

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.,

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

Debtors.

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**LIQUIDATING TRUSTEE'S APPLICATION TO EMPLOY  
JEFFREY H. SLOMAN AND O'QUINN STUMPHAUZER & SLOMAN PL  
NUNC PRO TUNC TO JULY 6, 2015**

Barry E. Mukamal, in his capacity as liquidating trustee (the "*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 an Order of the Court authorizing the employment of Jeffrey H. Sloman ("*Mr. Sloman*") and O'Quinn Stumphauzer & Sloman PL (the "*Firm*" and together with Mr. Sloman, the "*Applicant*") *nunc pro tunc* to July 6, 2015. 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 ("**Plan**") dated October 21, 2010 [ECF No. 444].

5. The Liquidating Trustee desires to employ the Applicant as a consultant (expert) on matters relating to fraud, money laundering and other criminal activities and wrongdoing.

6. The Liquidating Trustee believes that the Applicant is qualified to advise the Liquidating Trustee on these issues and related issues in this Bankruptcy Case. This will include consulting services, and may include expert testifying services, in contested matters or one or more adversary proceedings commenced by the Liquidating Trustee. In support, the Applicant's resume is attached as Exhibit 1.

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

8. Attached as Exhibit 2 is Mr. Sloman's fully executed and notarized affidavit demonstrating that he and the Firm are disinterested as required by 11 U.S.C. § 327(a) and a verified statement as required under *Fed. R. Bank. P. 2014*.

9. The Applicant will provide services at the following hourly rates:

- a) Mr. Sloman: \$650;<sup>1</sup>
- b) Associates: \$250-\$350; and
- c) Paralegals: \$135.

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

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<sup>1</sup> Applicant has discounted these rates from its normal hourly rates of \$750/hour for Mr. Sloman and Associates' normal hourly rates of \$300 - \$400/hour at the Liquidating Trustee's request, and because this matter involves assisting a fiduciary in recovering assets on behalf of victims.

11. 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.

12. 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 (substantially similar in form to the attached Exhibit 3) (i) authorizing the retention of the Applicant upon the terms and conditions set forth above, *nunc pro tunc* to July 6, 2015; 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 was served on July 6, 2015, via the Court’s Notice of Electronic Filing upon the Registered Users listed on the attached Exhibit 4.

s/ Solomon B. Genet  
Solomon B. Genet, Esquire  
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Telephone: (305) 358-6363  
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*Attorneys for Liquidating Trustee*

## JEFFREY H. SLOMAN

1 SE Third Ave. Suite 1820 – Miami, Florida 33131 – 305-371-9686

### Education/Licenses

**State Bar of Florida** – Law License

**Juris Doctor (J.D.)**, University of Miami School of Law, Coral Gables, Florida, 1983

**Bachelor of Arts in Political Science**, University of Florida, Gainesville, Florida 1980

### Employment

**Partner, O’Quinn Stumphauzer & Sloman** 1 SE Third Ave. #1820 June 2015 – present

**Partner, The Sloman Law Firm** 1 SE Third Ave. #1820 February 2015 – June 2015  
Miami, Florida 33131

**Partner, Ferraro Law Firm** 600 Brickell Ave. June 2010 – February 2015  
Miami, Florida 33131

**United States Attorney’s Office  
Southern District of Florida** 99 NE 4<sup>th</sup> Street August 1990 – June 2010  
Miami, Florida 33132

- United States Attorney (June 2009 – May 2010)
- First Assistant United States Attorney (October 2006 – June 2009)
- Chief, Criminal Division (January 2004 – October 2006)
- Chief, Ft. Lauderdale Branch Office (Feb. 2003 – January 2004)
- Chief, Narcotics /Major Crimes, Ft. Lauderdale (September 2000 – Feb. 2003)
- Organized Crime Section (April 1997 – September 2000)
- Economic Crime Section (January 1993 – April 1997)
- Narcotics & Major Crime Section (September 1990 – January 1993)

**Stuzin & Camner, P.A.** 777 Brickell Avenue September 1989 –  
Miami, Florida 33131 August 1990

**Kimbrell & Hamann, P.A.** 799 Brickell Plaza July 1984 –  
Miami, Florida 33131 September 1989

### Professional Experience

As United States Attorney, I served as the chief federal law enforcement officer for the Southern District of Florida from May 2009 until May 2010. Prior to being sworn in as U.S. Attorney, I served as the First Assistant U.S. Attorney and Chief of the Criminal Division, the number two and three positions in one of the largest U.S. Attorney's Offices in the nation. During that time, I focused on a wide-variety of white-collar criminal offenses including health care fraud, bank fraud and money laundering. During my 20-year career with the Department of Justice, I tried nearly 75 criminal cases to verdict. Many of those trials involved money laundering schemes associated with narcotics trafficking and complex health care and bank fraud.

### Awards

- 1997 and 2003 Department of Justice, "Director's Award" for Superior Performance as an Assistant United States Attorney.
- 2014 Daily Business Review – Most Effective Lawyers – Products Liability (for winning a \$5 million "first-of-a-kind verdict" against Philip Morris USA, Inc.)

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Debtors.

\_\_\_\_\_ /

**AFFIDAVIT OF JEFFREY H. SLOMAN**

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

Jeffrey H. Sloman, being duly sworn, says:

1. I am over the age of eighteen and of sound mind.
2. I am a shareholder at the firm of O'Quinn Stumphauzer & Sloman PL with offices located at SunTrust International Center, Miami, FL 33131 ("***Firm***").
3. Neither I nor the Firm represents 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, neither I nor the Firm has or will represent any other entity in connection with this case, 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.

*Jeffrey H. SLOMAN*  
\_\_\_\_\_  
JEFFREY H. SLOMAN

Sworn to and Subscribed before me  
*July 6<sup>th</sup>*, 2015:

*[Signature]*  
\_\_\_\_\_  
Notary Public, State of Florida



My Commission Expires:

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
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PAL BEACH FINANCE II, L.P.,

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

Debtors.

\_\_\_\_\_ /

**ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF  
JEFFREY H. SLOMAN AND O'QUINN STUMPHAUZER & SLOMAN PL  
NUNC PRO TUNC TO JULY 6, 2015**

**THIS CAUSE** came before the Court on \_\_\_\_\_, 2015 at \_\_\_\_\_ .m. upon the Liquidating Trustee’s *Application to Employ Jeffrey H. Sloman (“Mr. Sloman”) and O’Quinn Stumphauzer & Sloman PL* [ECF No. \_\_\_\_\_] *nunc pro tunc* to July 6, 2015 (“**Application**”).<sup>1</sup> 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 (expert) pursuant to 11 U.S.C. §§ 327, 330 and 331, and the terms set forth in the Application, *nunc pro tunc* to July 6, 2015.
3. The Applicant is entitled to monthly interim compensation for fees and expenses incurred and shall, no less frequently than once every 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  
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Counsel for Liquidating Trustee  
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**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.

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<sup>1</sup> All undefined capitalized terms shall have the same meaning ascribed to them in the Application.

## 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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