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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK  
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In re

SUN FRESH JUICES, INC.

Case No. 93-11158 K

Debtor  
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SUPPLEMENTAL ORDER ALLOWING INTERIM FEES

In accord with my Order of May 6, 1994, supplemental time sheets have been filed and considered. The Court remains troubled as to certain time entries as follows, these being entries for work done (1) by an attorney who did not "handle" the task initially, or (2) on some sort of "split" delegation, or (3) by a higher-paid attorney who appears otherwise not to have been involved in (and therefore not familiar with) the case:

<u>Date</u>	<u>Atty.</u>	<u>Task</u>	<u>Time</u>
6/7/93	JSM	Drafting Stipulation	3.1
6/10/93	JSM	Drafting Stipulation	2.5 plus .8
6/11/93	JSM	Drafting Stipulation	2.7
6/25/93	WFS	International Paper's motion	.3
6/29/93	WFS	International Paper's motion	.2 and .1
6/29/93	DCP	International Paper's motion	1.6
6/30/93	DCP	International Paper's motion	.5
7/1/93	DCP	International Paper's motion	.2
7/1/93	DFB	International Paper's motion	.2, .2, 1.3
7/2/93	DFB	International Paper's motion	.8, .3
7/2/93	DCP	International Paper's motion	.8 and 2.6
7/4/93	DFB	Motion for Expedited Auction	.9
7/6/93	WFS	International Paper's motion	.2 and .2
7/6/93	DFB	International Paper's motion	.5
7/6/93	DFB	Motion for Expedited Auction	1.5
7/9/93	DCP	364 financing	.5
7/13/93	DFB	364 financing	2.1

7/13/93	DCP	364 financing	3.7
7/14/93	DFB	364 financing	1.4
7/14/93	DCP	364 financing	2.0
7/15/93	DFB	364 financing	1.4
7/15/93	DCP	364 financing	.4
7/19/93	DCP	Review letter to Carlisi	1.4
7/22/93	DFB	Financing	.4 and .4
7/22/93	DCP	Financing	.4
7/23/93	DFB	Financing	.6, .2, .5
7/23/93	DCP	Terms of Sale	.3
7/28/93	DCP	Terms of Sale	.2
7/30/93	DFB	Terms of Sale	.3, 2.8
8/2/93	DFB	Terms of Sale	.3, 1.2
8/4/93	WFS	Conf. w/ Mattrey, etc.	1.3
8/4/93	DFB	Conf. w/ Mattrey, etc.	1.9
9/3/93	DCP	Motion for Auction	.6, .6
9/7/93	DFB	Motion for Auction	.6
9/7/93	DCP	Motion for Auction	.3, .5
9/8/83	DCP	Motion for Auction	.4
9/20/93	DCP	Schedules	.6, .8
9/21/93	DFB	Schedules	.2, .3
9/22/93	MJR	Schedules	.5
9/23/93	DCP	Schedules	.2
9/24/93	DCP	Schedules	.3, .1
9/27/93	DCP	Schedules	.2
9/28/93	DFB	Motion for Auction	.8, .2, .2
9/28/93	DFB	Motion for Auction	.4, .1

While delegation to attorneys who are billed at lower rates is to be encouraged, the economies obviously may be offset when others bill for reviewing that work.

Furthermore, "piecemeal" delegations to several attorneys sometimes require each of the delegates to duplicate the work of getting familiar with the matter at hand.

Nonetheless, having two or more attorneys work on the same matter or on subparts of the same matter is certainly understandable in emergency circumstances that are not of counsel's own making.

The entries above total 53.1 hours of the total 223.9 hours for which compensation is sought. Twenty-five percent of the 53.1 hours will be disallowed (13.275 hours) in balancing the need to protect creditors against counsel's right to compensation, given the lack of guidance in the application as to how such delegation benefitted the estate.

Finally, it has long been well-publicized practice of this Judge of this Court to reduce a fee application by some measure if a party in interest had to file opposition to the application in order to get the information to which the party was entitled in the first place, in assessing the reasonableness of the fees. In other words, even if an applicant's responses to an objection fully justify the fees sought, I will not grant a full award if the objection based on a lack of necessary information was well-founded.

Here the U.S. Trustee's objections were so clearly and obviously well-founded, and the applicant's responses thereto so wholly inappropriate, that this Court had to enter a significant decision on that subject. Only then, and only in the face of this Court's prospective denial of half of the compensation sought, did the applicant provide meaningful time sheets.

Damon and Morey has voluntarily reduced its application from \$27,863.50 to \$25,882.25. Additionally I have above disallowed 13.275 hours and will apply a "blended" rate thereto of \$125/hr. This leaves \$24,222.88, which includes compensation for

some 16 hours of paralegal time in preparing the original fee application. I reduce the \$24,222.88 by 15% for the firm's failure to provide meaningful time sheets in a timely fashion, and I caution that I will not compensate the firm (in any supplemental or final application) for time spent in doing the recompiled ("de-lumped") time sheets.

Superseding my earlier order, interim fees are now allowed in the amount of \$20,589.45, to be paid pro rata with other claims of the same class.

SO ORDERED.

Dated: Buffalo, New York  
June 24, 1994



U.S.B.J.