

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

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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.

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**TRUSTEE'S *EX PARTE* MOTION TO AMEND ORDER AUTHORIZING THE  
EMPLOYMENT AND RETENTION OF DANIEL N. ROSEN  
AND KLUGER, KAPLAN, SILVERMAN, KATZEN & LEVINE, P.L.  
AS LOCAL COUNSEL IN MINNESOTA [ECF N. 3288]**

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, by and through undersigned counsel and pursuant to 11 U.S.C. § 327(a), Fed. R. Bank. P. 2014(a), and Local Rule 9013-1(C)(3), respectfully requests that this Court enter an Order, on an *ex parte* basis, amending the *Order Approving Trustee’s Application to Employ Daniel N. Rosen, Esq. and Kluger, Kaplan, Silverman, Katzen & Levine, P.L. as Local Counsel in Minnesota* [ECF No. 3288]. In support, the 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 Trustee as Chapter 11 Trustee in both Debtors’ estates [ECF No. 107].

4. The Trustee is the Trustee by virtue of this Court's *Order Confirming Second Amended Joint Plan of Liquidation*, dated October 21, 2010 [ECF No. 444].

5. For the Trustee to properly discharge his duties in this case, he employs professionals to assist in various matters.

6. On May 27, 2010, the Trustee retained Mr. Daniel N. Rosen ("**Mr. Rosen**") and his former firm, Parker Rosen, LLC, as his local counsel in Minnesota [ECF No. 161 & 182].

7. On May 9, 2017, Mr. Rosen joined the law firm of Kluger, Kaplan, Silverman, Katzen & Levine, P.L. ("**KKSKL**") in its Minneapolis office.

8. On June 20, 2017, the Trustee filed the Application to Employ Mr. Rosen and KKSKL, *nunc pro tunc* to May 9, 2017 ("**Application**") [ECF No. 3269], which was approved by Court Order dated July 20, 2017 [ECF No. 3288] ("**Retention Order**").

9. Per the Retention Order, Mr. Rosen has continued to provide advice and professional services to the Trustee.

10. As of November 1, 2021, Mr. Rosen has returned to his former firm, formerly known as Parker Rosen, LLC, which is now renamed as Rosen, LLC.

11. The Trustee desires to continue to employ and retain Mr. Rosen and Rosen, LLC ("**Applicant**"), *nunc pro tunc* to November 1, 2021, to perform the same services detailed in the Application and authorized in the Retention Order, but (1) without a relationship with KKSKL; and (2) now with a relationship with Rosen, LLC.

12. The Trustee has terminated all dealings with KKSKL in connection with the employment of Mr. Rosen.

13. There will be no duplication of tasks performed under the current Retention Order with the tasks to be assigned to the Applicant going forward.

14. The Trustee believes that the Applicant is qualified to be retained by the Trustee and remains disinterested as required by 11 U.S.C. § 327(a).

15. The Trustee believes that the employment of the Applicant is in the best interest of the estates and their creditors.

**WHEREFORE**, the Trustee respectfully requests the Court enter an Order similar in form to the attached Exhibit A (i) amending the Retention Order to substitute Rosen, LLC for KKSKL; (ii) authorizing the retention of the Applicant, *nunc pro tunc* to November 1, 2021, as Minnesota local counsel, upon the same terms and conditions set forth in the Application and authorized in the Retention Order; and (iii) 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 April 29, 2022 via the Court's Notice of Electronic Filing upon the Registered Users listed on the attached Exhibit 1, via U.S. Mail upon the parties listed on the Manual Notice List attached as Composite Exhibit 2, the Court's Matrices in Case No. 09-36379-BKC-PGH and Case No. 09-36396-BKC-PGH attached as Composite Exhibit 3<sup>1</sup>, and those additional addresses set forth on Composite Exhibit 4.

Dated: April 29, 2022.

s/ Solomon B. Genet  
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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.

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

"NNR" means no notice is required.

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

"N-WD" means no notice required as such party has filed a Notice of Withdrawal with this Court.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
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In re:

Chapter 11

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

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

**ORDER GRANTING TRUSTEE'S *EX PARTE* MOTION TO AMEND ORDER  
AUTHORIZING THE EMPLOYMENT AND RETENTION OF DANIEL. N. ROSEN  
AND KLUGER, KAPLAN, SILVERMAN, KATZEN & LEVINE, P.L.  
AS LOCAL COUNSEL IN MINNESOTA [ECF NO. 3288]**

**THIS MATTER** came before the Court upon the *Liquidating Trustee's Ex Parte Motion to Amend Order Authorizing the Employment and Retention of Daniel N Rosen, Esq. and Kluger, Kaplan, Silverman, Katzen & Levine, P.L. as Local Counsel in Minnesota (ECF No. 3288)* [ECF No. \_\_\_\_] ("**Motion**"), and the Court, having reviewed the Motion, having reviewed the Court file, finding that the Motion may be considered *ex parte*, and being otherwise duly advised in the premises, finds good cause to grant the Motion.

Accordingly, it is **ORDERED** that:

1. The Motion is **GRANTED**.
2. The Trustee<sup>1</sup> is authorized to retain Mr. Rosen and Rosen, LLC, *nunc pro tunc* to November 1, 2021, as local counsel in Minnesota pursuant to 11 U.S.C. §§ 327, 330 and 331, under the same terms set forth in the Application, as authorized in the Retention Order.
3. The Retention Order is amended to substitute Rosen, LLC for KSKSL. All other terms of employment 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.

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

## 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.

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113C-9  
Case 09-36379-EPK  
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West Palm Beach  
Tue Feb 1 12:50:20 EST 2022

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