#### UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW MEXICO

In re:	Chapter 11
ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, a New Mexico	Case No. 13-13676-t11
corporation sole,	Jointly Administered with:
Debtor.	
Jointly Administered with:	Case No. 13-13677-t11
BISHOP OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, an Arizona corporation sole.	
This pleading applies to:	
<ul><li>All Debtors.</li><li>Specified Debtor.</li></ul>	
ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP	

#### FIRST INTERIM APPLICATION FOR ALLOWANCE AND PAYMENT OF PROFESSIONAL COMPENSATION AND REIMBURSEMENT OF EXPENSES BY STELZNER, WINTER, WARBURTON, FLORES, SANCHEZ & DAWES, P.A. AS SPECIAL COUNSEL FOR THE DEBTOR AND DEBTOR-IN-POSSESSION

#### SUMMARY SHEET

Fees Previously Requested	\$0.00	NAME OF APPLICANT:
Fees Previously Awarded	n/a	Stelzner, Winter, Warburton,
		Flores, Sanchez, Dawes, P.A.
Expenses Previously Requested	\$0.00	ROLE IN THE CASE:
Expenses Previously Awarded	n/a	Special Counsel for Debtor

#### **CURRENT APPLICATION**

Retainer Paid	\$0.00	Fees Requested	\$4,292.50
Drawn on Retainer	\$0.00	Gross Receipts Tax on Fees	\$300.48
Replenishment of Retainer	\$0.00	Expenses Requested	\$212.81
Remaining Retainer	\$0.00	Gross Receipts Tax on Expenses	\$14.90

<u>NAMES OF</u> <u>PROFESSIONALS</u>	<u>YEAR</u> <u>ADMITTED</u> <u>TO PRACTICE</u>	<u>HOURS BILLED</u> <u>CURRENT</u> <u>APPLICATION</u>	RATE	TOTAL FOR APPLICATION
Robert P. Warburton	1990	8.10	\$135.00	\$1,093.50
Jamie L. Dawes	2003	18.10	\$135.00	\$2,443.50
Juan L. Flores	1990	0.30	\$135.00	\$40.50
Rebekah A. Gallegos		8.30	\$65.00	\$539.50
Ashley Funkhouser		2.70	\$65.00	\$175.50
-	TOTAL:	37.5	TOTAL:	\$4,292.50

#### TOTAL BLENDED HOURLY RATE: \$135.00 (Excluding Paraprofessionals)

#### TOTAL (FEES AND EXPENSES): \$4,820.69

This First Interim Application for Allowance and Payment of Professional Fees and Reimbursement of Expenses ("**Application**") is filed by the undersigned seeking an award of fees and expenses for the law firm of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A. ("**Stelzner**"), special counsel for the Roman Catholic Church of the Diocese of Gallup ("**RCCDG**" or the "**Debtor**"), the debtor and debtor-in-possession in the above-captioned Chapter 11 case (the "**Reorganization Case**"). Stelzner makes this Application pursuant to 11 U.S.C. § 330, Fed. R. Bankr. P. 2016, NM LBR 2016-1.1, the United States Trustee's "Operating Guidelines and Reporting Requirements for Debtors in Possession and Trustees" as revised June 11, 2012 (the "**UST Guidelines**"), and the "<u>Order Authorizing Employment of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A. as Special Counsel for the Debtor and Debtor-in-Possession</u>" [Dkt. No. 145] entered on January 27, 2014. This Application presents a "core proceeding" which the Court has jurisdiction to enter a final decision pursuant to 11 U.S.C. § 157(a), (b), and 1334.

Pursuant to this Application, Stelzner requests the Court enter an order for fees and expenses incurred between November 12, 2013 (the "**Petition Date**") through March 31, 2014 (the "**Application Period**"), allowing Stelzner, on an interim basis, professional compensation in amount equal to one hundred percent (100%) of the total fees in the amount of \$4,592.98, and reimbursement of one hundred percent (100%) of the expenses approved by the Court in the amount of \$227.71.

This Application is supported by: (i) the "<u>Declaration of Robert P. Warburton in Support</u> of First Interim Application for Allowance and Payment of Professional Compensation and Reimbursement of Expenses by Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A. as <u>Special Counsel for the Debtor and Debtor-in-Possession</u>" (the "**Warburton Declaration**") attached hereto as **Exhibit "A"** in which Mr. Warburton, as Partner of Stelzner, has verified the statements made by Stelzner throughout this Application and has confirmed Stelzner's compliance with 11 U.S.C. § 504, Fed. R. Bankr. P. 2016, NM LBR 2016-1.1 and the UST Guidelines; (ii) the attached Exhibits, which contain descriptions and analysis of the professional services rendered and the expenses incurred by Stelzner; (iii) the attached Memorandum of Points and Authorities; and (iv) the entire record before the Court in this Reorganization Case.

RESPECTFULLY SUBMITTED this 12th day of May, 2014.

/s/ Lori L. Winkelman

Susan G. Boswell (AZ Bar No. 004791) Lori L. Winkelman (AZ Bar No. 021400) Elizabeth S. Fella (AZ Bar No. 025236) Admitted Pro Hac Vice QUARLES & BRADY LLP One S. Church Ave., Suite 1700 Tucson, Arizona 85701 (520) 770-8700 Fax: (520) 623-2418 susan.boswell@quarles.com lori.winkelman@quarles.com elizabeth.fella@quarles.com

-and-

Thomas D. Walker WALKER & ASSOCIATES, P.C. 500 Marquette N.W., Suite 650 Albuquerque, New Mexico 87102 (505) 766-9272 Fax: (505) 722-9287 twalker@walkerlawpc.com

Counsel for the Debtor

#### MEMORANDUM OF POINTS AND AUTHORITIES

#### I. <u>GENERAL BACKGROUND</u>

On November 12, 2013 (the "**Petition Date**"), RCCDG commenced this Reorganization Case by filing a voluntary Chapter 11 petition. RCCDG has remained debtor-in-possession under 11 U.S.C. §§ 1107 and 1108 since the Petition Date. RCCDG filed the Reorganization Case in order to reorganize its financial affairs pursuant to a plan of reorganization that will, among other things, fairly, justly and equitably compensate those who suffered sexual abuse by clergy or others associated with RCCDG while allowing RCCDG to continue its ministry and mission and attempt to finally bring healing to the abused, parishioners and others affected by the past acts of sexual abuse committed by clergy and others.

Upon commencement of the Reorganization Case, RCCDG sought to employ Stelzner as its special counsel. Consequently, on November 13, 2013, RCCDG filed "Debtor's Application for an Order Authorizing the Employment of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A. as Special Counsel for the Debtor and Debtor-in-Possession" [Dkt. No. 27] (the "Employment Application"). The Court approved the Employment Application and entered the "Order Authorizing Employment of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A. as Special Counsel for the Debtor and Debtor-in-Possession" [Dkt. No. 145] (the "Employment Order"), approving the employment of Stelzner, effective as of the Petition Date.<sup>1</sup> Stelzner was employed as special litigation counsel for the Debtor and also special counsel for employment advice needed by the Debtor.

This Application is the first application filed by Stelzner in the Reorganization Case for approval of compensation and reimbursement of expenses.

<sup>&</sup>lt;sup>1</sup> For further particulars regarding the scope of Stelzner's employment by RCCDG, please refer to the Employment Application.

#### II. <u>CASE STATUS</u>

For specifics regarding the status of the Reorganization Case, please refer to the "<u>First</u> <u>Interim Application for Allowance and Payment of Professional Compensation and</u> <u>Reimbursement of Expenses by Quarles & Brady LLP</u>." To date, the Reorganization Case has not required extensive efforts from Stelzner.

#### III. SUMMARY OF LEGAL SERVICES PERFORMED

The following contains a general discussion of Stelzner's role in representing RCCDG, the kinds of services Stelzner has rendered during the Application Period, and other matters germane to the relief requested herein by Stelzner. Detailed descriptions of the work performed by the Stelzner professionals are provided in the invoices for November 2013 through March 2014 attached hereto collectively as **Exhibit "B"**. For the most part, these were routine employment law-related services of the kind Stelzner has rendered to the Debtors for many years. Some expenses, however, were related to the Reorganization Case. All Stelzner's services can be briefly summarized as follows:

During the Application Period, Stelzner provided general legal services to RCCDG including, but not limited to: i) researching and drafting a social media policy for the Debtor to use for its employees; ii) reviewing and researching issues regarding personnel and volunteer policies, contracts, compensation, lodging, and stipends, and advising the Debtor regarding the same; iii) communicating with reorganization counsel regarding insurance coverage and case administration issues; and iv) researching and advising the Debtor regarding federal teacher compensation requirements. Although on some matters, due to Stelzner's knowledge of the RCCDG's operations, and its knowledge of the matters related to the tort claimants, Stelzner and

Quarles & Brady LLP ("**Q&B**") did work together on some issues. Nevertheless, the services performed by Stelzner and Q&B did not overlap and were not duplicative.

#### IV. <u>STANDARDS RELEVANT TO PROFESSIONAL COMPENSATION AND</u> <u>EXPENSE REIMBURSEMENT</u>

Bankruptcy Code § 330(a) authorizes the Court to award to a professional person

employed by a Debtor:

- (1) After notice to the parties in interest and the United States Trustee and a hearing, and subject to sections 326, 328, and 329, the court may award to a trustee, a consumer privacy ombudsman appointed under section 332, an examiner, an ombudsman appointed under section 333, or a professional person employed under section 327 or 1103—
  - (A) reasonable compensation for actual, necessary services rendered by the trustee, examiner, ombudsman, professional person, or attorney and by any paraprofessional person employed by any such person; and

(B) reimbursement for actual, necessary expenses.

\* \* \*

(3) In determining the amount of reasonable compensation to be awarded to an examiner, trustee under chapter 11, or professional person, the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including—

(A) the time spent on such services;

- (B) the rates charged for such services;
- (C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;
- (D) 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;
- (E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and

(F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

In the Tenth Circuit, "the adjusted lodestar approach is used to calculate reasonable attorney's fees under 11 U.S.C. § 330(a)." *In re Market Ctr. E. Retail Property, Inc.*, 730 F.3d. 1239, 1246 (10th Cir. 2013). This approach analyzes each factor specifically mentioned in § 330(a)(3) in addition to certain others set forth in *Johnson v. Georgia Highway Express, Inc.*, a Fifth Circuit case whose analysis was adopted by the Tenth Circuit and continues to be employed by it. *See id.*; *see Johnson*, 488 F.2d 714 (5th Cir. 1974).

The twelve Johnson factors are:

(1) The time and labor required.

(2) The novelty and difficulty of the questions.

(3) The skill requisite to perform the legal service properly.

(4) The preclusion of other employment by the attorney due to acceptance of the case.

(5) The customary fee.

(6) Whether the fee is fixed or contingent.

(7) Time limitations imposed by the client or the circumstances.

(8) The amount involved and the results obtained.

(9) The experience, reputation, and ability of the attorneys.

(10) The "undesirability" of the case.

(11) The nature and length of the professional relationship with the client.

(12) Awards in similar cases.

*Johnson*, 488 F.2d at 717–19. The Tenth Circuit recently held "that the bankruptcy court must consider [each of] the § 330(a)(3) and *Johnson* factors in evaluating whether a proposed fee amount is reasonable," and that such factors are exclusive; a bankruptcy court cannot consider

other additional factors. *Market Center* at 1249. However, the Tenth Circuit affirmed that "a bankruptcy court has 'wide discretion' to authorize many types of fee arrangements—provided the total fee is reasonable when considered against the relevant factors." *Id*.

#### (1) <u>The time and labor required.</u>

This *Johnson* factor correlates roughly to 11 U.S.C. § 330(a)(3)(A), which requires the Court to analyze the time spent on the services for which fee approval is requested. Stelzner spent an appropriate amount of time on the issues on which it advised RCCDG, and its fees are relatively low compared to other professional fees in the Reorganization Case.

#### (2) <u>The novelty and difficulty of the questions</u>.

In this Application Period, Stelzner addressed some novel and difficult questions including drafting social medial policies. Additionally, Stelzner's rates and time spent were eminently reasonable for the portion of the work performed that was more routine.

(3) <u>The skill requisite to perform the legal service properly.</u>

This *Johnson* factor correlates roughly to 11 U.S.C. § 330(a)(3)(E), which requires the Court to analyze whether the professionals are board certified or otherwise have demonstrated skill and experience in the bankruptcy field. Although bankruptcy skill is not necessarily applicable to special employment and litigation counsel, Stelzner does have special experience and skills in both the type of litigation at issue in the Reorganization Case and RCCDG's employment issues (and employment law generally).

(4) <u>The preclusion of other employment due to acceptance of the case</u>.

As with any case, the time and personnel required to be expended by counsel prevent counsel from taking on other work to some limited extent.

#### (5) <u>The customary fee</u>.

This *Johnson* factor correlates roughly to 11 U.S.C. § 330(a)(3)(B) and (F), which requires the Court to analyze the rates charged for the services for which fee approval is requested, and compare those rates to "customary compensation charged by comparably skilled practitioners in cases other than cases under this title." The fees charged by Stelzner are similar to those that comparably skilled New Mexico practitioners charge and are in fact lower, because Stelzner provides RCCDG with a special discount.

#### (6) <u>Whether the fee is fixed or contingent.</u>

The fees charged by Stelzner are hourly and Stelzner is not seeking any "success fee" or other contingent claim.

#### (7) <u>Time limitations imposed by the client or the circumstances.</u>

To date, time limitations have not imposed significant burdens on the attorneys involved in these cases.

#### (8) <u>The amount involved and the results obtained.</u>

This *Johnson* factor correlates roughly to 11 U.S.C. § 330(a)(3)(D), which requires the Court to analyze whether the services performed were "performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed." Certainly all services performed by Stelzner have been staffed with persons that have the appropriate skill and billing rate for each problem, issue, or task. The results for the employment law work Stelzner has done have been concrete and immediate: RCCDG's questions were answered. The success of the litigation and the Reorganization Case remain to be seen, although the Reorganization Case is off to a strong start.

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#### (9) The experience, reputation, and ability of the attorneys.

This *Johnson* factor also correlates roughly to 11 U.S.C. § 330(a)(3)(E), which requires the Court to analyze whether the professionals are board certified or otherwise have demonstrated skill and experience in the bankruptcy field.

As set forth in the Stelzner Employment Application, which is herein incorporated by this reference, the experience, reputation and ability of the Stelzner attorneys staffing this case warrant rates far beyond the heavily discounted rates that Stelzner is charging in this case. [*See* Dkt. No. 27.]

#### (10) <u>The "undesirability" of the case</u>.

The issues involved in the Reorganization Case are difficult and emotional. The Reorganization Case raises a number of sensitive issues going to the very heart of the parties' personal lives and belief systems. Stelzner has been involved in the litigation and claims underlying the Reorganization Case for many years.

#### (11) <u>The nature and length of the professional relationship with the client.</u>

Stelzner has represented the RCCDG for many years, and is a trusted advisor in employment, litigation, and other matters.

#### (12) <u>Awards in similar cases</u>.

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It is difficult to compare fee awards because Stelzner's work is not performed as general reorganization counsel. Nevertheless, in a non-bankruptcy context, Stelzner would have charged and received fees in excess of those it charges RCCDG, since it charges RCCDG a reduced rate. Therefore, the fees sought in the Reorganization Case are likely less than fee awards in other, similar cases. Moreover, it is difficult to compare fee awards in other cases at the interim fee application stage.

(13) <u>11 U.S.C. § 330(a)(3)(C)</u>.

Finally, 11 U.S.C. § 330(a)(3)(C) is not squarely addressed by the *Johnson* factors. However, as is evident from the factual recitations describing Stelzner's services, as can be gleaned from the analysis of the *Johnson* factors, all "services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title" as required by § 330(a)(3)(C).

In view of the fact-intensiveness of the advice and services provided, and considering the standards and factors set forth above, Stelzner submits that the requested professional compensation and expenses are fair and reasonable.

#### V. COMPLIANCE WITH 11 U.S.C. § 504 AND BANKRUPTCY RULE 2016

Stelzner has not entered into any arrangement or agreement with any person or entity with respect to the sharing of fees and expenses for which Stelzner is seeking compensation and reimbursement as set forth in this Application, except as permitted by Bankruptcy Code § 504(b)(1). Stelzner has not received any other payment for the professional services rendered during the Application Period.<sup>2</sup>

#### VI. <u>CONCLUSION</u>

WHEREFORE, Stelzner respectfully requests the Court to enter an Order:

A. Allowing Stelzner interim compensation for professional services rendered as special counsel for RCCDG during the Application Period in the amount of \$4,592.98;

B. Allowing Stelzner interim reimbursement of \$227.71 for actual and necessary expenses which it has incurred and paid during the Application Period;

<sup>&</sup>lt;sup>2</sup> Stelzner did inadvertently receive a small payment from RCCDG for postpetition services based on an invoice issued to RCCDG. Once KLK and Q&B became aware of the inadvertent payment, Stelzner returned the funds to RCCDG.

C. Authorizing and directing RCCDG to pay Stelzner the amount of fees and expenses allowed by the Court as and when sufficient funds become available to do so; and

D. Granting such other and further relief as the Court deems just and proper under the facts and circumstances of this Reorganization Case.

RESPECTFULLY SUBMITTED this 12th day of May, 2014.

/s/ Lori L. Winkelman

Susan G. Boswell (AZ Bar No. 004791) Lori L. Winkelman (AZ Bar No. 021400) Elizabeth S. Fella (AZ Bar No. 025236) Admitted Pro Hac Vice QUARLES & BRADY LLP One S. Church Ave., Suite 1700 Tucson, Arizona 85701 (520) 770-8700 Fax: (520) 623-2418 susan.boswell@quarles.com lori.winkelman@quarles.com elizabeth.fella@quarles.com

-and-

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Counsel for the Debtor

#### **CERTIFICATE OF SERVICE**

Pursuant to F.R.C.P. 5(b)(3), F.R.B.P. 9036 and NM LBR 9036-1(b), I hereby certify that service of the foregoing "<u>First Interim Application for Allowance and Payment of Professional</u> <u>Compensation and Reimbursement of Expenses by Stelzner, Winter, Warburton, Flores, Sanchez</u> <u>& Dawes, P.A. as Special Counsel for the Debtor and Debtor-in-Possession</u>" was made on May 12, 2014 via e-mail and the notice transmission facilities of the Bankruptcy Court's case management and electronic filing system on the following parties:

Ronald E. Andazola Leonard Martinez-Metzgar Office of the U.S. Trustee P.O. Box 608 Albuquerque, NM 87103 ustpregion20.aq.ecf@usdoj.gov ronald.andazola@usdoj.gov leonard.martinez-metzgar@usdoj.gov

James I. Stang Gillian N. Brown Pachulski Stang Ziehl & Jones 10100 Santa Monica Blvd., 13th Floor Los Angeles, CA 90067 jstang@pszjlaw.com gbrown@pszjlaw.com *Counsel for the Official Committee of Unsecured Creditors* 

Robert E. Pastor Montoya, Jimenez & Pastor, P.A. 3200 N. Central Ave., Suite 2550 Phoenix, AZ 85012 repastor@mjpattorneys.com *Counsel for Tort Claimants* 

Richard T. Fass Donald H. Kidd Perdue & Kidd, LLP 510 Bering Dr., Suite 550 Houston, TX 77057 rfass@perdueandkidd.com dkidd@perdueandkidd.com *Counsel for Tort Claimants*  Thomas D. Walker Stephanie L. Schaeffer Walker & Associates, P.C. 500 Marquette N.W., Suite 650 Albuquerque, NM 87102 twalker@walkerlawpc.com sschaeffer@walkerlawpc.com Local Counsel for Debtor and Debtor-in-Possession

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Charles R. Hughson Rodey, Dickason, Sloan, Akin & Robb, P.A. P.O. Box 1888 Albuquerque, NM 87103 chughson@rodey.com *Counsel for St. Bonaventure Indian Mission & School* 

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George M. Moore Bonnie B. Gandarilla Moore Berkson & Gandarilla P.C. 3800 Osuna Rd., NE, Ste. 2 Albuquerque, NM 87109 mbglaw@swcp.com bbg11usc@swcp.com Local Counsel for Southwest Indian Foundation, Inc.

Steven D. Jerome Snell & Wilmer, LLP One Arizona Center 400 E. Van Buren St., Ste. 1900 Phoenix, AZ 85004 sjerome@swlaw.com *Counsel for The Roman Catholic Church of the Diocese of Phoenix* 

> <u>/s/ Lori L. Winkelman</u> Lori L. Winkelman

# EXHIBIT "A"

Case 13-13676-t11 Doc 230-1 Filed 05/12/14 Entered 05/12/14 17:53:18 Page 1 of 3

#### UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW MEXICO

In re:

ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, a New Mexico corporation sole,

Chapter 11

Case No. 13-13676-t11

Debtor.

#### DECLARATION OF ROBERT P. WARBURTON IN SUPPORT OF FIRST INTERIM APPLICATION FOR ALLOWANCE AND PAYMENT OF PROFESSIONAL COMPENSATION AND REIMBURSEMENT OF EXPENSES BY STELZNER, WINTER, WARBURTON, FLORES, SANCHEZ & DAWES, P.A. AS SPECIAL COUNSEL FOR THE DEBTOR AND DEBTOR-IN-POSSESSION

I, ROBERT P. WARBURTON, declare under penalty of perjury as follows:

1. I am an adult person, and I am a resident of Albuquerque, Bernalillo County, New Mexico.

2. I am a practicing lawyer, and a partner in the law firm of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A. ("**Stelzner**") which has offices in Albuquerque, New Mexico. I am duly authorized by Stelzner to make all statements in this declaration on behalf of Stelzner and with respect to the "<u>First Interim Application for Allowance and Payment of Professional Compensation and Reimbursement of Expenses by Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A. as Special Counsel for Debtor and Debtor-in-Possession" (the "**Application**").</u>

3. I am the lawyer at Stelzner who has overall responsibility for the representation of the Roman Catholic Church of the Diocese of Gallup ("**RCCDG**").

4. In all respects, the services provided to RCCDG have been and continue to be staffed by attorneys, legal assistants, and clerks with the requisite experience to enable Stelzner

to provide efficient and sophisticated high-quality services that were of significant benefit to RCCDG and its estate.

5. I have reviewed the Application and the contents of the exhibits attached thereto and incorporated by reference into the Application. The Application and its attached exhibits were prepared by Stelzner personnel acting under my supervision and direction and with the assistance of RCCDG's general reorganization and restructuring counsel, Quarles & Brady LLP. I expressly confirm that the content of the Application and its attached exhibits are true and correct to the best of my knowledge, information, and belief.

6. In accordance with 11 U.S.C. § 504 and as required by Rule 2016, Federal Rules of Bankruptcy Procedure, I hereby expressly confirm that no agreement or understanding exists between Stelzner and any other person for the sharing of any of Stelzner's compensation for professional services rendered or to be rendered to RCCDG or in connection with RCCDG's reorganization case; furthermore, Stelzner has not made, and will not make, any agreement to share compensation or any other agreement prohibited by 11 U.S.C. § 504 or 18 U.S.C. § 155.

7. I have made all of the foregoing statements on behalf of Stelzner in support of the Application and in compliance with 11 U.S.C. § 330 and Rule 2016, Federal Rules of Bankruptcy Procedure. If called to testify, I would testify as I have stated in this declaration.

DATED: May 7, 2014.

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# EXHIBIT "B"

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## Stelzner, Winter, Warburton Flores, Sanchez & Dawes, P.A.

Post Office Box 528 Albuquerque, NM 87103

Diocese of Gallup Post Office Box 1 Gallup, New Mex	338	3-7770	Fax:(505) 938-7781	Novembe	er 30, 2013
Father Finnegan				File #: Inv #:	10470 5932
RE: Dioces	e of Gallup				
DISBURSEMENTS	. · · · ·				
	FedEx package deliverie Photocopies for the mon		2 @ 0.25		46.76 0.50
	Totals				\$47.26
	Total Sales Tax on Disbu	irsements			3.31
	Total Fee & Disbursem	ents			\$50.57
	Balance Now Due	ppa			\$50.57
		TAX ID Number	27-2282679		



#### Shipment Receipt

Ship from:

Suite 200

5059387770

87102

US

Robert P. Warburton

302 Eighth Street NW

Stelzner Law Firm

Albuquerque, NM

Address Information Ship to: John C. Manly MANLY & STEWART 19100 Von Karman Ave., Suite 800

IRVINE, CA 92612 US 9492529990

#### Shipment Information:

Tracking no.: 796991704709 Ship date: 10/24/2013 Estimated shipping charges: 24.24

#### Package Information

Pricing option: FedEx Standard Rate Service type: Priority Overnight Package type: FedEx Envelope Number of packages: 1 Total weight: 1 LBS Declared Value: 0.00 USD Special Services: Pickup/Drop-off: Drop off package at FedEx location

#### **Billing Information:**

Bill transportation to: MyAccount-736 Your reference: 10-470 P.O. no.: Invoice no.: Department no.:

#### Thank you for shipping online with FedEx ShipManager at fedex.com.

#### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jeweiry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedExService Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.



#### **Shipment Receipt**

Address information Ship to: Robert E. Pastor Montoya, Jiminez & Pastor, P.A. 3200 N. Central Avenue, Suite 2550

PHOENIX, AZ 85012 US 6022798969

Shipment Information: Tracking no.: 796991659286 Ship date: 10/24/2013 Estimated shipping charges: 22.52

Package Information

Pricing option: FedEx Standard Rate Service type: Priority Overnight Package type: FedEx Envelope Number of packages: 1 Total weight: 1 LBS Declared Value: 0.00 USD Special Services: Pickup/Drop-off: Drop off package at FedEx location

Billing Information: Bill transportation to: MyAccount-736 Your reference: 10-470 P.O. no.: Invoice no.: Department no.:

#### Thank you for shipping online with FedEx ShipManager at fedex.com.

#### **Please Note**

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

)

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedExService Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

Ship from: Robert P. Warburton Stelzner Law Firm 302 Eighth Street NW Suite 200 Albuquerque, NM 87102 US 5059387770

of 1

November 30, 2013					
Copies,	Scans &	& Faxes			
	Quant	ity			
	B/W	Color			
04026	53				
06220	50				
07151	1314	23			
08017	60				
08282	301	1			
09156 TBB	4538	300			
09175	133				
09291	49	2			
10158	1046	68			
10433	19				
10470	2				
10473c	184	5			
10476	13				
10490	199	60			
11022 TBB	97	2			
11044	17				
11064	4				
11072	6				
11078	200	69			
11112	21				
11113 TBB	93	829			
12039	5				
12088	8				
12094	25				
13006	3	15			
13007	1	8			
13011	286				
13021	41	40			
13027	527				
13033	6				
13037	7				
13041	264	40			
13042	104				
13046	7				
13047	21				
13048	9	· · · · · · · · · · · · · · · · · · ·			
13049	9				
13051	419	32			
13052	45				
13053	54				

# Stelzner, Winter, Warburton Flores, Sanchez & Dawes, P.A.

Post Office Box 528 Albuquerque, NM 87103

		Ph:(505) 938-7770	Fax:(505) 938-7781		
				December	31, 2013
Diocese of Ga Post Office B Gallup, New I	ox 1338	7305			
				File #:	97251
Father Finneg	gan			Inv #:	6073
RE: Ger	neral Matt	ers			
	LAWYE	R DESCRIPTION		HOURS	AMOUNT
<b>DATE</b> Dec-05-13	JLD	begin drafting social media pol	icy	1.30	175.50
	RPW	leave voicemail for Ray Miller bankruptcy counsel; teleconfer regarding same; teleconference regarding same and issues	ence with Mark Ish	0.40	54.00
Dec-06-13	RPW	teleconference with Ray Miller teleconference with Susan Bos issues; read and respond to e-m	well on bankruptcy	0.20	27.0
Dec-12-13	ЛLD	regarding same draft social media policy; resea	urch for same	2.70	364.5
	Totals			4.60	\$621.0
	Total S	ales Tax on Fees			43.4
DISBURSEME	NTS				
Dec-30-13	Photoc 0.25	opies for the month of December	2013 33 @		8.2
	Totals			_	\$8.2
	Total S	ales Tax on Disbursements			0.58
	Total F	Fee & Disbursements		-	\$673.30

Invoice #:

6073

Page 2

December 31, 2013



**Balance Now Due** 

ppi

TAX ID Number

27-2282679

\$1,001.26 30

Previous Balance

Case 13-13676-t11 Doc 230-2 Filed 05/12/14 Entered 05/12/14 17:53:18 Page 7 of 19

97251

# December 31, 2013

Copies, Scans & Faxes

	Quantity				
	B/W	Color			
13054	114				
13055 TBB	104	16			
13056 TBB	3				
13065	222	29			
13068	5	5			
13083	5				
13086	. 5				
13089	4				
13095	, 78				
13100	6				
13121	36				
13128	40				
92258	15				
97251	33				

Case 13-13676-t11 Doc 230-2 Filed 05/12/14 Entered 05/12/14 17:53:18 Page 8 of 19

## Stelzner, Winter, Warburton Flores, Sanchez & Dawes, P.A.

Post Office Box 528 Albuquerque, NM 87103

#### Ph:(505) 938-7770

#### Fax:(505) 938-7781

January 31, 2014

Diocese of Gallup Post Office Box 1338 Gallup, New Mexico 87305

	File #:	97251
Father Finnegan	Inv #:	6249

**RE:** General Matters

DATE	LAWYE	R DESCRIPTION	HOURS	AMOUNT
Jan-03-14	RPW	read and respond to e-mail from Fr. Kevin Finnegan	0.10	13.50
Jan-09-14	ЛD	review and respond to email from Jeanette Tobias	0.20	27.00
Jan-16-14	RPW	prepare and e-mail same to Bishop Wall's secretary	1.30	175.50
Jan-17-14	JLD	review and comment on personnel policies; research for same	2.70	364.50
Jan-21-14	RPW	read and respond to e-mail from Vera	0.30	40.50
Jan-22-14	JLD	continue review of personnel policies and related documents; research regarding same	1.20	162.00
	RPW	e-mail	1.00	135.00
	RPW	to Bishop Wall's secretary read e-mail from Bishop Wall's secretary regarding research same	0.40	54.00
Jan-23-14	RPW	and send e-mail with requested information listen to voicemail from Lori Winkelman regarding insurance issues; leave voicemail for Lori Winkelman and Susan Boswell regarding same	0.20	27.00
	RPW	extended teleconference with Susan Boswell regarding insurance issues and claim bar date announcement	0.50	67.50
Jan-24-14	JLD	conference with Jeannette Suter regarding personnel policies and contracts; legal research following same	0.50	67.50
	JLD	review Diocese's comments on social media policy	0.10	13.50

Invoice #:	6249	Page 2	January 3	1,2014
Jan-29-14	JLD	revise social media policy	0.40	54.00
	JLD	revise personnel policies and teacher contract documents; research regarding same	2.50	337.50
Jan-30-14	JLD	emails with Jeannette Suter regarding policies	0.20	27.00
Jan-31-14	JLD	review contracts of school personnel teleconference with Jeannete Suter regarding same	0.60	81.00
	Totals		12.20	\$1,647.00
	Total S	ales Tax on Fees		115.29
	Total F	ee & Disbursements		\$1,762.29
	Previou	is Balance		1,001.26

**Balance Now Due** 

pone

TAX ID Number

27-2282679

Do not pay now

\$2,763.55

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# Stelzner, Winter, Warburton Flores, Sanchez & Dawes, P.A.

Post Office Box 528 Albuquerque, NM 87103

		Albuquerqu	ue, NM 87103		
		Ph:(505) 938-7770	Fax:(505) 938-7781		20. 2014
Dianaga of (	Collum			February	28, 2014
Diocese of C Post Office 1	-				
Gallup, New		/305			
					0.00 5 1
Dethen Einne	~~~ <b>1</b>			File #: Inv #:	97251 6386
Father Finne	egan			1110 #.	0580
RE: G	eneral Matt	ers			
DATE	LAWYE	R DESCRIPTION		HÓURS	AMOUNT
Feb-03-14	RPW	extended teleconference with 1	Lori Winkelman	0.80	108.00
		<b>.</b> .	review files and e-mail		
Feb-05-14	RPW	to Lori Winkelman regarding s read and respond to e-mail fro		0.40	54.00
100-00-14		Teau and Tespond to C man no		0110	0 1100
Feb-10-14	JLD	review email from Jeanette Su	ter regarding issues	1.60	216.00
		research same; draft emails to	Jeanette Suter regarding		
Feb-19-14	RPW	same teleconference with Mark Ish,	counsel for the New	0.30	40.50
		Mexico Property and Casualty regarding status of the bankrup	Guaranty Association		
Feb-26-14	JLD	review information provided b	by Jeannette Suter	0.30	40.50
		Gallegos regarding research or	draft email to Rebekah n same		
Feb-27-14	RAG	determine issues if any of		3.80	247.00
	Totals Total S	ales Tax on Fees		7.20	\$706.00 49.42
	10181 5	ales Tax off rees			49.42
DISBURSEM	ENTS				
Feb-24-14	Paymer	nt to FedEx for package delivery	r sent 1/24/14		39.98
	Lexis c 9.80	harges to client for month of Jan	uary 2014 1 @		9.80
	9.00				

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Invoice #: 6386

Page 2

Feb-25-14	Photocopies for the month of February 2014 240 @ 0.25	60.00
	Totals	\$109.78
	Total Sales Tax on Disbursements	7.68
	Total Fee & Disbursements	\$872.88
	Previous Balance	2,763.55
	Balance Now Due (1510)	\$3,636.43

TAX ID Number

27-2282679

NFORMATION ONLY DO NOT PAY NOW

Case 13-13676-t11 Doc 230-2 Filed 05/12/14 Entered 05/12/14 17:53:18 Page 12 of

97251



Shipment Receipt

Address Information
Ship to:
Susan G. Boswell
QUARLES & BRADY
LLP
One S. Church Ave.
Suite 1700
TUCSON, AZ
85701
US
5207708700

Ship from: Robert P. Warburton Stelzner Law Firm 302 Eighth Street NW Suite 200 Albuquerque, NM 87102<sup>°</sup> US

5059387770

#### **Shipment Information:**

Tracking no.: 797721593033 Ship date: 01/24/2014 Estimated shipping charges: 37,84 39.98

#### **Package Information**

Pricing option: FedEx Standard Rate Service type: Priority Overnight Package type: FedEx Pak Number of packages: 1 Total weight: 5.50 LBS Declared Value: 0.00 USD Special Services: Pickup/Drop-off: Drop off package at FedEx location

#### **Billing Information:**

Bill transportation to: MyAccount-736 Your reference: 97251 P.O. no.: Invoice no.: Department no .:

Thank you for shipping online with FedEx ShipManager at fedex.com.

#### **Please Note**

EXAMPLE VIEW

https://www.fcdex.com/shippin.2bttps://www.fody1.2/m/shippin.ered 05/12/14 17:53:18 Page/2914

INVOICE NO: INVOICE DATE 1401410364 31-JAN-14 BILLING PERIOD 01-JAN-14 - 31-JAN-14

ACCOUNT NUMBER 145T09

> <u>INVOICE TO:</u> STEZNER, WINTER, WARBURTON, FLORES, SAN ALBUCUERCUE NM 87102-3024

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES ACCOUNT SUMMARY BY CLIENT

	CONTRACT LISE		ASIL MNOLOVSIVAT				
50000		MET			144104		
AMDUNT	ADJUSTIMENT	MOUNT	CAP CAP	CONTRACT	- IUIML BEFORE TAX	XoI	I O LAL CHARGES
\$ 2,066.00	(\$ 1,944.92)	\$ 121.08	•		\$ 121.08	\$ 8.47	\$ 129.55
\$ 1,120.00	(\$ 1,054.36)	\$ 65.64	1		\$ 65.64	\$4.57	\$ 70.21
\$ 1,844.00	(\$ 1,735.93)	\$ 108.07	1		\$ 108.07	\$ 7.59	\$ 115.66
\$ 1,094.00	(\$ 1,029.87)	\$ 64.13	1	I	\$ 64.13	\$ 4.49	\$ 69.62
\$ 5,698,20	(\$ 5,364.29)	\$ 333.91	1		\$ 333.91	\$ 23.42	\$ 357.35
\$ 13,331.30	(\$ 12,550.05)	\$ 781.25	1	\$ 30.50	\$ 811.75	\$ 56.17	\$ 867.92
\$ 658.00	(\$ 619.45)	\$ 38.55	1		\$ 38.55	\$271	\$41.2
\$ 691.00	(\$ 650.49)	\$ 40.51	-		\$ 40.51	\$288	\$ 43.35
\$ 3,354.00	(\$ 3, 157.47)	\$ 198.53	1		\$ 196.53	\$ 13.76	\$ 210.20
\$ 1,991.00	(\$ 1,874.33)	\$ 116.67	1		\$ 116.67	\$ 8.15	\$ 124.82
\$ 148.00	(\$ 139.33)	\$ 8.67	1		\$ 8.67	\$ 0.60	\$ 9.27
\$ 209.00	(\$ 196.75)	\$ 12.25			\$ 12.25	\$ 0.85	\$ 13.10
\$ 3,025.80	(\$ 2,848,49)	\$ 177.31	1		\$ 177.31	\$ 12.43	\$ 189.72
\$ 2,513.00	(\$ 2,365.74)	\$ 147.26			\$ 147.26	\$ 10.32	\$ 157.55
\$ 587.00	(\$ 552.60)	\$ 34.40	1		\$ 34.40	\$241	\$ 36.81
\$ 1,906.30	(\$ 1,794.58)	\$ 111.72	3		\$ 111.72	\$ 7.82	\$ 119.54
\$ 13,145.20	(\$ 12,374,91)	\$ 770.29	•		\$ 770.29	\$ 53.91	\$ 824.20
\$ 156.50	(\$ 147.34)	\$ 9.16			\$ 9.16	\$ 0.64	\$ 9.80
\$ 53,538.30	(\$ 50,400.90)	\$ 3,137.40	\$ 0.00	\$ 30.50	\$ 3,167.90	\$ 221.19	\$ 3,389.09

5

Febru	uary 28,	2014
Copies,	, Scans &	& Faxes
	Quant	ity
	B/W	Color
13047Arrow		
TBB	5	
13048	61	
13049	18	
13050 TBB	8	
13051	243	1
13052	26	4
13053	66	16
13054	20	2
13055 TBB	26	2
13056 TBB	185	24
13057 TBB	146	2
13058	197	
13065	18	
13066StPaul	92	8
13066Arrow		
ТВВ	91	8
13067 TBB	1	
13068	13	greine said e stat. Status erreit said
13079	3	
13082	64	
13089	6	
13090Arrow		
ТВВ	1	
13095	30	
13098	2	
13100	130	
13106	2	
13113	3	
13114	59	
13128	8	
13135	190	
14001	5	10
14005	65	ander son der son fille Franklichen son der son Franklichen son der son
14007		40
14012	33	
92258	33	16
97251	240 9128	1563

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Case 13-13676-t11 Doc 230-2 Filed 05/12/14 Entered 05/12/14 17:53:18 Page 15 of 19

### Stelzner, Winter, Warburton Flores, Sanchez & Dawes, P.A.

Post Office Box 528 Albuquerque, NM 87103

		Albuquerque, NI	M 87103		
		Ph:(505) 938-7770	Fax:(505) 938-778		31, 2014
Diocese of C Post Office I Gallup, New	Box 1338	305			
Father Finne	egan			File #: Inv #:	97251 6415
RE: G	eneral Matte	ers			
DATE	LAWYE	R DESCRIPTION		HOURS	AMOUNT
Mar-03-14	JLD	review Rebekah Gallegos' research conference wtih Rebekah Gallegos re	egarding same	0.60	81.00
	RAG	draft memo regarding issues		4.50	292.50
Mar-04-14	JLD	applicable case law, and Department opinions further review of issue concerning email to Jeanette Suter regarding san	draft	0.50	67.50
Mar-19-14	JLD	emails with Ashley Funkhouser		0.10	13.50
Mar-20-14	JLD	review information provided by Ashl	ey Funkhouser	0.60	81.00
	AF	further research regarding same research on compensation issues		1.00	65.00
Mar-21-14	JLD	review additional information provid Funkhouser regarding teachers; further research on same; d	for	0.60	81.00
	AF	Jeanette Suter regarding same Research on minimum wage standar	ds for teachers	1.70	110.50
Mar-26-14	RPW	read e-mail from Susan Boswell		1.20	162.00

Mar-31-14 JLD review new section of employee handbook and Jeanette 0.50 67.50 Suter's email regarding same

review documents, court orders and special

Case 13-13676-t11 Doc 230-2 Filed 05/12/14 Entered 05/12/14 17:53:18 Page 16 of

Invoice #:	6415	Page 2	March 3	31, 2014
	Totals		11.30	\$1,021.50
	Total Sales Tax	a on Fees		71.51
DISBURSEM	IENTS			
Mar-24-14	Lexis charges t 31.27	o client for month of February 2014 1 @		31.27
Mar-27-14		r the month of March 2014 21 @ 0.25		5.25
	Photocopies fo 0.50	r the month of March 2014 3 color @		1.50
	Totals		—	\$38.02
	Total Sales Tax	a on Disbursements		2.66
	Total Fee & D	isbursements		\$1,133.69
	Previous Balar	ice		3,636.43
	Balance No	w Due file		\$4,770.12

TAX ID Number

27-2282679

								(	7	7	2!	5	l						I					
			TOTAL CHARGES	\$ 41.17	\$ 21.85 ¢ 10 60		\$ 513.65	\$ 118.41	\$ 425.46	\$ 108 DE	\$ 110.81	\$ 97.32	\$ 563.92	\$ 319.64	\$ 223.71	- 5.589 * FO 79	\$ 14 99		\$ 44.24	\$ 56.65	\$ 29.93	\$ 183.80	\$ 30.99	\$ 3 357 02
ACCOUNT NUMBER 145T09			TAX	\$ 2.68	\$ 1.42	121 0 1	\$ 33.64	\$ 7.75	\$ 27.84	\$ 7 15	\$ 7.23	\$ 6.36	\$ 36.86	\$ 20.94	\$ 14.60	\$ U.38	\$ 0.96		\$ 2.91	\$ 3.70	\$ 1.97	\$ 12.01	\$ 2.03	\$ 219.62
ACC	INVOICE TO: STELZNER, WINTER, WARBURTON, FLORES, SAN ALBUQUERQUE NM 87102-3024 IES		TOTAL BEFORE TAX	\$ 38.49	\$ 20.43	\$ 0.00	\$ 480.01	\$ 110.66	\$ 397.62	\$ 101 81	\$ 103.58	\$ 90.96	\$ 527.06	\$ 298.70	\$ 209.11	10.0 ¢	\$ 14.03	90 05	\$ 41.33	\$ 52.95	\$ 27.96	\$ 171.79	\$ 28.96	\$ 3.137.40
	MINTER, WARBUR NUE NM 87102-302	ONAL USE	OUTSIDE CONTRACT	-		-		-	,					-	-				-		'		1	\$ 0.00
	ALBUQUERCI STELZNER ALBUQUERCI ARGES	TRANSACTIONAL USE	OVER THE CAP	-	1 1	-	1					-			-	1						-	1	\$ 0.00
NVOICE DATE 28-FEB-14 4 - 28-FEB-14	k RELATED CH BY CLIENT		NET	\$ 38.49	\$ 18.38	\$ 0.00	\$ 480.01	\$ 110.66	\$ 312 DZ	\$ 101.81	\$ 103.58	\$ 90.96	\$ 527.06	\$ 298.70	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	\$ 55 86	\$ 14.03	£000	\$ 41.33	\$ 52.95	\$ 27.96	\$ 1/1 /9	0 20 30 8 20 23	\$ 3.137.40
ERIOD 01-FEB-1	NU STE ALE ALE ALE ALE ALE ACCOUNT SUMMARY BY CLIENT	CONTRACT USE	ADJUSTMENT*	(\$ 451.51) (\$ 230 57)	(\$ 215.62)		(\$ 5.630.09)	(\$ 1.297.84) (\$ 4 663 20)	(\$ 3 670 53)	(\$ 1.194.19)	(\$ 1.214.92)	(\$ 1.067.04)	(\$6.181.84)	(05.505.5 €) /05.7 457 80/	150.704.701	(\$ 655.14)	(\$ 164.47)		(\$ 484.67)	(\$ 621.05)	(\$ 328.04)	(1) - 2.014. (1)	(2 342 77)	(\$ 36.797.60)
INVOICE NO: 1402409893	ITEMIZATION		GROSS AMOUNT	\$ 260.00	\$ 234.00	,	\$ 6.110.10	\$ 7.408.50	\$ 3.983.50	\$ 1.296.00	\$ 1.318.50	\$ 1.158.00	<u>5 6 708 90</u>	\$ 2 662 00		\$ 711.00	\$ 178.50		\$ 526.00	\$ 674.00	\$ 356.00	00.001.2 t	372 00	\$ 39.935.00
Ž,														1						Ņ		-		
)* LexisNexis*	13051 \$30.63 13052 \$30.63 13053 \$30.63 13053 \$30.63 13055 \$30.63	3065年36.64												50000		-	,		5000		20074010			ACCOUNT TOTAL:

March 27, 2014											
Copies, Scans & Faxes											
	Quant	ity									
	B/W	Color									
13051	826	4									
13054	25	1									
13056 TBB	22										
13057 TBB	9	1									
13059StPaul	4										
13066StPaul	3										
13066Arrow											
твв	3										
13067 TBB	67	2									
13069	13										
13086	10	24									
13089	40										
13090Arrow											
ТВВ	7										
13090StPaul	. 7										
13095	13										
13100	15										
13106	188										
13113	102	143									
13114	249	1									
13128	50										
13135	52										
14007	166	82									
14012	223										
14016	261	9									
92258	282	21									
97251	21	3									
	15054	1141									