant (i) is duly qualified, (ii) holds no interest adverse to the Liquidating Trustee or the Debtors' estates in the matters upon which the Applicant is engaged, (iii) is disinterested as required by 11 U.S.C. § 327(a), (iv) has disclosed any connections with parties set forth in *Fed. R. Bankr. P.*

2014, and (v) the Applicant's employment is necessary and would be in the best interests of the Debtors' estates and their creditors, it is

**ORDERED** as follows:

1. The Application is **GRANTED**.
2. The Liquidating Trustee is authorized to retain the Applicant as a consultant pursuant to 11 U.S.C. §§ 327, 330 and 331, and the terms set forth in the Application.
3. The Applicant is entitled to monthly interim compensation for fees and expenses incurred and shall, no less frequently than once every four (4) months, submit applications to the Bankruptcy Court for final approval of same.
4. The "Pro Rata Allocation Formula" is the proper methodology to allocate Applicant's fees and expenses between the two estates.

###

**Submitted By:**

Solomon B. Genet, Esquire  
Florida Bar No. 617911  
[sogenet@melandrussin.com](mailto:sogenet@melandrussin.com)  
MELAND RUSSIN & BUDWICK, P.A.  
Counsel for Liquidating Trustee  
3200 Southeast Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131  
Telephone: (305) 358-6363  
Telefax: (305) 358-1221

**Copies Furnished To:**

Attorney Solomon B. Genet is directed to serve copies of this Order on all parties in interest and to file a Certificate of Service.

## 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.

- **Geoffrey S. Aaronson** gaaronson@aspalaw.com, jevans@aspalaw.com
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Blackpool Absolute Return Fund, LLC c/o John E. Page, Esquire Shraiberg, Ferrara & Landau, P.A. 2385 N.W. Executive Center Drive Suite 300 Boca Raton, FL 33431-8530	NEF	Blackpool Partners, LLC c/o John E. Page, Esquire Shraiberg, Ferrara & Landau, P.A. 2385 N.W. Executive Center Drive Suite 300 Boca Raton, FL 33431-8530	NEF	Calhoun Multi-Series Fund, L.P. John E. Page, Esquire Shraiberg, Ferrara & Landau, P.A. 2385 NW Executive Center Dr. Suite 300 Boca Raton, FL 33431-8530	NEF
Crown Financial Ministries, Inc. c/o Timothy M. Obitts, Esq. Gammon & Grange, P.C. 8280 Greensboro Dr., 7th Floor McLean, VA 22102-3885		Douglas A. Kelly, Chapter 11 Trustee c/o Bradley M. Saxton PO Box 1391 Orlando, FL 32802-1391		Father's Heart-A Ranch for Children Inc Shumaker, Loop, & Kendrick, LLP 101 E. Kennedy Blvd Suite 2800 Tampa, FL 33602-5153	
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Geoff Varga, as Liquidator c/o Robin Rubens 201 S Biscayne Blvd 34 Fl Miami, FL 33131-4332	NEF	Golden Gate VP Absolute Return Fund, LP c/o Manuel Farach, Esq. Richman Greer, P.A. 250 Australian Avenue South, Ste. 1504 West Palm Beach, FL 33401-5016		Golden Sun Capital Management, LLC c/o Michael L. Schuster, Esq. 100 SE 2nd Street Suite 4400 Miami, f 33131-2118	NEF
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Label Matrix for local noticing 113C-9 Case 09-36396-PGH Southern District of Florida West Palm Beach Tue Oct 14 10:23:40 EDT 2014 US Trust, Co-Trustee of the Maxine B Adler T 5200 Town Center Road #500 Boca Raton, FL 33486-1018	INC	Geoff Varga, as Liquidator c/o Robin J. Rubens 201 S Biscayne Blvd 34 Fl Miami, FL 33131-4332	NEF	Palm Beach Finance II, L.P. 3601 PGA Blvd Suite 301 Palm Beach Gardens, FL 33410-2712	NNR
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