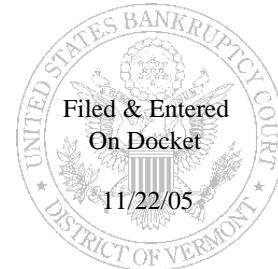


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:
AMERICAN PAPER MILLS OF VERMONT, INC.
Debtor.

Chapter 11 Case
02-10923

ORDER

ALLOWING, IN PART, FINAL APPLICATION FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES FOR PRATT VREELAND KENNELLY MARTIN & WHITE, LTD.

On August 17, 2005, Pratt Vreeland Kennelly Martin & White, Ltd. (the “Applicant”), in its capacity as special litigation counsel to chapter 7 trustee John R. Canney, II (the “Trustee”), filed its Final Application for Allowance of Compensation for Services Rendered and Reimbursement of Expenses (doc. # 447) (the “Application”). The Application was noticed under this Court’s default procedure; no party in interest filed an objection and the United States Trustee consented to the Application. Since the Court had some questions about certain fees and expenses, it held a hearing on the Application on September 20, 2005. At the hearing, the Court articulated the deficiencies it found in the description of certain fees and expenses and gave the Applicant until October 14, 2005 to supplement the Application. As of this date, more than thirty days after the deadline for such a filing, the Applicant has filed no supplement. Therefore, the Court will rule on the Application, as filed.

The Application seeks compensation in the amount of \$3,633.75 for professional services rendered¹ plus an additional \$570.00 for the preparation of the fee application for the period from September 1, 2004 through July 31, 2005 (the “Application Period”) and \$844.65 for reimbursement of expenses incurred during the Application Period.²

THE COURT FINDS that certain of the professionals’ fees sought for the Application Period are not compensable. Specifically, the Court finds the request for compensation in the amount of \$570.00 for preparation of the fee application to be unreasonable, based upon the record before it. While applicants may generally receive compensation for time spent in preparing fee applications, see In re S.T. N. Enterprises, 70 B.R. 823, 835 (Bankr. D. Vt. 1987), the prerequisite for allowance is the professionals’ demonstration that the fees sought are reasonable and substantiation that the expenses to be reimbursed were actually and necessarily incurred. The Applicant in this case has requested a set amount for

¹ The Application requests compensation for services in the amount of \$3,808.75 plus \$570.00 for preparation of the fee application. However, the detail provided only sets forth \$3,633.75 for professional services rendered.

² The Application seeks reimbursement for \$666.90 for the reimbursement of expenses, but the detail submitted reflects \$844.65 billed for expenses.

preparation of the fee application but has failed to supply any time sheets or other detail setting forth who prepared the fee application, or the time expended in its preparation. Since the Applicant has failed to sustain its burden to demonstrate that the fees sought for preparation of the Application are reasonable, the Court disallows the \$570.00 sought for this task.

THE COURT FURTHER FINDS that the remaining professional fees sought are properly compensable. Specifically, the Court finds the remaining services rendered by the Applicant were reasonable, necessary and of benefit to the estate, pursuant to 11 U.S.C. § 330(a). See also In re JLM, Inc., 210 B.R. 19, 24 (2d Cir. BAP 1997). Accordingly, the Court grants the Applicant’s request for allowance of professionals’ fees in connection with the remaining services rendered during the Application Period, and allows the estate to pay the Applicant fees in the amount of \$6,118.25.

The Applicant also seeks reimbursement for expenses incurred during the Application Period in the amount of \$844.65. It is the Applicant’s burden to show that these expenses were actually incurred and were reasonable and necessary. The Court finds in connection with the following entries the Applicant has failed to meet this burden. 11 U.S.C. §330(a); S.T.N. Enterprises, 70 B.R. at 838.³

<i>Description</i>	<i>Amount</i>
Photocopy expense for month (6/30/05)	\$93.00
Online Research charges – PACER	\$37.80
Online Research WESTLAW Identified as Section 363(m) action No cert that	\$27.00
Postage for the month (9/04)	\$66.16
Photocopy for the month (9/04)	\$268.00
Court fees (7/2)	\$150.00
Photocopy expense for month	\$45.00

The Applicant failed to provide any detail about the charges for photocopies (how many copies at x amount per page), failed to state what was sent to whom for postage expenses, failed to explain the PACER charges, and failed to supply any information upon which the Court could discern the nature of research done or determine whether the subject computerized research expenses are compensable. Thus, based upon the information provided, the Court disallows the reimbursement of these expenses.

THE COURT FURTHER FINDS that the Applicant has met its burden of proof with respect to the remaining \$157.69 of expenses incurred during the Application Period, and that these expenses were reasonable. Accordingly, the Court grants the Application as to these expenses.

THEREFORE, IT IS HEREBY ORDERED that

1. Pratt Vreeland Kennelly Martin & White, Ltd.’s Final Application is allowed in part and disallowed in part.

³ The Applicant has also sought reimbursement for monthly telephone, fax and postage expenses that lack sufficient detail under this Court’s prior rulings. However, each expense was *de minimus* and is not addressed herein.

2. The following fees and expenses requested in the Application are approved and allowed: \$3,633.75 for approved professional services rendered; and \$157.69 for reimbursement of expenses.
3. The Trustee is hereby authorized and directed to pay to Pratt Vreeland Kennelly Martin & White, Ltd. (to the extent not previously paid) the sum of:
 - (A) \$3,633.75 for professionals' fees earned during the Application Period; and
 - (B) \$157.69 for reimbursement for the approved expenses incurred during the Application Period.

SO ORDERED.

November 22, 2005
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge