

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-EPK
Case No. 09-36396-EPK
(Jointly Administered)

Debtors.

**SUMMARY OF SIXTH POST CONFIRMATION APPLICATION FOR
REIMBURSEMENT OF EXPENSES TO BRETT A. STILLMAN AND PC DOCTOR,
LLC, AS CONSULTANTS TO CHAPTER 11 LIQUIDATING TRUSTEE**

1.	Name of Applicant:	PC Doctor, LLC
2.	Role of Applicant:	Liquidating Trustee's Consultants
3.	Name of Certifying Professional:	Brett A. Stillman
4.	Date case filed:	November 30, 2009
5.	Date of order approving employment:	October 17, 2013 [ECF No. 1997], <i>nunc pro tunc</i> to May 21, 2013
IF INTERIM APPLICATION (POST CONFIRMATION), COMPLETE 6, 7 AND 8 BELOW:		
6.	Period for this Application:	July 1, 2018 through June 30, 2020
7.	Amount of Compensation Sought:	\$0.00
8.	Amount of Expense Reimbursement Sought:	\$4,500.00
IF FINAL APPLICATION, COMPLETE 9 AND 10 BELOW:		
9.	Total Amount of Compensation Sought during case:	N/A
10.	Total Amount of Expense Reimbursement Sought during case:	N/A
11.	Amount of Original Retainer(s) Please disclose both Fee Retainer and Cost Retainer if such a Retainer has been received:	\$0.00
12.	Current Balance of Retainer(s) remaining:	\$0.00
13.	Last monthly operating report filed (Month/Year and ECF No.):	PBF 6/2020 [ECF No. 3725]; PBF II 6/2020 [ECF No. 132 in 09-36396]
14.	If case is Chapter 11, current funds in the Chapter 11 estate:	PBF \$5,451,137.32 a/o 6/30/2020 PBF II \$26,939,208.58 a/o 6/30/2020
15.	If case is Chapter 7, current funds held by Chapter 7 trustee:	N/A

Application

Mr. Brett A. Stillman (“**Mr. Stillman**”) and PC Doctor, LLC, (“**PC Doctor**” and collectively with Mr. Stillman, the “**Applicant**”), having been approved by this Court as consultants for the Chapter 11 Liquidating Trustee, Barry E. Mukamal (“**Trustee**”), applies for reimbursement of expenses and for professional services rendered by Applicant in this Chapter 11 proceeding between July 1, 2018 through June 30, 2020. This application is filed pursuant to 11 U.S.C. §§ 330 and 331 and Bankruptcy Rule 2016, and meets all of the requirements set forth in the Guidelines incorporated in Local Rule 2016-1(B)(1). The exhibits attached to this application, pursuant to the Guidelines, are:

Exhibits “1” - Fee Application Summary Chart;

Exhibit “2A” and “2B” - Summary of Professional and Paraprofessional Time;

Exhibit “3” – Summary of Requested Reimbursements of Expenses; and

Exhibit “4” – The Applicant's complete time records, in chronological order, by activity code category, for the time period covered by this application. The requested fees are itemized to the tenth of an hour.

Background

1. On November 30, 2009, Palm Beach Finance Partners, L.P. (together with Palm Beach Finance II, L.P., the “**Debtors**”) 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].

3. On January 29, 2010, the United States Trustee appointed the Liquidating Trustee

as Trustee in both estates [ECF No. 107].

4. On October 17, 2013, this Court entered an Order [ECF No. 1997] granting the Liquidating Trustee's Motion to Amend: (i) the Employment Application of Brett A. Stillman and PC Doctor, LLC; and (ii) Order Authorizing the Employment and Retention of Brett A. Stillman and PC Doctor, LLC [ECF Nos. 1845 and 1863] as a consultant for the Liquidating Trustee, *nunc pro tunc* to May 21, 2013.

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] ("**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] ("**Confirmation Order**") was entered on the Court's docket on October 21, 2010.

6. Article 7 of the Plan provides in pertinent part:

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 for the allowance and payment to Applicant in the amount of \$4,500 for costs incurred between July 1, 2018 and June 30, 2020, for a total request of \$4,500.

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

Summary of Services Rendered

9. Applicant rendered varied services on behalf of the Liquidating Trustee for the period of time from July 1, 2018 through June 30, 2020. Applicant is requesting \$4,500 in costs for providing services including the storage of forensic evidence.

10. Applicant believes that the requested expenses of \$4,500 is reasonable considering the nature, extent, and the value of such services, taking into account all relevant factors, including:

The time spent on such services.

11. The invoices containing the expenses incurred by Applicant are attached as Exhibit 4.

The rates charged for such services.

12. The rate charged is Applicant's customary rate for services of the type rendered herein.

13. The Applicant represents that the rates are in conformity with the fees/costs allowed in similar proceedings for similar services rendered and results obtained. Applicant respectfully requests that the Court take notice of the awards which have been made in similar proceedings.

Whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of the case.

14. Applicant was retained by the Liquidating Trustee to advise the Liquidating Trustee with respect to electronic discovery issues for litigation in various adversary proceedings, as well as any other related task that the Liquidating Trustee has requested. The services provided by Applicant were necessary to the administration of, and beneficial to the estates at the time at which the services were rendered as well as towards the completion of the case.

Whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed.

15. Applicant submits that the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue and tasks addressed.

With respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field.

16. Applicant has substantial experience in the areas of information technology consulting for hardware, software, networking, network security, virtualization, data communication, disaster recovery, computer forensics and electronic discovery management. The quality of work performed by Applicant in this proceeding attests to Mr. Stillman's experience, reputation and ability.

17. A copy of Mr. Stillman's curriculum vitae is attached to the Liquidating Trustee's Application to Employ Brett A. Stillman and PC Doctor, LLC. [ECF No. 1845], and is incorporated herein by reference.

Whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under title 11.

18. The amount requested by Applicant is reasonable in terms of awards in cases of similar magnitude and complexity. The compensation which Applicant 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 expenses requested by Applicant in the amount of \$4,500 is entirely appropriate.

19. Applicant considers the reasonable value of services rendered to this estate to be not less than \$4,500 for services rendered in the application period.

Allocation Between Debtors' Estates

20. 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 APPLICANT 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 expenses requested in this Application as follows:

Estate / Percentage	Fees	Costs
Palm Beach Finance Partners, L.P. (18%)	\$0.00	\$ 810.00
Palm Beach Finance II. L.P. (82%)	\$0.00	\$ 3,690.00
TOTAL FEES AND COSTS:	\$0.00	\$ 4,500.00

Request for Final Approval

21. Pursuant to Article 7.1.11 of the Plan: “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.”

WHEREFORE, Applicant respectfully requests that it be allowed the full reimbursement of expenses sought under this application as a final award. Applicant requests this Court (i) to award a total of \$4,500 for expenses incurred between July 1, 2018 and June 30, 2020; (ii) to approve the allocation of expenses between the estates; and (iii) for such other and further relief this Court deems just and proper.

CERTIFICATION

1. I have been designated by PC Doctor, LLC, ("***Applicant***") as the professional with responsibility in this case for compliance with the "Guidelines for Fee Applications for Professionals in the Southern District of Florida in Bankruptcy Cases" ("***Guidelines***").

2. I have read the Applicant's application for compensation and reimbursement of expenses ("***Application***"). The application complies with the Guidelines, and the fees and expenses sought fall within the Guidelines, except as specifically noted in this certification and described in the application.

3. The fees and expenses sought are billed at rates and in accordance with practices customarily employed by the Applicant and generally accepted by the Applicant's clients.

4. In seeking reimbursement for the expenditures described on Exhibit 4, the Applicant is seeking reimbursement only for the actual expenditure and has not marked up the actual cost to provide a profit or to recover the amortized cost of investment in staff time or equipment or capital outlay (except to the extent that the Applicant has elected to charge for in-house photocopies and outgoing facsimile transmissions at the maximum rates permitted by the Guidelines).

5. In seeking reimbursement for any service provided by a third party, the Applicant is seeking reimbursement only for the amount actually paid by the Applicant to the third party.

6. The following are the variances with the provisions of the Guidelines, the date of each court order approving the variance, and the justification for the variance: none.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

I HEREBY CERTIFY that the foregoing is true and correct.

PC Doctor, LLC
8055 Winter Street
Brooksville, FL 34613
Telephone (954) 288-6824

By: /s/ Brett Stillman (e-filed w/ consent)
E-mail: brett@pcdoctorflorida.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.

Dated: September 3, 2020.

s/ Michael S. Budwick
Michael S. Budwick, Esquire
Florida Bar No. 938777
mbudwick@melandbudwick.com
MELAND BUDWICK, P.A.
200 South Biscayne Boulevard
Suite 3200
Miami, Florida 33131
Phone: (305) 358-6363
Facsimile: (305) 358-1221

Attorneys for the Liquidating Trustee

Exhibit 1: FEE APPLICATION SUMMARY CHART

REQUEST					APPROVAL				PAID		HOLDBACK	
Date Filed	ECF #	Period Covered	Fees Requested	Expenses Requested	Date Order Entered	ECF #	Fees Approved	Expenses Approved	Fees Paid	Expenses Paid	Fees Holdback	Expenses Holdback
12/27/2013	2072	5/21/13 - 10/31/13	\$ 750.00	\$ 42.38	1/28/2014	2135	\$ 750.00	\$ 42.38	\$ 750.00	\$ 42.38	\$ -	\$ -
4/25/2014	2243	11/1/13 - 2/28/14	\$ 13,500.00	\$ 840.93	6/4/2014	2321	\$ 13,500.00	\$ 840.93	\$ 13,500.00	\$ 840.93	\$ -	\$ -
4/28/2016	2887	3/1/14 - 2/29/16	\$ 2,625.00	\$ 2,250.00	6/8/2016	2935	\$ 2,625.00	\$ 2,250.00	\$ 2,625.00	\$ 2,250.00	\$ -	\$ -
4/28/2017	3231	6/1/16 - 2/28/17	\$ 900.00	\$ 3,059.40	5/24/2017	3255	\$ 900.00	\$ 3,059.40	\$ 900.00	\$ 3,059.40	\$ -	\$ -
9/5/2018	3517	3/1/17 - 6/30/18	\$ -	\$ 4,500.00	10/16/2018	3540	\$ -	\$ 4,500.00	\$ -	\$ 4,500.00	\$ -	\$ -
TOTALS:			\$ 17,775.00	\$ 10,692.71			\$ 17,775.00	\$ 10,692.71	\$ 17,775.00	\$ 10,692.71	\$ -	\$ -

Invoicing Date:	Billing Period:	Fees and expenses requested:		Amount paid absent objection:	
5/21/2013	May 1, 2013 through May 13, 2013	\$	792.38	\$	792.38
11/1/2013	November 1, 2013 through November 30, 2013	\$	3,750.00	\$	3,750.00
12/23/2013	December 1, 2013 through December 31, 2013	\$	6,406.98	\$	6,406.98
1/17/2013	January 1, 2014 through January 31, 2014	\$	2,919.55	\$	2,919.55
2/1/2014	February 1, 2014 through February 28, 2014	\$	1,264.40	\$	1,264.40
4/1/2014	April 1, 2014 through April 30, 2014	\$	300.00	\$	300.00
6/1/2014	June 1, 2014 through June 30, 2014	\$	150.00	\$	150.00
7/31/2014	July 1, 2014 through July 30, 2014	\$	300.00	\$	300.00
9/1/2014	September 1, 2014 through September 30, 2014	\$	900.00	\$	900.00
10/1/2014	October 1, 2014 through October 31, 2014	\$	75.00	\$	75.00
10/22/2015	October 1, 2015 through October 31, 2015	\$	250.00	\$	250.00
11/30/2015	November 1, 2015 through November 30, 2015	\$	250.00	\$	250.00
11/9/2015	November 1, 2015 through November 30, 2015	\$	300.00	\$	300.00
12/31/2015	December 1, 2015 through December 31, 2015	\$	250.00	\$	250.00
1/31/2016	January 1, 2016 through January 31, 2016	\$	1,500.00	\$	1,500.00
1/28/2016	January 1, 2016 through January 31, 2016	\$	600.00	\$	600.00
6/15/2016	June 1, 2016 through June 30, 2016	\$	1,500.00	\$	1,500.00
7/21/2016	July 1, 2016 through July 30, 2016	\$	959.40	\$	959.40
1/1/2017	January 1, 2017 through June 30, 2017	\$	1,500.00	\$	1,500.00
6/26/2017	July 1, 2017 through December 31, 2017	\$	1,500.00	\$	1,500.00
1/3/2018	January 3, 2018 through June 30, 2018	\$	1,500.00	\$	1,500.00
5/30/2018	July 1, 2018 through December 31, 2018	\$	1,500.00	\$	1,500.00
1/10/2019	January 1, 2019 through June 30, 2019	\$	1,500.00	\$	1,500.00
6/30/2019	July 1, 2019 through December 31, 2019	\$	1,500.00	\$	1,500.00
1/16/2020	January 1, 2020 through June 30, 2020	\$	1,500.00	\$	1,500.00

Summary of Professional and Paraprofessional Time Total
per Individual for this Period Only
(EXHIBIT "2-A")

[If this is a final application, and does not cumulate fee details from prior interim applications, then a separate Exhibit 2-A showing cumulative time summary from all applications is attached as well]

<u>Name</u>	<u>Title</u>	<u>Year Licensed</u>	<u>Total Hours</u>	<u>Average Hourly Rate*</u>	<u>Total Fees</u>
Brett A. Stillman	Consultant		0.0	\$150.00	\$0.00

*Indicate any changes in hourly rate and the date of such change:

Summary of Professional and Paraprofessional Time by
Activity Code Category for this Time Period Only
(EXHIBIT "2-B")

Professional Services				
<u>Title</u>	<u>Name</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
Consultant	Brett A. Stillman	\$150.00	0.00	\$ -
CATEGORY SUBTOTAL:			0.00	\$ -

Summary of Requested Reimbursement Of Expenses
for this Time Period Only
"EXHIBIT 3"

[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 Fees and Transcripts	\$0.00
5. Lien and Title Searches:	\$0.00
6. Photocopies:	
(a) In-house copies (\$ at \$0.15/page)	\$0.00
(b) Outside copies (\$)	\$0.00
7. Postage	\$0.00
8. Overnight Delivery Charges	\$0.00
9. Outside Courier/Messenger Services	\$0.00
10. Long Distance Telephone Charges	\$0.00
11. Long Distance Fax Transmissions (@ \$1/page)	\$0.00
12. Computerized Research	\$0.00
13. Out-of-Southern-District-of-Florida Travel:	
(a) Transportation	\$0.00
(b) Lodging	\$0.00
(c) Meals	\$0.00
14. Other: Storage of forensic evidence	\$4,500.00
TOTAL:	\$4,500.00

**PC DOCTOR, LLC.**

119 Harbors Way
Boynton Beach Beach, Florida 33435

Phone # 954-288-6824

E-mail: brett@pcdoctorflorida.com

Invoice

Date	Invoice #
1/10/2019	480

Bill To

Melland Russin & Budwick
Palm Beach Finance Partners
3200 Southeast Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131



P.O. No.	Terms	Due Date	Account #	Project
	Net 30	2/9/2019		
Description	Qty	Rate	Amount	
Forensic Evidence secure storage: PBFP for period of 1/1/2019 - 6/31/2019 (6 Months 5 items @ \$50.00 per item) to include: 1 Dell Server Tower Poweredge 1800.- PBS-002 1 Dell Server Tower Poweredge 1900 - PBS001 1 Bankers Box Backup tapes LTO, Travan, Dat-72 1 Bankers Box Hardware tape drives and all cables LTO, Travan, Dat-72 1 Bankers Box Evidence and Best Evidence drives containing original images and exported/recovered data. Dade County Sales Tax	6	250.00	1,500.00	
		7.00%	0.00	
Thank you for your business. Happy Holidays!			Total	\$1,500.00
			Payments/Credits	\$0.00
			Balance Due	\$1,500.00

EXHIBIT 4

**PC DOCTOR, LLC.**

119 Harbors Way
Boynton Beach Beach, Florida 33435

Phone # 954-288-6824

E-mail: brett@pcdoctorflorida.com

Invoice

Date	Invoice #
6/30/2019	494

Bill To

Melland Russin & Budwick
Palm Beach Finance Partners
3200 Southeast Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131



P.O. No.	Terms	Due Date	Account #	Project
	Net 30	7/30/2019		
Description	Qty	Rate	Amount	
Forensic Evidence secure storage: PBFP for period of 7/1/2019 - 12/31/2019 (6 Months 5 items @ \$50.00 per item) to include: 1 Dell Server Tower Powerededge 1800.- PBS-002 1 Dell Server Tower Powerededge 1900 - PBS001 1 Bankers Box Backup tapes LTO, Travan, Dat-72 Computer Monitor 1 Bankers Box Hardware tape drives and all cables LTO, Travan, Dat-72 1 Bankers Box Evidence and Best Evidence drives containing original images and exported/recovered data. Dade County Sales Tax	6	250.00	1,500.00	
		7.00%	0.00	
Thank you for your business.			Total	\$1,500.00
			Payments/Credits	\$0.00
			Balance Due	\$1,500.00

8055 Winter Street
Brooksville, Florida 34613

Invoice

Date	Invoice #
1/16/2020	514

Melland Russin & Budwick
Palm Beach Finance Partners
3200 Southeast Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131



P.O. No.	Terms	Due Date	Account #	Project
	Net 30	2/15/2020		
Description	Qty	Rate	Amount	
Forensic Evidence secure storage: PBFP for period of 1/1/2020 - 6/31/2020 (6 Months 5 items @ \$50.00 per item) to include: 1 Dell Server Tower Powerededge 1800.- PBS-002 1 Dell Server Tower Powerededge 1900 - PBS001 1 bankers Box Backup tapes LTO, Travan, Dat-72 Computer Monitor 1 Bankers Box Hardware tape drives and all cables LTO, Travan, Dat-72 1 Bankers Box Evidence and Best Evidence drives containing original images and exported/recovered data. Dade County Sales Tax	6	250.00	1,500.00	
		7.00%	0.00	
Thank you for your business.			Total	\$1,500.00
			Payments/Credits	\$0.00
			Balance Due	\$1,500.00