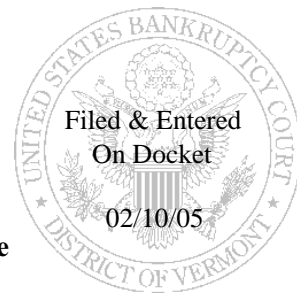


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:
**FIBERMARK, INC.,
FIBERMARK NORTH AMERICA, INC., and
FIBERMARK INTERNATIONAL HOLDINGS, INC.
Debtors.**

**Chapter 11 Case
04-10463
Jointly Administered**



ORDER
GRANTING IN PART THE SECOND APPLICATION OF AKIN GUMP
STRAUSS HAUER & FELD, LLP FOR COMPENSATION
AND REIMBURSEMENT OF EXPENSES

WHEREAS on December 21, 2004, Akin Gump Strauss Hauer & Feld, LLP (“Akin Gump”), in its capacity as counsel to the Official Committee of Unsecured Creditors (the “Committee”), filed a second application for interim allowance of compensation and for the reimbursement of expenses for services rendered during the period from July 1, 2004 through October 31, 2004 (the “Application Period”) (doc. # 894) (“Akin Gump’s Second Application”); and

WHEREAS, no party has filed an objection, and the United States Trustee has neither objected nor consented to Akin Gump’s Second Application; and

WHEREAS Akin Gump’s Second Application seeks compensation in the amount of \$1,187,457.50 for professional services rendered¹ and \$239,805.85 for reimbursement of expenses incurred during the Application Period; and

THE COURT FINDS that certain of the professionals’ fees earned during the Application Period are not compensable and therefore, professionals’ fees are approved only in part. Professionals’ fees are allowed only to the extent of \$1,175,838.50.

THE COURT FINDS that the following time entries in Akin Gump’s Second Application lack sufficient information for the Court to determine whether the professionals’ fees requested are reasonable, necessary and of benefit to the estate:

¹ The services for which compensation is sought include both attorney and paraprofessional time. Accordingly, for ease of reference, the Court collectively refers to the fees requested as “professionals’ fees.”

<i>Date</i>	<i>Description Provided</i>	<i>Time</i>	<i>Rate</i>	<i>Fees Requested</i>
7/12/04	Review and Organize Case Materials	2.90	125	\$ 362.50
7/19/04	Legal Research re: theories of lender liability	2.50	425	\$1,062.50
7/21/04	Research regarding lender liability theories	4.0	425	\$ 1,700.00
8/16/04	Review and organize case materials	0.7	125	\$ 87.50
8/2/04	Legal research re: lien analysis	1.5	425	\$ 637.50
8/3/04	Legal research re: 11 U.S.C. Section 547 and 548	2.3	450	\$ 1,035.00
8/11/04	Work on Final issues in lien analysis	1.3	725	\$ 942.50
8/18/04	Work on due diligence	1.3	440	\$ 572.00
8/25/04	Legal research re: retirement benefits and related issues	6.6	425	\$ 2,805.00

Accordingly, the professionals' fees requested for this time is disallowed. S.T.N. Enterprises, 70 B.R. 823, 831-32 (Bankr. D. Vt. 1987); see also, In re Fibermark, No. 04-10463, * 3 (Bankr. Vt. Filed October 22, 2004) (doc. # 698).

THE COURT FURTHER FINDS that the time spent analyzing and supplementing the first Akin Gump Application (docs. # 516 and 730) to comport with the Bankruptcy Code and S.T.N. Enterprises is not compensable from the estate. Reasonable time spent in preparing fee applications for original submission to the Court is compensable under S.T.N. However, time spent correcting fee applications that have been previously submitted is not. The Court specifically finds that these services were not necessary and did not benefit the estate. 11 U.S.C. § 330(a). Consequently, compensation for the following time entries is denied:

<i>Date</i>	<i>Description Provided</i>	<i>Time</i>	<i>Rate</i>	<i>Fees Requested.</i>
10/25/04	Review fee order (.3); m/w F. Hodara re: same (.2); m/w P. Sprofera re: same (.3); emails to working group re: same (.1)	0.9	425	\$ 382.50
10/26/04	Work on fee application	0.6	725	\$ 435.00
10/26/04	Review fee order (.3); emails to working group re: same (.3) tcw P. Sprofera re: same (.2) and response thereto (.2)	1.0	425	\$ 425.00

10/27/04	Meetings w. L.Lee re: issues relevant to response to order on Akin Gump fee application (.5); review expense reports related to supplemental fee applications (.3)	0.8	425	\$ 340.00
10/27/04	Research issues relevant to Akin Gump response to fee order 9.2) Discuss same with K. Davis (.3); Research and review documents regarding fee application supplement to requested fees (3.2)	3.7	155	\$ 15.50
10/28/04	Research issues relevant to firm's response to fee order (.5) Discuss research and task with K. Davis (.2) Review and analyze attorney fees (.5)	1.2	155	\$ 186.00
10/29/04	Continue research into requested attorney fees (1.3); compile information and email to K. Davis (.5)	1.8	155	\$ 279.00
10/25/04	Research fee applications and orders for all parties and create a chart analyzing same fees (1.6) discuss status with K. Davis (.1)	1.7	155	\$ 263.50
10/26/04	Revise fee analysis chart per request of K. Davis	0.10	155	\$ 15.50
10/27/04	Examine Fee chart	0.10	725	\$ 72.50

THE COURT FURTHER FINDS that the remaining professionals' fees earned during the Application Period to be properly compensable. Specifically, the Court finds the services rendered by Akin Gump 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 fees sought in connection with services rendered by Akin Gump during the Application Period are approved and allowed to the extent of \$1,175,838.50.

THE COURT FURTHER FINDS that certain of the expenses for which reimbursement is sought lack sufficient information for the Court to determine whether the expenses are actual, necessary or justified. See 11 U.S.C. § 330(a); In re S.T.N. Enterprises, 70 B.R. 823, 836 (Bankr. Vt. 1987); In re Fibermark, No. 04-10463, *4 (Bankr. Vt. filed Nov. 29, 2004)(doc. # 783); In re Fibermark, No. 04-10463, *10 (Bankr. Vt. filed Oct. 22, 2004)(doc. # 698); In re Fibermark, No. 04-10463, *2-3(Bankr. Vt. filed Sept. 30, 2004)(doc. # 645). Specifically, the Court finds that Akin Gump's Second Application lacks sufficient information for the Court to determine whether certain telephone expenses can be fully attributable to this case.² Without such detail, it appears to the Court that the expense should be considered overhead and is thus, not compensable from the

² Akin Gump requests reimbursement for cell phone and pager usage "while in Vermont and elsewhere" in the amount of \$260.89; for telephone and fax charges while in airports in the amount of \$155.55; and for various telephone charges totaling \$372.46.

estate. In re S.T.N. Enterprises, Inc., 70 B.R. at 844. Consequently, these expenses totaling \$ 788.90 are denied. Id. Further, the Court finds that certain expenses incurred for office supplies at Staples in the amount of \$11.64 is overhead and is not compensable from the estate. Id.


THE COURT FURTHER FINDS that the remaining \$239,005.31 sought for reimbursement of expenses incurred during the Application Period to be reasonable and appropriate and, accordingly, is approved and allowed.

THEREFORE, IT IS HEREBY ORDERED that

1. Akin Gump's Second Application is allowed in part and disallowed in part.
2. The following fees and expenses requested in Akin Gump's Second Application are approved and allowed:
 - (A) \$1,175,838.50 for professional services rendered; and
 - (B) \$ 239,005.31 for reimbursement of expenses.
3. The Debtors are hereby authorized and directed to pay to Akin Gump Strauss Hauer & Feld LLP (to the extent not previously paid) the sum of:
 - (A) \$1,175,838.50, representing fees earned by Akin Gump Strauss Hauer & Feld LLP during the Application Period; and
 - (B) \$239,005.31 , representing reimbursement for the approved expenses incurred by Akin Gump Strauss Hauer & Feld LLP during the Application Period.

SO ORDERED.

February 9, 2005
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge