

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

IN RE:

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.

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**LIQUIDATING TRUSTEE'S MOTION FOR COURT ORDER  
AUTHORIZING CONTINUED EMPLOYMENT**

Barry E. Mukamal, in his capacity as liquidating trustee ("**Trustee**") of the Palm Beach Finance Partners Liquidating Trust and Palm Beach Finance II Liquidating Trust ("**PBF Liquidating Trusts**"), files this motion to authorize the continued employment of Meland Russin & Budwick, P.A. ("**MR&B**") and states as follows:

**I. General Background of PBF Bankruptcy Case**

1. On November 30, 2009, Palm Beach Finance Partners, L.P. ("**PBF I**") filed its voluntary petition under Chapter 11 of the U.S. 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 ("**PBF II**," and together with PBF I, the "**Debtors**"). [ECF No. 19].

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 Trustee as the chapter 11 trustee of both Debtors. [ECF No. 107].

4. The Trustee has employed MR&B as his attorneys in these bankruptcy cases and related contested matters and adversary proceedings, as approved by the Court (including) on February 12, 2010. [See e.g., ECF No. 121].

5. On October 21, 2010, the Court entered its Order Confirming Second Amended Plan of Liquidation [ECF No. 444], creating the Palm Beach Liquidating Trusts and appointing Barry E. Mukamal as the Trustee. MR&B serves as counsel for the Trustee on behalf of the Palm Beach Liquidating Trusts.

## **II. General Background of PCI Bankruptcy Case**

6. In October 2008, Petters Company, Inc. and certain affiliated entities filed for chapter 11 bankruptcy in the U.S. Bankruptcy Court for the District of Minnesota (“***Petters Bankruptcy Case(s)***”). Thereafter, the Petters Bankruptcy Cases were jointly administered and then (other than one of the cases) substantively consolidated. [ECF Nos. 21; 2098].

7. On December 24, 2008, Douglas Kelley (“***Trustee Kelley***”) was appointed as chapter 11 bankruptcy trustee for the Petters Bankruptcy Cases. [ECF No. 114]. On November 21, 2008, the Office of the U.S. Trustee appointed an Official Committee of Unsecured Creditors in the Petters Bankruptcy Cases, of which the Trustee has served as a member for a number of years.

8. On January 15, 2016, the Trustee, Trustee Kelley and certain other co-plan proponents caused a chapter 11 plan of liquidation (“***Petters Plan***”) and a disclosure statement (“***Petters Disclosure Statement***”) to be filed in the Petters Bankruptcy Cases. [ECF Nos. 3078; 3079].

9. On April 15, 2016, the U.S. Bankruptcy Court for the District of Minnesota entered Findings of Fact, Conclusions of Law and Order Confirming the Second Amended

Chapter 11 Plan of Liquidation Dated April 8, 2016 (“*Petters Confirmation Order*”), which confirmed the Petters Plan. [ECF Nos. 3263; 3305].

10. As more specifically set forth in the Petters Plan, the PCI Liquidating Trust was created with the authority to (among other things) hold and prosecute certain adversary proceedings and contested matters. The Trustee, solely in his capacity as Trustee, is a member of the PCI Liquidating Trust Committee.

11. The Trustee has filed the Petters Plan and the Petters Confirmation Order in this Bankruptcy Case, under cover of a Notice of Filing. [ECF No. 2873].

12. Pursuant to the Petters Confirmation Order, the Palm Beach Finance Partners Liquidating Trust has an allowed claim in the amount of 100% of its fraud claims calculated in accordance with applicable law on a cash-on-cash basis in the amount of \$85,987,311. Similarly, the Palm Beach Finance II Liquidating Trust holds an allowed claim for 100% of its fraud claims calculated in accordance with applicable law on a cash-on-cash basis in the amount of \$565,755,364. In addition, the PBF Liquidating Trusts hold § 502(h) claims in the aggregate amount of \$5,103,100. The PBF Liquidating Trusts have received interim distributions pursuant to the Petters Confirmation Order. [See e.g. ECF No. 2962]. Any claims that have been or could be asserted by the PCI Liquidating Trust against the PBF Liquidating Trusts were resolved with finality pursuant to the Petters Confirmation Order.

### **III. General Background of JPMorgan Adversary Proceedings**

13. On October 10, 2010, complaints were filed styled *Kelley et al. v. JPMorgan Chase & Co., et al*, adversary proceedings (Adv. Nos. 10-4443, 10-4444, 10-4445, Bankr. D. Minn.) (“*JPMC Adversaries*”).

14. The JPMC Adversaries were brought by Douglas A. Kelley, as Liquidating Trustee for The PCI Liquidating Trust ("***PCI Liquidating Trustee***") on behalf of Petters Company, Inc. and Petters Group Worldwide, LLC and on behalf of the PCI Liquidating Trust; Randall L. Seaver, as Chapter 7 Trustee ("***Petters Capital Trustee***") on behalf of Petters Capital, LLC and its bankruptcy estate; and John R. Stoebner, as Chapter 7 Trustee ("***Polaroid Trustee***") on behalf of Polaroid Corporation and Polaroid Consumer Electronics, LLC, Polaroid Holding Company, Polaroid Capital, LLC, Polaroid Latin America I Corporation, Polaroid Asia Pacific LLC, Polaroid International Holding LLC, Polaroid New Bedford Real Estate, LLC, Polaroid Norwood Real Estate, LLC, and Polaroid Waltham Real Estate, LLC and their respective bankruptcy estates.

#### **IV. Requested Relief**

15. The PCI Liquidating Trustee, the Petters Capital Trustee and the Polaroid Trustee have requested that MR&B represent them as special counsel solely in their capacities as Trustees in the JPMC Adversaries with respect to a potential fee dispute with Richard Drubel, Esq. and the law firm of Boies Schiller Flexner LLP. MRB's role will be to resolve through negotiation or litigation (if necessary) the amount of fees, including but not limited to contingency fees, claimed by and due to Drubel and Boies Schiller.

16. The PCI Liquidating Trustee, the Petters Capital Trustee and the Polaroid Trustee as well as MR&B have executed a legal representation agreement ("***Retention Agreement***"). See Exhibit A. The Agreement provides that MR&B's special counsel retention is contingent upon this Court's approval as well as the approval of the Minnesota Bankruptcy Court. Fees for services to be paid to MR&B as special counsel to the PCI Liquidating Trustee, the Petters

Capital Trustee and the Polaroid Trustee shall be the responsibility of the PCI Liquidating Trustee and the Polaroid Trustee.

17. Attached as Exhibit B is the *Supplemental Affidavit*, which provides in pertinent part that MR&B has been engaged to provide the services set forth in the Retention Agreement for the PCI Liquidating Trustee, the Petters Capital Trustee and the Polaroid Trustee. The Supplemental Affidavit further states that, notwithstanding this engagement, MR&B continues to neither hold nor represent any interest adverse to this bankruptcy estate in the matters upon which it is to be employed, is a “disinterested person” as that term is defined by 11 U.S.C. §§101(14) and 327(a), and its continued employment would be in the best interest of the estate and its creditors.

18. Based on the above and attached, the Trustee requests that this Court enter an Order authorizing the continued employment of MR&B.

WHEREFORE, the Liquidating Trustee requests that the Court grant this Motion, enter an order substantially in the form as in the attached Exhibit C, authorize the continued employment of MR&B, and grant such other and further relief as this Court deems just and proper.

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on December 11, 2017, via the Court's Notice of Electronic Filing upon the Registered Users listed on the attached Exhibit 1 and via Regular U.S. Mail upon the parties listed on the Court's Manual Notice List attached as Composite Exhibit 2, the Court's Matrices in Case No. 09-36379-BKC-EPK and Case No. 09-36396-BKC-EPK attached as Composite Exhibit 3<sup>1</sup>, those additional addresses set forth on Composite Exhibit 4.

s/ Michael S. Budwick  
Michael Budwick, Esquire  
Florida Bar No. 938777  
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 Barry E. Mukamal,*  
*Liquidating Trustee*

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<sup>1</sup> "ADDL" means these additional parties served as a courtesy. See Composite Exhibit 4.

"BAD" means that it is a known bad address; hence, no service 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.

"NEF" means that service was made by Notice of Electronic Filing as set forth on Exhibits 1 and is not being additionally served by mail.

"NNR" means no notice is required. Examples are professionals retained.

"PBFP" means that entity appears on both matrices and only being served once.

<sup>1</sup> See footnote 1.



Meland · Russin · Budwick

ATTORNEYS AT LAW

MICHAEL S. BUDWICK  
[mbudwick@melandrussin.com](mailto:mbudwick@melandrussin.com)

November 21, 2017

**Via Electronic Mail and U.S. Mail**

Douglas A. Kelley, as Liquidating Trustee for  
The PCI Liquidating Trust (“**PCI Liquidating  
Trustee**”) on behalf of Petters Company, Inc.  
and Petters Group Worldwide, LLC and on  
behalf of the PCI Liquidating Trust  
431 S. 7th St., Suite 2530  
Minneapolis, MN 55415

Randall L. Seaver, as Chapter 7 Trustee  
(“**Petters  
Capital Trustee**”) on behalf of Petters Capital,  
LLC and its bankruptcy estate  
12400 Portland Avenue S.  
Burnsville, MN 55337

John R. Stoebner, as Chapter 7 Trustee (“**Polaroid  
Trustee**”) on behalf of Polaroid Corporation and  
Polaroid Consumer Electronics, LLC,  
Polaroid Holding Company,  
Polaroid Capital, LLC,  
Polaroid Latin America I Corporation,  
Polaroid Asia Pacific LLC,  
Polaroid International Holding LLC,  
Polaroid New Bedford Real Estate, LLC,  
Polaroid Norwood Real Estate, LLC, and  
Polaroid Waltham Real Estate, LLC and their  
respective bankruptcy estates  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402

**LEGAL REPRESENTATION AGREEMENT**

**Re: Fee negotiation/litigation with Richard Drubel and Boies Schiller Flexner  
LLP, Adv. Nos. 10-4443, 10-4444 and 10-4445 (Bankr. D. Minn.)**

Dear Gentlemen:

We are pleased to confirm that each of you in your respective capacities as PCI Liquidating Trustee, Petters Capital Trustee and Polaroid Trustee have engaged Meland Russin & Budwick, P.A. (“**MRB**” or the “**Firm**”) to perform the legal services described herein. MRB’s retention is pursuant to the terms of this agreement (“**Agreement**”).

We have found that clients generally appreciate a clear statement and agreement regarding the services that we will perform and the basis upon which they will be expected to

EXHIBIT A

Meland Russin & Budwick, P.A.

Douglas A. Kelley  
 Randall L. Seaver  
 John R. Stoebner  
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pay for these services. This letter sets forth our understanding as to the nature and scope of the services we have agreed to render, the amount of our fees for those services, the manner in which our fees will be determined, and the terms on which we will be paid. This letter is not a guaranty on the outcome of your matter and because of the uncertainty of legal proceedings, the interpretation and changes in the law and other unknown factors, the Firm cannot predict the outcome of any case.

1. Nature of Legal Service and Scope of Representation. You have engaged the Firm to represent you solely in your capacities as Trustees in the JPMC Adversaries<sup>1</sup> with respect to a potential fee dispute with Richard Drubel, Esq. (“*Drubel*”) and the law firm of Boies Schiller Flexner LLP (“*Boies Schiller*”). MRB’s role will be to resolve through negotiation or litigation (if necessary) the amount of fees, including but not limited to contingency fees, claimed by and due to Drubel and Boies Schiller. The Firm expects to provide formal updates to each of you contemporaneously as appropriate. The attorneys at MRB who will have primary responsibility for this role will be Michael Budwick and Zaharah Markoe.

2. No Guaranty. The Firm agrees to provide conscientious, competent and diligent services and at all times will seek to achieve solutions which are just and reasonable for you. However, because of the uncertainty of legal proceedings, the interpretation and changes in the law and many unknown factors, attorneys cannot and do not warrant, predict or guarantee results or the final outcome of any case.

3. Fee for Services. The Firm will charge for our services on the basis of our standard hourly rates, as in effect from time to time, based on the time records kept by us. It is our practice to charge for actual time expended on your behalf, but not less than .1 hours per telephone call or other service. Our hourly rates at the present time for those persons who we anticipate working on your behalf are as follows:

Michael Budwick	\$675
Solomon Genet	\$545
Zaharah Markoe	\$475
Joseph Wasserkrug	\$290
Paralegals	\$150 - \$230

These rates may adjust in January of each year and new rates may apply thereafter. The Firm will request the prior approval of the PCI Liquidating Trust, the Polaroid Trustee and the Petters Capital Trustee, before any other individuals not listed above provide services with respect to this engagement.

4. Retainer. The Firm does not request a retainer.

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<sup>1</sup> *Kelley et al. v. JPMorgan Chase & Co., et al*, adversary proceedings (Adv. Nos. 10-4443, 10-4444, 10-4445, Bankr. D. Minn.) (“*JPMC Adversaries*”).

Douglas A. Kelley  
Randall L. Seaver  
John R. Stoebner  
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5. Costs. In connection with our engagement, we anticipate that certain expenses may be incurred and advanced by us on your behalf. These expenses may include, but are not limited to, our actual costs for expenses such as filing fees, out of town travel expenses, delivery charges, special postage (overnight courier services, express mail, certified mail, etc.), and photocopies. All charges for costs will be in compliance with applicable governing authority.

6. Payment of Fees and Costs. Bills will be rendered for the time and expenses incurred on your behalf, and you are each responsible for payment solely in your respective capacities as PCI Liquidating Trustee, Petters Capital Trustee and Polaroid Trustee.

a) Fees and Costs will be set forth in a single monthly invoice to be submitted no later than the 20<sup>th</sup> day of the month for the previous month, to be payable by the Polaroid Trustee and by the PCI Liquidating Trust in accordance with the Joint Reimbursement and Recovery Agreement as amended.

b) All invoices shall include all services and expenses, with a notation on the cover letter as to the amount payable by the PCI Liquidating Trust and the Polaroid Trustee.

c) The Firm will comply with the fee and billing procedures established by the PCI Liquidating Trust and submit all invoices to Robert Fishman for his review and comments.

d) The fees to be paid by the Polaroid estate will be subject to Bankruptcy Court approval. The Polaroid Trustee will draft and then file the requisite fee application(s) after the review and adjustments (if any) by Robert Fishman for the months to be included in the fee application.

e) Any travel must be pre-approved by the PCI Liquidating Trust, Petters Capital Trustee and Polaroid Trustee.

7. Records Retention. In the course of representing you, it is likely that records and documents (originals and copies) will come into our possession and numerous additional documents will be generated by us. Naturally, you may examine any written materials in our files at any time we agree prior to the termination of our representation, but you acknowledge that all of our work product is owned by us. Upon the termination of our representation in connection with this engagement, we will retain our files for at least two years, after which any written materials not returned to you may be destroyed by us. Your execution of this agreement constitutes your consent to this procedure.

Douglas A. Kelley  
Randall L. Seaver  
John R. Stoebner  
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8. Commencement of Representation. If this Agreement is acceptable, please acknowledge your understanding and agreement by signing, dating and returning a copy of this Agreement to us. The representation will commence upon receipt of this executed Agreement

However, the representation is expressly contingent on approval by the Bankruptcy Court in *In re Palm Beach Finance Partners, L.P.*, Case No. 09-36379-EPK (jointly administered), U.S. Bankruptcy Court for the S.D. Florida (“**PBF Bankruptcy Case**”). The Firm will seek approval of this representation in the PBF Bankruptcy Case promptly after receiving the executed Agreement.

In addition, this representation is contingent upon the Polaroid Trustee and the Petters Capital Trustee receiving approval by the Minnesota Bankruptcy Court.

9. Conflicts of Interest. As you are aware, the Firm represents Barry Mukamal, as Liquidating Trustee of the Palm Beach Liquidating Trusts in the *In re Palm Beach Finance Partners, L.P.*, Case No. 09-36379-PGH (jointly administered), U.S. Bankruptcy Court for the S.D. Florida (“**PBF Bankruptcy Case**”) and a member of the PCI Liquidating Trust Committee. We are also special counsel serving as oversight counsel for the PCI Liquidating Trust. We perceive no conflict as to MRB’s retention pursuant to this Agreement based on either representation, and your execution below reflects your agreement. Moreover, the Firm (1) does not currently represent any person or entity directly adverse to any of you individually or in your representative capacities, the PCI Liquidating Trust, the Petters Capital estate or the Polaroid estate, including but not limited to parties to the JPMC Adversaries; and (2) will not represent any person or entity directly adverse to any of the PCI Liquidating Trust, the Petters Capital estate or the Polaroid estate without first obtaining your informed, written consent.

10. Termination. You may terminate the Firm’s representation at any time, but the provisions of this Agreement related to payment and collection of fees and costs will not terminate. The Firm will have the same right to terminate its representation, subject to the Firm’s obligation to give you reasonable notice to arrange other representation.

11. Waiver. A party’s failure to insist on compliance or enforcement of any provision of this Agreement shall not affect the validity or enforceability or constitute a waiver of future enforcement of that provision or of any other provision of this Agreement by that party or any other party.

12. Amendments. This Agreement may be amended at any time by mutual consent of the parties, with any such amendment to be unenforceable unless in writing, signed by the Firm and you.

Douglas A. Kelley  
Randall L. Seaver  
John R. Stoeber  
November 21, 2017  
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13. Applicable Law. This Agreement shall be governed for all purposes by the laws of the State of Minnesota. If any provision of this Agreement is declared void, such provision shall be deemed severed from this Agreement, which shall otherwise remain in full force and effect.

14. Jurisdiction and Venue. Any dispute arising from or relating to this Agreement shall be resolved by the Minnesota Bankruptcy Court.

I assure you that we shall make every effort to perform our services in a prompt and efficient manner in order to achieve a just result for the creditors of the estates each of you administers.

Sincerely,

Michael Budwick

Meland Russin & Budwick, P.A. is retained on the terms and conditions described above.

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REVIEWED, ACKNOWLEDGED, AGREED-TO  
AND ACCEPTED on November 29, 2017.

Douglas A. Kelley, solely in his capacity as PCI Liquidating Trustee with the approval of the PCI Liquidating Trust Committee as set forth in Section 8.17 of the Plan.

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Randall L. Seaver, solely in his capacity as Chapter 7 Trustee on behalf of Petters Capital, LLC and its bankruptcy estate

Douglas A. Kelley  
Randall L. Seaver  
John R. Stoebner  
November 21, 2017  
Page 5



13. Applicable Law. This Agreement shall be governed for all purposes by the laws of the State of Minnesota. If any provision of this Agreement is declared void, such provision shall be deemed severed from this Agreement, which shall otherwise remain in full force and effect.

14. Jurisdiction and Venue. Any dispute arising from or relating to this Agreement shall be resolved by the Minnesota Bankruptcy Court.

I assure you that we shall make every effort to perform our services in a prompt and efficient manner in order to achieve a just result for the creditors of the estates each of you administers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Budwick'.

Michael Budwick

Meland Russin & Budwick, P.A. is retained on the terms and conditions described above.

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REVIEWED, ACKNOWLEDGED, AGREED-TO  
AND ACCEPTED on November \_\_, 2017.

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Douglas A. Kelley, solely in his capacity as PCI Liquidating Trustee with the approval of the PCI Liquidating Trust Committee as set forth in Section 8.17 of the Plan.

A handwritten signature in black ink, appearing to read 'Randall L. Seaver'.

Randall L. Seaver, solely in his capacity as Chapter 7 Trustee on behalf of Petters Capital, LLC and its bankruptcy estate

Douglas A. Kelley  
Randall L. Seaver  
John R. Stuebner  
November 21, 2017  
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A handwritten signature in black ink, appearing to read 'John R. Stuebner', written over a horizontal line.

**John R. Stuebner, solely in his capacity as Chapter 7 Trustee on behalf of Polaroid Corporation and Polaroid Consumer Electronics, LLC, Polaroid Holding Company, Polaroid Capital, LLC, Polaroid Latin America I Corporation, Polaroid Asia Pacific LLC, Polaroid International Holding LLC, Polaroid New Bedford Real Estate, LLC, Polaroid Norwood Real Estate, LLC, and Polaroid Waltham Real Estate, LLC and their respective bankruptcy estates**

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

Debtors.

SUPPLEMENTAL AFFIDAVIT

STATE OF FLORIDA )

) ss:

COUNTY OF MIAMI-DADE )

Michael S. Budwick, being duly sworn, says:

1. I am an attorney admitted to practice in the State of Florida, the United States District Court for the Southern District of Florida and qualified to practice in the U.S. Bankruptcy Courts for the Southern and Middle Districts of Florida.

2. I am a shareholder with the law firm of Meland Russin & Budwick, P.A. (the "Firm") with offices located at 3200 Southeast Financial Center, 200 S. Biscayne Blvd., Miami, Florida 33131.

3. This affidavit supplements the Supplemental Affidavit filed on August 9, 2016 as attached to the Liquidating Trustee's Motion for Court Order Authorizing Continued Employment [ECF No. 2974] and any and all earlier affidavits disclosing connections regarding the Firm's employment as counsel to the Liquidating Trustee.

4. Subject to this Court's approval, the Firm has been engaged to represent the PCI Liquidating Trustee, the Petters Capital Trustee and the Polaroid Trustee as special counsel solely in their capacities as Trustees in the JPMC Adversaries with respect to a potential fee

dispute with Richard Drubel, Esq. and the law firm of Boies Schiller Flexner LLP. MRB's role will be to resolve through negotiation or litigation (if necessary) the amount of fees, including but not limited to contingency fees, claimed by and due to Drubel and Boies Schiller, as more fully set forth in the Retention Agreement. Fees for services to be paid to MR&B as special counsel to the PCI Liquidating Trust shall be the responsibility of the PCI Liquidating Trustee and the Polaroid Trustee.

5. Pursuant to the Petters Confirmation Order, the Palm Beach Finance Partners Liquidating Trust has an allowed claim in the amount of 100% of its fraud claims calculated in accordance with applicable law on a cash-on-cash basis in the amount of \$85,987,311. Similarly, the Palm Beach Finance II Liquidating Trust holds an allowed claim for 100% of its fraud claims calculated in accordance with applicable law on a cash-on-cash basis in the amount of \$565,755,364. In addition, together the PBF Liquidating Trusts hold § 502(h) claims in the aggregate amount of \$5,103,100. The PBF Liquidating Trusts have received three interim distributions pursuant to the Petters Confirmation Order as set forth in the Notices filed in this Bankruptcy Court on July 20, 2016 [ECF No. 2962], June 20, 2017 [ECF No. 3272], and June 21, 2017 [ECF No. 3275].

6. Our existing representation of the PBF Liquidating Trustee and the proposed representation of the PCI Liquidating Trustee, the Petters Capital Trustee and the Polaroid Trustee does not constitute a conflict of interest with regard to the PBF Liquidating Trustee. We remain disinterested persons as to the PBF Liquidating Trusts as required by 11 U.S.C. 327(a).

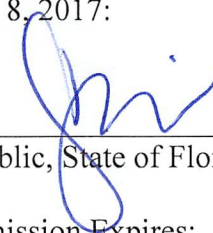
7. Except for the performance of services for the Liquidating Trustee and other matters identified herein and other matters as set forth in Trustee's application [ECF No. 115] and the affidavit attached thereto, I do not and will not represent any other entity in connection

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.

  
\_\_\_\_\_  
MICHAEL S. BUDWICK, ESQ.

Sworn to and Subscribed before me  
December 8, 2017:

  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires:



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

In re:

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,

\_\_\_\_\_ /

**ORDER GRANTING LIQUIDATING TRUSTEE'S MOTION FOR COURT  
ORDER AUTHORIZING CONTINUED EMPLOYMENT**

**THIS MATTER** came before the Court on \_\_\_\_\_, 2017 at \_\_\_\_\_.m., upon the *Liquidating Trustee's Motion for Court Order Authorizing Continued Employment* (the "**Motion**") [ECF No. \_\_\_\_].<sup>1</sup> The Court having reviewed the Court file and based upon the reasons set forth on the record which are incorporated here by reference, it is

**ORDERED** as follows:

1. The Motion is **GRANTED**.
2. MR&B's continued employment and retention is approved by the Court.

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

3. The Court retains jurisdiction to enforce or interpret this Order.

###

Submitted By:

Michael S. Budwick, Esquire

Florida Bar No. 938777

[mbudwick@melandrussin.com](mailto:mbudwick@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:

Michael S. Budwick, Esquire, 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-EPK

## 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.

- Melissa Alagna mma@gordichalagna.com, lag@gordichalagna.com
- Vincent F Alexander vfa@kttlaw.com, lf@kttlaw.com
- Keith T Appleby kappleby@bankerlopez.com, service-kappleby@bankerlopez.com
- Paul A Avron pavron@bergersingerman.com, efife@bergersingerman.com, efife@ecf.inforuptry.com, mday@bergersingerman.com
- Scott L. Baena sbaena@blizin.com, eservice@blizin.com, fiores@blizin.com
- Marc P Barnat mbarnat@furcohen.com, trivera@furcohen.com, atly\_furcohen@bluesty/us.com
- Rachel K Beige rachel.beige@csklegal.com, joseph.valdivia@csklegal.com
- Sean M. Berkowitz sean.berkowitz@lw.com, cheffiling@lw.com, roger.schwartz@lw.com, russell.mangas@lw.com, robert.malione@lw.com, megan.fitzpatrick@lw.com, barbara.piphok@lw.com, alicia.davis@lw.com
- Steven M Berman sberman@sk-law.com, bgoodal@sk-law.com
- Mark D. Bloom bloomm@glaw.com, Mial.LitDock@glaw.com, miaecfbky@glaw.com
- Ira Bodenstein ibodenstein@shawgussis.com
- Noel R Boeke noel.boeke@hklaw.com, wendysue.henry@hklaw.com
- Michael S Budwick mbudwick@melandrussin.com, lianenbaum@melandrussin.com, imbudwick@ecf.courtdrive.com, phornia@ecf.courtdrive.com
- Michael S Budwick mbudwick@melandrussin.com, lianenbaum@melandrussin.com, imbudwick@ecf.courtdrive.com, phornia@ecf.courtdrive.com
- Michael S Budwick mbudwick@melandrussin.com, lianenbaum@melandrussin.com, imbudwick@ecf.courtdrive.com, phornia@ecf.courtdrive.com
- Dennis M. Campbell dcampbell@campbelllawfirm.net, gschmied@campbelllawfirm.net
- Rilyn A Carnahan rilyn.carnahan@gnlaw.com, eficleu1092@gnlaw.com, melissa.bird@gnlaw.com, eficleu1435@gnlaw.com, eficleu1094@gnlaw.com, eficleu1093@gnlaw.com, gregory.stolz
- Francis L. Carter flc@flicarterpa.com
- Francis L. Carter flc@katzbarron.com
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