## UNITED STATES BANKRUPTCY COURT DISTRICT OF VERMONT

In re: FIBERMARK, INC., FIBERMARK NORTH AMERICA, INC., and FIBERMARK INTERNATIONAL HOLDINGS, INC., Debtors. Filed & Entered
On Docket

03/23/05

Chapter 11 Case # 04-10463
Jointly Administered

### **ORDER**

# GRANTING IN PART THE APPLICATION FOR SECOND ALLOWANCE FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES OF OBUCHOWSKI & EMENS-BUTLER

WHEREAS, on February 22, 2005, Obuchowski & Emens-Butler, ("Obuchowski"), as local counsel to the above-referenced Debtors-in-Possession, filed an application for second allowance for compensation and reimbursement of expenses for the period from September 1, 2004 through January 31, 2005 (doc. # 1247) (the "Second Obuchowski Application"); and

WHEREAS, on March 4, 2005, Obuchowski filed a Supplement to the Second Obuchowski Application (doc. # 1295) (the "Supplement"); and

WHEREAS no party has filed an objection, and the United States Trustee has neither objected nor consented to, the Second Obuchowski Application or the Supplement; and

WHEREAS the Second Obuchowski Application seeks compensation in the amount of \$37,056.20 for professional services rendered during the period from September 1, 2004 through January 31, 2005 (the "Application Period") and reimbursement in the amount of \$1,760.24 for expenses incurred during the Application Period;

THE COURT FINDS that certain of the attorneys' fees earned during the Application Period are not compensable and therefore, professionals' fees are approved only to the extent of \$36,943.70. Specifically, time entries made on September 14, 2004, December 13, 2004, and January 27, 2005 for putting together hearing binders and copying documents reflect administrative tasks and are not compensable from the estate. Thus, the Court disallows attorneys' fees for these tasks, totaling \$112.50. The remaining attorneys' fees earned during the Application Period to be properly compensable. The Court finds all other services detailed in the instant application 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 attorneys' fees sought in connection with services rendered by Obuchowski during the Application Period are approved and allowed to the extent of \$36,943.70.

THE COURT FURTHER FINDS that the \$1,760.24 in expenses for which Obuchowski seeks reimbursement during the Application Period is reasonable and appropriate and, accordingly, they are approved and allowed in full.

### THEREFORE, IT IS HEREBY ORDERED that

- 1. The Second Obuchowski Application is allowed in part and disallowed in part.
- 2. The following fees and expenses requested in the Second Obuchowski Application are approved and allowed:
  - (A) \$ 36,943.70 for professional services rendered; and
  - (B) \$ 1,760.24 for reimbursement of expenses.
- 3. The Debtors are hereby authorized and directed to pay to Obuchowski & Emens-Butler (to the extent not previously paid) the sum of:
  - (A) \$36,943.70, representing attorneys' fees earned by Obuchowski & Emens-Butler during the Application Period; and
  - (B) \$1,760.24, representing reimbursement for the approved expenses incurred by Obuchowski & Emens-Butler during the Application Period.

#### SO ORDERED.

March 23, 2005 Rutland, Vermont Colleen A. Brown
United States Bankruptcy Judge