

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

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

Debtors.

**LIQUIDATING TRUSTEE'S MOTION TO AMEND ORDER AUTHORIZING THE
EMPLOYMENT AND RETENTION OF PETER HAGAN AND BERKELEY
RESEARCH GROUP, LLC AS EXPERTS [ECF NO. 646],
NUNC PRO TUNC TO JULY 1, 2012**

Barry E. Mukamal, in his capacity as liquidating trustee (the "*Liquidating Trustee*"), by and through undersigned counsel, moves (the "*Motion*") to amend the Order Authorizing the Employment and Retention of Peter Hagan and Berkeley Research Group, LLC as Experts (the "*Employment Order*") [ECF No. 646] to reflect the updated employment of Peter Hagan ("*Mr. Hagan*"), individually, *nunc pro tunc* to July 1, 2012. In support hereof, the Liquidating Trustee states as follows:

1. On April 8, 2011, the Liquidating Trustee filed an Application to Employ Peter Hagan and Berkeley Research Group, LLC, *Nunc Pro Tunc* to March 31, 2011 [ECF No. 624] (the "*Application*").
2. On May 2, 2011, the Court granted the requested relief set forth in the Application and entered the Employment Order, authorizing the Liquidating Trustee's retention of Mr. Hagan and Berkeley Research Group, LLC ("*BRG*").
3. The Liquidating Trustee retained Mr. Hagan and BRG to assist him in providing an objective and independent evaluation of certain of the Debtors' banking relationships and

banking-related activities, as well as related consulting and potential expert testifying services in contested matters or one or more adversary proceedings commenced by the Liquidating Trustee.

4. While Mr. Hagan remains affiliated with BRG, as of July 1, 2012, the Liquidating Trustee and Mr. Hagan desire for the Liquidating Trustee to continue to employ Mr. Hagan's services, individually and without a relationship with BRG, pursuant to the same terms and hourly rates set forth in the Application and that have been approved by the Court in the Employment Order.

5. Other than the mechanism for compensation, *i.e.*, payment to BRG for compensation through July 1, 2012 and any wind-down and related billing issues, the Liquidating Trustee has terminated all dealings with BRG in connection with the employment of Peter Hagan. The Liquidating Trustee is dealing with Mr. Hagan directly.

6. The Liquidating Trustee believes that the continued employment of Mr. Hagan is in the best interests of the Debtors' estates and their creditors. From his original retention to date, Mr. Hagan has provided valuable consulting services to the Liquidating Trustee, and the Liquidating Trustee believes this will continue to be true.

7. Per this Motion, the Liquidating Trustee requests that this Court amend the Employment Order to reflect the updated employment by the Liquidating Trustee of Mr. Hagan, individually and without a relationship with BRG, *nunc pro tunc* to July 1, 2012. All terms of employment unrelated to BRG will remain the same.

WHEREFORE, the Liquidating Trustee respectfully requests that the Court enter an Order (substantially similar in form to the attached Exhibit 1) (i) granting the Motion; (ii) amending the Employment Order to reflect the updated employment by the Liquidating Trustee

of Mr. Hagan, individually, *nunc pro tunc* to July 1, 2012; and (iii) granting such further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was served on October 1, 2012, via the Court's Notice of Electronic Filing upon all Registered Users listed on the attached Exhibit 2, via U.S. Mail upon (i) all parties listed on the attached Exhibit 3; and (ii) Berkeley Research Group, LLC, 2200 Powell Street, Suite 1200, Emeryville, CA 94608, including by e-mail to atenenbaum@brg-expert.com, and via e-mail upon Peter Hagan, peterchagan@gmail.com.

Dated: October 2, 2012.

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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.

**ORDER GRANTING LIQUIDATING TRUSTEE'S MOTION TO AMEND ORDER
AUTHORIZING THE EMPLOYMENT AND RETENTION OF PETER HAGAN AND
BERKELEY RESEARCH GROUP, LLC AS EXPERTS [ECF NO. 646]**

THIS CAUSE came before the Court on _____, 2012 at _____, upon the
Liquidating Trustee's *Motion to Amend Order Authorizing the Employment and Retention of
Peter Hagan and Berkeley Research Group, LLC as Experts [ECF No. 646]* (the "**Motion**")

[ECF No. ____].¹ The Court, having reviewed the Motion and Court file, and based on the record and any arguments of counsel, it is:

ORDERED as follows:

1. The Motion is **GRANTED**.
2. The Employment Order is amended to reflect that the Liquidating Trustee has retained Peter Hagan, individually, and that any relationship with BRG is ceased, *nunc pro tunc* to July 1, 2012. All terms of employment unrelated to BRG will remain the same.

###

Submitted By:

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Copies Furnished To:

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

¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

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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