

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

_____))
In re))
))
CD LIQUIDATION CO., LLC f/k/a))
CYNERGY DATA, LLC, *et al.*,¹))
))
Debtors.))
_____))

Chapter 11
Case No. 09-13038 (KG)
Objection Deadline: November 2, 2010 at 4:00 p.m.
Hearing Date: TBD if necessary

**THIRTEENTH MONTHLY APPLICATION OF JAGER SMITH P.C.
FOR COMPENSATION FOR SERVICES RENDERED AND
REIMBURSEMENT OF EXPENSES AS COUNSEL TO THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS FOR THE PERIOD
FROM SEPTEMBER 1, 2010 THROUGH SEPTEMBER 30, 2010**

Name of applicant: Jager Smith P.C.

Authorized to provide professional services to: Official Committee of Unsecured
Creditors

Date of retention: effective as of September 10, 2009

Period for which compensation
and reimbursement are sought: September 1, 2010 through
September 30, 2010

Amount of compensation sought
as actual, reasonable, and necessary: \$27,970.00

Amount of expense reimbursement sought
as actual, reasonable and necessary: \$3,852.33

This is a(n): x monthly interim final application

¹ By its order dated November 18, 2009, the Bankruptcy Court ordered that the caption in these jointly administered cases be changed to reflect changes to the corporate names of Cynergy Data, LLC and Cynergy Prosperity Plus, LLC agreed to as part of the sale of substantially all of their assets during these chapter 11 cases.

PRIOR MONTHLY APPLICATIONS

| Date Filed | Period Covered | Requested | | Approved (After Filing of Certificate of No Objection) | |
|-------------------|-----------------------|------------------|-----------------|---|-------------------------|
| | | Fees | Expenses | Fees | Expenses |
| 7/13/2010 | 6/1/2010 – 6/30/2010 | \$72,870.00 | \$7,678.26 | \$58,293.00 | \$7,678.26 |
| 8/16/2010 | 7/1/2010 – 7/31/2010 | \$51,182.50 | \$318.26 | \$40,946.00 | \$318.26 |
| 9/23/2010 | 8/1/2010 – 8/31/2010 | \$47,822.50 | \$2,927.23 | \$38,258.00 ² | \$2,927.23 ² |

COMPENSATION BY PROFESSIONAL

| Name of Professional Person | Position with Applicant and Number of Years in that Position | Hourly Billing Rate | Total Billed Hours | Total Compensation |
|------------------------------------|--|----------------------------|---------------------------|---------------------------|
| Bruce F. Smith | Partner since 1978. Member of CT and NY bars since 1970 and MA bar since 1974. | \$500.00 | 15.00 | \$7,500.00 |
| Howard P. Blatchford | Partner since 1998. Member of the MA bar since 1981. | \$350.00 | 1.20 | \$420.00 |

² The deadline to file an objection expires after the date of this submission, however Jager Smith does not anticipate any objections to its Twelfth Monthly Application.

| | | | | |
|-----------------------|---|----------|-------|-------------|
| Steven C. Reingold | Partner since 2004. Member of NJ bar since 1993, NY bar since 1994, MA bar since 1999 and NH bar since 2004. | \$400.00 | 7.50 | \$3,000.00 |
| Michael J. Fencer | Partner since 2009. Member of MA bar since 2001. | \$400.00 | 2.00 | \$800.00 |
| Brendan C. Recuperero | Associate Member of the MA bar since 1999. | \$350.00 | 28.80 | \$10,080.00 |
| Andrew F. Newton | Law Clerk | \$175.00 | 2.90 | \$507.50 |
| Kristen S. O'Connor | Paralegal | \$175.00 | 30.50 | \$5,337.50 |
| Jacqueline Mimno | Paralegal | \$125.00 | 2.10 | \$262.50 |
| Erika Darcy | Paralegal | \$125.00 | 0.50 | \$62.50 |

Total Amount of Fees: \$27,970.00³

Total Number of Hours: 90.50

Blended Hourly Rate: \$309.06

³ Pursuant to an agreement between Jager Smith and the Committee, Jager Smith's fees in this case are billed monthly at lesser of (i) Jager Smith's customary hourly rates and (ii) a blended hourly rate of \$425. As set forth herein, Jager Smith seeks interim allowance of its fees in the amount of \$27,970.00 because the actual hourly rates do not exceed the blended hourly rate of \$425.00 for the period of September 1, 2010 through September 30, 2010.

COMPENSATION BY PROJECT CATEGORY

| Project Category | Total Hours | Total Fees |
|--------------------------------------|--------------------|--------------------|
| Asset Analysis and Recovery | 67.60 | \$20,020.00 |
| Case Administration | 2.30 | \$332.50 |
| Claims Administration and Objections | 1.90 | \$665.00 |
| Fee Applications and Objections | 4.30 | \$997.50 |
| Meeting of Creditors | 0.90 | \$315.00 |
| Plan and Disclosure Statement | 13.50 | \$5,640.00 |
| Totals: | 90.50 | \$27,970.00 |

EXPENSE SUMMARY

| Expense Category | Service Provider | Total Expenses |
|-------------------------|-------------------------|-----------------------|
| Federal Express | Federal Express | \$117.99 |
| In-House Copy Charges | N/A | \$6.20 |
| Copying | Evidox | \$1,265.47 |
| Copying | RVM | \$2,462.23 |
| Postage | U.S. Mail | \$0.44 |
| Total: | | \$3,852.33 |

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

| | |
|--------------------------------------|---|
| _____) | Chapter 11 |
| In re) | |
|) | Case No. 09-13038 (KG) |
| CD LIQUIDATION CO., LLC f/k/a) | |
| CYNERGY DATA, LLC, <i>et al.</i> ,) | |
|) | Objection Deadline: November 2, 2010 at 4:00 p.m. |
| Debtors.) | Hearing Date: TBD if necessary |
| _____) | |

**THIRTEENTH MONTHLY APPLICATION OF JAGER SMITH P.C.
FOR COMPENSATION FOR SERVICES RENDERED AND
REIMBURSEMENT OF EXPENSES AS COUNSEL TO THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS FOR THE PERIOD
FROM SEPTEMBER 1, 2010 THROUGH SEPTEMBER 30, 2010**

Jager Smith P.C. (“Jager Smith”) hereby files this *Thirteenth Monthly Application of Jager Smith P.C. for Compensation for Services Rendered and Reimbursement of Expenses as Counsel to the Official Committee of Unsecured Creditors for the Period from September 1, 2010 through September 30, 2010* (the “Application”), and respectfully requests interim allowance of compensation for the actual, reasonable and necessary attorneys’ fees, and of reimbursement of actual, reasonable and necessary expenses, incurred during the period from September 1, 2010 through September 30, 2010 in connection with its services as counsel to the Official Committee of Unsecured Creditors (the “Committee”) of CD Liquidation Co., LLC, f/k/a Cynergy Data, LLC, Cynergy Data Holdings, Inc. and CD Liquidation Co. Plus, LLC, f/k/a Cynergy Prosperity Plus, LLC (collectively, the “Debtors”), and authorizing payment to Jager Smith as is set forth herein.

In support of this Application, Jager Smith respectfully states as follows:

Procedural History

1. On September 1, 2009, each of the Debtors filed a *Voluntary Petition* for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”). Since the Petition Date, the Debtors have continued in the possession of their assets and in the management of their businesses as debtors-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code until October 26, 2009, on which date they conveyed substantially all of their assets to Cynergy Holdings, LLC.

2. On September 10, 2009, the Office of the United States Trustee appointed the Committee. Thereafter, the Committee selected Jager Smith to serve as the Committee's counsel and Ashby & Geddes (“Ashby”) to serve as the Committee’s Delaware counsel.

3. On September 18, 2009, the Committee applied to this Court [Docket No. 126] for the approval of the employment of Jager Smith (“Motion to Employ”) in this case pursuant to Section 1103(a) of the Bankruptcy Code, Rule 2014(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 2014-1 of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), effective as of September 10, 2009. Jager Smith received no retainer in connection with this case. On October 20, 2009, the Court entered an order [Docket No. 298] authorizing the Committee’s retention of Jager Smith effective as of September 10, 2009, a copy of which is submitted herewith as Exhibit A.

4. On September 15, 2009, the Court entered the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals and Committee*

Members (the “Compensation Order”) [Docket No. 107], providing that professionals employed in this case may request monthly compensation and reimbursement of expenses, and further providing interested parties with an opportunity to object to such requests. The Compensation Order provides that in the event that no party in interest objects to such a request within twenty days after service thereof, the Debtors are authorized to pay 80% of the compensation and 100% of the expenses requested in such monthly application.

Jurisdiction and Venue

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334(a) and 157(a). This matter is a core proceeding under 28 U.S.C. § 157(b)(2). Venue of the Debtors’ cases and this matter in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief requested herein are Section 331 of the Bankruptcy Code, Bankruptcy Rule 2016, and Local Rule 2016-2.

Description of Services Rendered and Expenses Incurred

6. The professional services rendered by Jager Smith on behalf of the Committee during the period covered by this Application are described in detail in the daily time records maintained by Jager Smith in the ordinary course of business, copies of which are submitted herewith as Exhibit B-1 to Exhibit B-6.

7. Pursuant to an agreement between Jager Smith and the Committee, Jager Smith’s fees in this case are billed monthly at the lesser of (i) Jager Smith’s customary hourly rates and (ii) a blended hourly rate of \$425.

8. In order to assist the Court in its review of the compensation sought herein, Jager Smith has divided its time entries into the following task categories, in accordance with Local Rule 2016-2(c):

a. *Asset Analysis and Recovery*: Jager Smith has included in this category time spent reviewing, analyzing, and investigating potential claims belonging to the Debtors' estates and developing its litigation strategy concerning the same. Jager Smith has also included in this category time spent in connection with numerous pending examination requests under Local Rule 2004-1 and reviewing documents produced pursuant to such requests. The total compensation requested for professional services rendered in this category at Jager Smith's customary hourly rates for the period covered by this Application is \$20,020.00. The detailed time entries for those professional services are submitted herewith as Exhibit B-1. Due to the possibility of litigation, certain sensitive entries that implicate matters of a confidential nature or privilege have been redacted. Non-redacted copies are available for *in camera* review, if requested by the Court.

b. *Case Administration*: Jager Smith has included in this category, among other things, time spent updating Jager Smith's web site page dedicated to this case in furtherance of the Committee's duties under Section 1102 of the Bankruptcy Code. The total compensation requested for professional services rendered in this category at Jager Smith's customary hourly rates for the period covered by this Application is \$332.50. The detailed time entries for those professional services are submitted herewith as Exhibit B-2.

c. *Claims Administration and Objections:* Jager Smith has included in this category time spent appearing telephonically at the hearing on the motion to approve the Debtors' settlement with Harris Bank N.A. and reviewing the objections thereto. The total compensation requested for professional services rendered in this category at Jager Smith's customary hourly rates for the period covered by this Application is \$655.00. The detailed time entries for those professional services are submitted herewith as Exhibit B-3.

d. *Fee Applications and Objections:* Jager Smith has included in this category time spent complying with the Compensation Order and preparing its twelfth monthly fee statement. The total compensation requested for professional services rendered in this category at Jager Smith's customary hourly rates for the period covered by this Application is \$997.50. The detailed time entries for those professional services are submitted herewith as Exhibit B-4.

e. *Meeting of Creditors:* Jager Smith has included in this category time spent responding to inquiries posed by the members of the Committee concerning the status of the Debtors' cases. The total compensation requested for professional services rendered in this category at Jager Smith's customary hourly rates for the period covered by this Application is \$315.00. The detailed time entries for those professional services are submitted herewith as Exhibit B-5.

f. *Plan and Disclosure Statement:* Jager Smith has included in this category time spent preparing and reviewing the plan and disclosure statement. The total compensation requested for professional services rendered in this category at Jager Smith's customary hourly rates for the period covered by this Application is \$5,640.00.

The detailed time entries for those professional services are submitted herewith as Exhibit B-6.

9. Jager Smith submits that the reasonable value of the professional services rendered on behalf of the Committee at Jager Smith's customary hourly rates for the period covered by this Application is \$27,970.00 and that those services were reasonably likely to benefit the Debtors' estates, or were otherwise necessary to the administration of the Debtors' cases. As indicated above, Jager Smith's fees in this case are to be billed monthly at the lesser of (i) Jager Smith's customary hourly rates and (ii) a blended hourly rate of \$425. Jager Smith's fees for services rendered at the blended hourly rate of \$425 for the period covered by this Application would be \$38,462.50. Since the blended hourly rate exceeds Jager Smith's customary hourly rates for the Application period, the blended hourly rate does not apply to this Application. Jager Smith requests interim approval of Jager Smith's fees in the amount of \$27,970.00 (representing the aggregate amount of fees incurred during the period covered by this Application at Jager Smith's customary hourly rates) and authority for the Debtors to pay Jager Smith fees in the amount of \$22,376.00, which amount represents the 80% of \$27,970.00.

10. Jager Smith also requests approval of the actual expenses it incurred on behalf of the Committee during the period covered by this Application in the sum of \$3,852.33, the details of which are submitted herewith as Exhibit C. The actual expenses billed to or incurred by Jager Smith during the period covered by this Application include those for telephone charges and on-line legal research charges, all of which Jager Smith has billed in a manner and at rates consistent with charges made generally to the firm's

other clients. In accordance with Local Rule 2016-2(e)(iii), Jager Smith is charging the amount of \$0.10 per page for photocopies.

11. As outlined above, the attorneys and paraprofessionals who worked on this case on behalf of the Committee have various levels of expertise. From time to time these individuals have consulted with each other and other professionals involved in this case with regard to various issues arising therein, which Jager Smith submits is the most efficient manner in which to represent the Committee, as opposed to representation by a single attorney who would then be required to research and familiarize himself or herself with each and every legal issue that arises. The biographies of the attorneys and paraprofessionals who rendered services on behalf of the Committee during the period covered by this Application are submitted herewith as Exhibit D.

WHEREFORE, Jager Smith respectfully requests that the Court enter an order (i) approving Jager Smith's fees and expenses for the period covered by the Application on an interim basis, (ii) allowing payment to Jager Smith in the amount of \$22,376.00 (which amount is 80% of the fees sought in this Application) plus reimbursement in the amount of \$3,852.33, for total payment of \$26,228.33, and (iii) granting to Jager Smith such other and further relief as the Court deems just and proper.

JAGER SMITH P.C.

/s/ Brendan C. Recupero
Bruce F. Smith (admitted *pro hac vice*)
Steven C. Reingold (admitted *pro hac vice*)
Michael J. Fencer (admitted *pro hac vice*)
Brendan C. Recupero(admitted *pro hac vice*)
JAGER SMITH P.C.
One Financial Center
Boston, Massachusetts 02111
telephone: (617) 951-0500
facsimile: (617) 951-2414
email: mfencer@jagersmith.com

Dated: October 11, 2010

CERTIFICATION

I, Michael J. Fencer, hereby certify as follows:

1. I am a partner in the law firm of Jager Smith P.C.

2. I have reviewed the within *Thirteenth Monthly Application of Jager Smith P.C. for Compensation for Services Rendered and Reimbursement of Expenses as Counsel to the Official Committee of Unsecured Creditors for the Period from September 1, 2010 through September 30, 2010* (the “Application”).

3. I certify, pursuant to Rule 2016-2(f) of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), that I have reviewed the requirements of Local Rule 2016-2, and that to the best of my knowledge, information and belief, the Application complies therewith.

/s/ Michael J. Fencer
Michael J. Fencer

Dated: October 11, 2010

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

| | |
|---|--|
| _____) | Chapter 11 |
| In re) | |
|) | Case No. 09-13038 (KG) |
| CD LIQUIDATION CO., LLC f/k/a) | |
| CYNERGY DATA, LLC, et al., ¹) | |
|) | Objection Deadline: November 2, 2010 at 4:00 p.m. |
| Debtors.) | Hearing Date: TBD if necessary |
| _____) | |

NOTICE OF APPLICATION

To: Fee Application Notices Parties

PLEASE TAKE NOTICE that on October 11, 2010, Jager Smith P.C. (“Jager Smith”), counsel to the Official Committee of Unsecured Creditors (the “Committee”) of CD Liquidation Co., LLC, f/k/a Cynergy Data, LLC, Cynergy Data Holdings, Inc. and CD Liquidation Co. Plus, LLC, f/k/a Cynergy Prosperity Plus, LLC (collectively, the “Debtors”), has filed the accompanying *Eleventh Monthly Application of Jager Smith P.C. for Compensation for Services Rendered and Reimbursement of Expenses as Counsel to the Official Committee of Unsecured Creditors for the Period from September 1, 2010 through September 30, 2010* (the “Application”) with the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”), pursuant to which Jager Smith seeks interim allowance of fees in the amount of \$27,970.00 and reimbursement of expenses in the amount of \$3,852.33.

PLEASE TAKE FURTHER NOTICE that responses or objections to the Application, if any, are required to be in writing and filed on or before **November 2, 2010 at 4:00 p.m.** (the “Objection Deadline”) with the United States Bankruptcy Court for the District of Delaware, 824

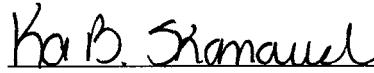
¹ By its order dated November 18, 2009, the Bankruptcy Court ordered that the caption in these jointly administered cases be changed to reflect changes to the corporate names of Cynergy Data, LLC and Cynergy Prosperity Plus, LLC agreed to as part of the sale of substantially all of their assets during these chapter 11 cases.

North Market Street, 3d Floor, Wilmington, Delaware 19801. At the same time, you must also serve a copy of the response or objection upon the following so as to be received on or before the Objection Deadline: (i) Conway MacKenzie, Inc., 1270 Avenue of the Americas, Suite 2340, New York, New York 10020 (Attn: Jesse L. York); (ii) Nixon Peabody LLP, 437 Madison Avenue, New York, New York 10056 (Attention: Dennis J. Drebsky, Esq.); (iii) Pepper Hamilton LLP, Hercules Plaza, Suite 5100, 1313 N. Market Street, P.O. Box 1709, Wilmington, Delaware 19899-1709 (Attention: David B. Stratton, Esq., Evelyn J. Meltzer, Esq. And John H. Schanne, II, Esq.); (iv) Jager Smith P.C., One Financial Center, Boston, Massachusetts 02111-2621 (Attention: Brendan C. Recupero, Esq.); (v) Ashby & Geddes, 500 Delaware Avenue, 8th Floor, P.O. Box 1150, Wilmington, Delaware 19899 (Attention: Gregory Alan Taylor, Esq. and Karen B. Skomorucha, Esq.); and (vi) the Office of the United States Trustee, 844 King Street, Room 2313, Wilmington, Delaware 19801 (Attention: Thomas P. Tinker, Esq.).

PLEASE TAKE FURTHER NOTICE that, in the event that there are one or more objection(s) to the Application as filed and served in accordance with the above procedure, a hearing on the Application will be scheduled at the Court's convenience before the Honorable Kevin Gross, United States Bankruptcy Court for the District of Delaware, 824 Market Street, Wilmington, Delaware 19801.

Dated: October 11, 2010
Wilmington, Delaware

ASHBY & GEDDES, P.A.



Gregory A. Taylor (I.D. No. 4008)
Karen B. Skomorucha (I.D. No. 4759)
500 Delaware Avenue
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Wilmington, Delaware 19899
telephone: (302) 654-1888
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email: gtaylor@ashby-geddes.com
kskomorucha@ashby-geddes.com

- and -

JAGER SMITH P.C.

Bruce F. Smith (admitted *pro hac vice*)
Steven C. Reingold (admitted *pro hac vice*)
Michael J. Fencer (admitted *pro hac vice*)
Brendan C. Recupero (admitted *pro hac vice*)
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sreingold@jagersmith.com
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brecupero@jagersmith.com

*Counsel to the Official Committee of Unsecured
Creditors*

EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
CYNERGY DATA, LLC, *et al.*,¹) Case No. 09-13038 (KG)
)
Debtors.) (Jointly Administered)
)
) Related Docket Nos. 126, 140

**ORDER PURSUANT TO 11 U.S.C. §§ 328, 330, AND 1103, AND
FED. R. BANKR. P. 2014 AUTHORIZING THE EMPLOYMENT AND RETENTION
OF JAGER SMITH P.C. AS COUNSEL TO THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS NUNC PRO TUNC TO SEPTEMBER 10, 2009**

Upon consideration of the application dated September 21, 2009 (the "Application")² of the Official Committee of Unsecured Creditors of the above captioned debtors and debtors in possession (the "Committee"), for an order authorizing the Committee to retain and employ the law firm of Jager Smith P.C. (the "Firm" or "Jager Smith") as counsel *nunc pro tunc* to September 10, 2009 pursuant to sections 328, 330, and 1103 of the Bankruptcy Code, and Bankruptcy Rule 2014; and upon consideration of the Smith Affidavit filed in support thereof; and the Court being satisfied based upon the representations made in the Application and the Smith Affidavit that Jager Smith represents no interest adverse to the Committee or the Debtors' unsecured creditors with respect to matters upon which the Firm is to be engaged, that Jager Smith is a "disinterested person" as that term is defined under section 101(14) of the Bankruptcy Code, as modified by section 1107(b) of the Bankruptcy Code, and that Jager Smith's employment is necessary and is in the best interests of the Committee and the Debtors' unsecured creditors; and due and adequate notice of the Application having been given; and it

¹ The Debtors are the following entities (with the last four digits of their federal tax identification numbers in parentheses): Cynergy Data, LLC (8677); Cynergy Data Holdings, Inc. (8208); Cynergy Prosperity Plus, LLC (4265). The mailing address for the Debtors is 30-30 47th Avenue, 9th Floor, Long Island City, New York 11101.

² Capitalized terms not defined herein shall have the meanings ascribed to them in the Application.

appearing that no further or other notice is required; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED that:

1. The Application is hereby GRANTED.
2. In accordance with section 328 and 1003 of the Bankruptcy Code, the Committee is hereby authorized to retain and employ the law firm of Jager Smith as counsel on the terms set forth in the Application and the Smith Affidavit, effective *nunc pro tunc* to September 10, 2009.
3. Jager Smith shall be entitled to an allowance of compensation and reimbursement of expenses upon the filing and approval of interim and final applications pursuant to the Bankruptcy Code, Bankruptcy Rules, the Local Rules and such other Orders as the Court may direct.
4. The Committee is authorized and empowered to take such actions as may be necessary and appropriate to implement the terms of this Order.
5. This Court shall retain jurisdiction over any and all matters arising from or related to the interpretation or implementation of this Order.

Dated: Wilmington, Delaware
October 20, 2009

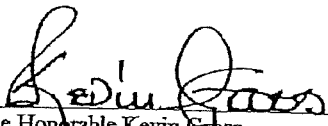

The Honorable Kevin Gross
United States Bankruptcy Court

EXHIBIT B-1

Asset Analysis and Recovery

| | | Hours |
|------------|--|-------|
| 09/01/2010 | | |
| BFS | Email from MJF regarding [REDACTED] | 0.50 |
| KSO | Meet with SCR and BCR re: discovery documents (0.3) | 0.30 |
| SCR | Office conference with B. Recupero and K. O'Connor re: document imaging and sharing (.4); review and organization for SRR of documents from [REDACTED] (4.5) | 4.90 |
| 09/02/2010 | | |
| SCR | Review and organization of [REDACTED] for production to SRR | 1.70 |
| 09/07/2010 | | |
| BFS | Meet with BCR regarding [REDACTED] | 0.30 |
| BCR | Prepare list of documents [REDACTED] (.3); attention to [REDACTED] with B. Smith (.3) | 0.60 |
| KSO | Upload of warroom docs to summation(1.4); Review J.H. Cohn docs and letter to Evidox re: processing of same (1.3); 2 x Telephone conference with Evidox re: processing (0.3) | 3.60 |
| 09/08/2010 | | |
| BFS | Review with BCR (.4); Review document delivery with K. O'Connor. | 0.80 |
| BCR | Attention to correspondence from Spelfogel re: demand letter (.2); conference with B. Smith re: Paladini demand (.4) | 0.60 |
| KSO | Load Warroom docs and error troubleshooting (3.1); 4 x email with Lisa Lee at Evidox re: processing (0.5); Backup and maintenance (0.3) | 3.90 |
| 09/09/2010 | | |
| BFS | Telephone conference with Ashettino (.5); Meet with BCR (.2). | 0.70 |
| BCR | Attention to documents to be provided to SRR in response to request (.8); attention to J. H. Cohn letter (.2); conference with B. Smith re: database (.2) | 1.20 |
| KSO | Review two SOW's and 6 x email re: processing of J.H. Cohn docs (0.9); Telephone conference with Lisa at Evidox re: same | |

Asset Analysis and Recovery

| | | Hours |
|------------|--|-------|
| | (0.4) | 1.30 |
| 09/10/2010 | | |
| BCR | Conference call with SRR re: documents (.3); attention to production issues with K. O'Connor re: Evidox (.4); telephone call to Evidox re: status (.3) | 1.00 |
| BFS | Telephone conference with SRR. | 0.30 |
| KSO | Email with Lisa re: update of processing | 0.20 |
| SCR | Conference call with Stout Risius re: document production and analysis (.3); office conference with B. Smith and B. Recupero re: same (.3) | 0.60 |
| 09/13/2010 | | |
| BFS | Email regarding [REDACTED] | 0.50 |
| KSO | Email with Lisa at Evidox re: return of documents | 0.20 |
| 09/14/2010 | | |
| BCR | Conference with Jim Berriman re: document management (.5); conference with B. Smith re: [REDACTED] (.5) | 1.00 |
| BFS | Lunch with Ashettino and Spelfogel regarding suit (2.0); Telephone conference with BCR regarding [REDACTED] (.5). | 2.50 |
| KSO | Telephone conference with Lisa at Evidox (0.4); 4 x Email with Lisa and review statement of work re: Concordance file #1 (0.5) | 0.90 |
| HPB | Office conference with B. Recupero re: status of database | 0.20 |
| 09/15/2010 | | |
| BCR | Review complaint filed in New York against Martillo by Palladini (.2); e-mail from Jim Benniman re: search terms (.2) | 0.40 |
| KSO | Telephone conference with Lisa re: Concordance upload file #2 (0.3); 3 x Email with Lisa re: same (0.2) | 0.50 |
| 09/16/2010 | | |
| BFS | Email with Diehl (.2); Email with BCR [REDACTED] (.3). | 0.50 |
| KSO | Letter to SRR (0.3); Review Cynergy Closing Book and letter to Evidox re: processing of same (0.7); 2 x Email with Evidox and review statement of work (0.4); Reload of summation .dii files (4.4) | 5.80 |
| 09/17/2010 | | |
| KSO | Load csv file (0.4); 3 x Email with Lisa re: error loading (0.3); 2 x Telephone conference with Lynn to repair (0.7); Telephone | |

Asset Analysis and Recovery

| | | Hours |
|------------|--|-------|
| | conference with Lisa re: Presti and Naegale production for SRR (0.3); 6 x Email with Lisa re: same (0.8); Review statement of work (0.2) | 2.70 |
| 09/22/2010 | | |
| BCR | Finalize [REDACTED] forward to Greg Taylor and Karen Skomurucha (1.3); e-mail Bob Deihl re: [REDACTED] (.2); e-mail Greg Bray re: [REDACTED] (.2); telephone call from Rob Hora re: [REDACTED] (.2); review and attention to [REDACTED] (.6) | 2.50 |
| KSO | Load csv for Presti documents | 0.20 |
| BCR | Review correspondence from Jim Swartz (.3); correspondence re: conference call (.2) | 0.50 |
| 09/23/2010 | | |
| BCR | Attention to missing data for [REDACTED] (1.7); analysis of [REDACTED] [REDACTED] (.3); telephone call to Jesse York re: [REDACTED] (.5); finalize [REDACTED] [REDACTED] (1.0); e-mail to Jesse York (.3); review Martillo complaint (.3); conference call with H. Blatchford and Martillo's counsel re: auto stay (.2); telephone call to Dennis Drebsky re: Martillo's request (.1); office conference with B. Smith and H. Blatchford re: Martillo (.2) | 4.60 |
| BFS | Meet with BCR and K. Slack regarding data. | 0.50 |
| KSO | Letter to Ultz transmitting Concordance load files Vols. 3 & 4 | 0.30 |
| HPB | Office conference with B. Recupero re: Paladini suit re: Martillo (.1); initial review of Paladini complaint (.2); conference call with Martillo, debtor's counsel (.3) | 0.60 |
| 09/24/2010 | | |
| BCR | Attention to [REDACTED] (.3); e-mail (several) to G. Taylor (.2); telephone call from G. Taylor re: [REDACTED] (.2); conference call with SRR re: document status (.2); conference with B. Smith and M. Fencer re: [REDACTED] (.2); correspondence with Jesse York re: additional information (.2); further attention to [REDACTED] (.8) | 2.10 |
| KSO | Telephone conference with BCR, SCR, and SRR re: documents (0.3); 2 x Telephone conference with Lisa Lee at Evidox re: native files for Vol. 2 (0.4); Letter to Ultz transmitting same (0.3); Emails with Lisa re: same (0.2); Telephone call to Ultz re: same (0.1); Telephone conference with Lynn re: Evidox processing of custodian hard drives (0.3) | 1.60 |
| BFS | Meet with BCR regarding call and documents. | 0.50 |

Asset Analysis and Recovery

| | | Hours | |
|------------|--|-------|-----------|
| BFS | Review liquidation trust agreement. | 1.00 | |
| SCR | Conference call with Stout Risius re: document production and analysis | 0.30 | |
| 09/27/2010 | | | |
| ESD | Prepare requests for [REDACTED] | 0.50 | |
| BCR | Attention to [REDACTED] request copies of same | 0.30 | |
| KSO | Telephone conference with Lynn and Jim re: electronic file (0.3); Meet with Jim re: same (0.3); Cursory review of master table files of custodians at CD (0.4) | 1.00 | |
| 09/28/2010 | | | |
| MJF | E-mails with B. Smith re: automatic stay issues re: Paladini and Martillo | 0.30 | |
| BFS | Email with BCR regarding Martillo lawsuit. | 0.40 | |
| 09/29/2010 | | | |
| BCR | Conference with Mick Kahain re: document production strategy (1.0); office conference with K. O'Connor, H. Blatchford and M. Fencer re: data recovery issues (.5); conference with K. O'Connor re: index issues (several) (.7) | 2.20 | |
| KSO | Review and analyze Master File Tables of Custodians (5.2); Telephone conference with Jim Berriman at Evidox re: file extension tallys (0.3); Email to BCR re: same (0.1); 3x Email with Matt at Minotech re: same (0.3) | 5.90 | |
| BFS | Telephone conference with P. Antoszyk regarding status. | 0.40 | |
| HPB | Office conference with B. Recupero re: database issues (.1); office conference with M. Fencer/B. Recupero/K. O'Connor re: database (.3) | 0.40 | |
| 09/30/2010 | | | |
| KSO | 2 x Emails with Evidox re: extension tallys (0.2); 6 x Emails with John at Evidox re: extension tally spreadsheet (0.8); Review table of extensions for Andrew Blythe (0.4); Various emails with BFS, MJF, BCR, and SCR re: processing (0.7) | 2.10 | |
| MJF | Various correspondence with KG re: data handling (.5); review of datalist and isolation of file types for import (1.); Telephone call with BFS re: same (.2) | 1.70 | |
| | For Current Services Rendered | 67.60 | 20,020.00 |

Official Committee of Unsecured Creditors of In

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09/30/2010

Account No:

5593-0001M

Statement No:

50529

Asset Analysis and Recovery

Recapitulation

| <u>Timekeeper</u> | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
|----------------------|-----------------------------|--------------------|--------------------|
| Bruce F. Smith | 8.90 | \$500.00 | \$4,450.00 |
| Howard P. Blatchford | 1.20 | 350.00 | 420.00 |
| Steven C. Reingold | 7.50 | 400.00 | 3,000.00 |
| Brendan C. Recupero | 17.00 | 350.00 | 5,950.00 |
| Michael J. Fencer | 2.00 | 400.00 | 800.00 |
| Kristin S. O'Connor | 30.50 | 175.00 | 5,337.50 |
| Erika S. Darcy | 0.50 | 125.00 | 62.50 |
| Total Current Work | | | 20,020.00 |
| Previous Balance | | | \$89,841.44 |
| 09/21/2010 | Thank you for your payment. | | -25,992.00 |
| Balance Due | | | <u>\$83,869.44</u> |

| <u>Past Due Amounts</u> | | | | | |
|-------------------------|--------------|--------------|---------------|----------------|-------------|
| <u>0-30</u> | <u>31-60</u> | <u>61-90</u> | <u>91-120</u> | <u>121-180</u> | <u>181+</u> |
| 64,725.44 | 0.00 | 6,498.00 | 12,646.00 | 0.00 | 0.00 |

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TAX ID# 04-2713077

EXHIBIT B-2

Case Administration

| | | | Hours | |
|------------|-----|------------------------------------|-------------|---------------|
| 09/01/2010 | JM | Update Pleadings on Website | 0.70 | |
| 09/03/2010 | JM | Update Pleadings on Website | 0.20 | |
| 09/21/2010 | JM | Update Pleadings on Website | 1.20 | |
| 09/29/2010 | BCR | E-mail B. Smith re: report request | 0.20 | |
| | | For Current Services Rendered | <u>2.30</u> | <u>332.50</u> |

| | | Recapitulation | | |
|---------------------|--|----------------|--------------------|--------------|
| <u>Timekeeper</u> | | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
| Brendan C. Recupero | | 0.20 | \$350.00 | \$70.00 |
| Jacqueline Mimno | | 2.10 | 125.00 | 262.50 |

Total Current Work 332.50

Previous Balance \$9,142.79

09/21/2010 Thank you for your payment. -6,794.00

Balance Due \$2,681.29

| Past Due Amounts | | | | | |
|------------------|--------------|--------------|---------------|----------------|-------------|
| <u>0-30</u> | <u>31-60</u> | <u>61-90</u> | <u>91-120</u> | <u>121-180</u> | <u>181+</u> |
| 937.50 | 0.00 | 1,698.50 | 45.00 | 0.00 | 0.29 |

EXHIBIT B-3

Claims Administration and Objections

| | | Hours | | | |
|---------------------|--|--------------|--------------------|-------------------|-------------|
| 09/08/2010 | BCR Attention to objections to settlement motion | 0.90 | | | |
| 09/13/2010 | BCR Hearing on 9019 motion for Harris dispute and retention of SRR | 1.00 | | | |
| | For Current Services Rendered | 1.90 | <u>665.00</u> | | |
| Recapitulation | | | | | |
| <u>Timekeeper</u> | | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> | |
| Brendan C. Recupero | | 1.90 | \$350.00 | \$665.00 | |
| Total Current Work | | | | 665.00 | |
| Previous Balance | | | | \$1,672.00 | |
| 09/21/2010 | Thank you for your payment. | | | -740.00 | |
| Balance Due | | | | <u>\$1,597.00</u> | |
| Past Due Amounts | | | | | |
| <u>0-30</u> | <u>31-60</u> | <u>61-90</u> | <u>91-120</u> | <u>121-180</u> | <u>181+</u> |
| 665.00 | 0.00 | 185.00 | 747.00 | 0.00 | 0.00 |

EXHIBIT B-4

Fee Applications and Objections

| | | Hours | | |
|------------|-----|---|------|--------|
| 09/22/2010 | AN | Office conf. with BCR re Fee application (.2); Prepare 12th monthly fee application (1.8) | 2.00 | |
| 09/23/2010 | BCR | Conference with A. Newton re: monthly fee application (.1); redact time entries (.3); review draft and comment on the same (.5) | 0.90 | |
| | AN | Office conf. with BCR re Fee application (.1); Edit 12th monthly application and compile exhibits (.8) | 0.90 | |
| 09/29/2010 | BCR | Telephone call from Jesse Ultz re: SRR fee application | 0.20 | |
| 09/30/2010 | BCR | Review SRR fee application and comment on the same | 0.30 | |
| | | For Current Services Rendered | 4.30 | 997.50 |

| | | Recapitulation | | |
|---------------------|--|----------------|--------------------|--------------|
| <u>Timekeeper</u> | | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
| Brendan C. Recupero | | 1.40 | \$350.00 | \$490.00 |
| Andrew Newton | | 2.90 | 175.00 | 507.50 |

Total Current Work 997.50

Previous Balance \$2,745.50

09/21/2010 Thank you for your payment. -1,624.00

Balance Due \$2,119.00

Official Committee of Unsecured Creditors of In

Page: 2

09/30/2010

Account No: 5593-0008M
Statement No: 50535

Fee Applications and Objections

| <u>0-30</u> | <u>31-60</u> | Past Due Amounts | | <u>121-180</u> | <u>181+</u> |
|-------------|--------------|------------------|---------------|----------------|-------------|
| | | <u>61-90</u> | <u>91-120</u> | | |
| 1,435.00 | 0.00 | 406.00 | 278.00 | 0.00 | 0.00 |

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EXHIBIT B-5

Meetings of Creditors

| | | Hours | |
|------------|---|-------|--------|
| 09/27/2010 | | | |
| BCR | Correspondence with committee re: settlement, plan and disclosure statement | 0.50 | |
| 09/30/2010 | | | |
| BCR | Telephone conference with Timothy Woods re: plan(.2); Email SRR re: conf call | 0.40 | |
| | For Current Services Rendered | 0.90 | 315.00 |

| | | Recapitulation | | |
|-------------------|-----------------------------|----------------|--------------------|-----------------|
| <u>Timekeeper</u> | | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
| Brendan C. | Recupero | 0.90 | \$350.00 | \$315.00 |
| | Total Current Work | | | 315.00 |
| | Previous Balance | | | \$476.00 |
| 09/21/2010 | Thank you for your payment. | | | -84.00 |
| | Balance Due | | | <u>\$707.00</u> |

| Past Due Amounts | | | | | |
|------------------|--------------|--------------|---------------|----------------|-------------|
| <u>0-30</u> | <u>31-60</u> | <u>61-90</u> | <u>91-120</u> | <u>121-180</u> | <u>181+</u> |
| 665.00 | 0.00 | 21.00 | 21.00 | 0.00 | 0.00 |

EXHIBIT B-6

Plan and Disclosure Statement

| | | Hours | |
|------------|---|-------|----------|
| 09/01/2010 | | | |
| BFS | Email from Berman regarding unclaimed funds. | 0.30 | |
| 09/24/2010 | | | |
| BCR | Analysis and review of draft plan (1.5); analysis and review of disclosure statement (.5) | 2.00 | |
| BFS | Review complaint and comment. | 0.80 | |
| 09/25/2010 | | | |
| BCR | E-mail D. Drebsky re: plan | 0.10 | |
| BFS | Joint plan and disclosure statement. | 1.50 | |
| 09/26/2010 | | | |
| BCR | Comments to disclosure statement and e-mail B. Smith re: same | 1.10 | |
| BFS | Review disclosure statement. | 1.00 | |
| 09/27/2010 | | | |
| BCR | Conference with B. Smith re: disclosure statement (several) (.3); correspondence with E. Meltzer re: disclosure statement and plan (several) (.5); finish review of disclosure statement (1.9); conference with B. Smith re: releases (.2); telephone call to Evelyn re: signatures (.2); follow up with Maria Sawczuk (.2) | 3.30 | |
| BFS | Read disclosure statement. | 2.00 | |
| 09/28/2010 | | | |
| BFS | Review email to committee members regarding plan, disclosure statement and objection to claims. | 0.50 | |
| 09/30/2010 | | | |
| BCR | Attention to plan issues re: retention of jurisdiction | 0.90 | |
| | For Current Services Rendered | 13.50 | 5,640.00 |

Official Committee of Unsecured Creditors of In

Page: 2
09/30/2010

Account No: 5593-0012M
Statement No: 50539

Plan and Disclosure Statement

| | | Recapitulation | | |
|---------------------|-----------------------------|----------------|--------------------|-------------------|
| <u>Timekeeper</u> | | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
| Bruce F. Smith | | 6.10 | \$500.00 | \$3,050.00 |
| Brendan C. Recupero | | 7.40 | 350.00 | 2,590.00 |
| Total Current Work | | | | 5,640.00 |
| Previous Balance | | | | \$4,854.00 |
| 09/21/2010 | Thank you for your payment. | | | -3,556.00 |
| Balance Due | | | | <u>\$6,938.00</u> |

| Past Due Amounts | | | | | |
|------------------|--------------|--------------|---------------|----------------|-------------|
| <u>0-30</u> | <u>31-60</u> | <u>61-90</u> | <u>91-120</u> | <u>121-180</u> | <u>181+</u> |
| 5,640.00 | 0.00 | 889.00 | 409.00 | 0.00 | 0.00 |

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EXHIBIT C

Expenses

| | | |
|------------|-----------------------------|-------------------|
| 09/07/2010 | Copy Costs, 5 copies | 0.50 |
| 09/07/2010 | Postage | 0.44 |
| 09/08/2010 | Copying - RVM | 2,462.23 |
| 09/13/2010 | Copying - Evidox | 1,016.24 |
| 09/15/2010 | Copying - Evidox | 107.50 |
| 09/16/2010 | Copy Costs, 2 copies | 0.10 |
| 09/16/2010 | Federal Express | 25.10 |
| 09/16/2010 | Copy Costs, 1 copies | 0.10 |
| 09/17/2010 | Copying - Evidox | 108.23 |
| 09/23/2010 | Copy Costs, 2 copies | 0.20 |
| 09/23/2010 | Federal Express | 25.10 |
| 09/24/2010 | Copying - Evidox | 33.50 |
| 09/24/2010 | Copy Costs, 51 copies | 5.10 |
| 09/24/2010 | Copy Costs, 2 copies | 0.20 |
| 09/24/2010 | Federal Express | 25.10 |
| 09/24/2010 | Federal Express | 42.69 |
| | Total Expenses | <u>3,852.33</u> |
| | Total Current Work | 3,852.33 |
| | Previous Balance | \$3,245.49 |
| 09/21/2010 | Thank you for your payment. | -318.26 |
| | Balance Due | <u>\$6,779.56</u> |

| Past Due Amounts | | | | | |
|------------------|--------------|--------------|---------------|----------------|-------------|
| <u>0-30</u> | <u>31-60</u> | <u>61-90</u> | <u>91-120</u> | <u>121-180</u> | <u>181+</u> |
| 6,779.56 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

EXHIBIT D

Professionals

Bruce F. Smith, born Orange, New Jersey, 1944. Education: Cornell University (A.B., 1966; J.D., 1969). Phi Kappa Phi; Order of the Coif. Charles Evans Hughes Fellow. Associate Editor, Cornell Law Review, 1968-1969. Law Clerk to the Hon. M. Joseph Blumenfeld, Chief U.S. District Judge, Hartford, Connecticut, 1969-1970. Assistant U.S. Attorney, Civil and Criminal Divisions, Chief, Environmental Litigation Section, Eastern District of New York, 1970-1974. Admitted to practice: 1970, New York, Connecticut, United States District Court, District of Connecticut, Eastern District of New York, Southern District of New York, United States Court of Appeals, Second Circuit; 1974, Massachusetts, United States District Court, District of Massachusetts, United States Court of Appeals, First Circuit; 1998, United States Court of Appeals, Fourth Circuit. Member: Massachusetts Bar Association, Boston Bar Association (Co-Chairman, Bankruptcy Section, Practice and Rules Committee), American Bankruptcy Institute, Turnaround Management Association, Association for Corporate Growth. Practice areas: Insolvency Law, Business Litigation and Environmental Law.

Howard P. Blatchford, Jr., born Gloucester, Massachusetts, 1955. Education: Tufts University (A.B., 1977); Hofstra University (J.D., 1980); Boston University (LL.M., 1997). Admitted to practice: 1981, Massachusetts, United States District Court, District of Massachusetts and United States Court of Appeals, First Circuit; 1984, United States Supreme Court, United States District Court, Southern District of Texas and United States Court of Appeals, Fifth Circuit; 1987, United States Tax Court; 1998, United States Court of Appeals, Fourth Circuit. Member, Board of Editors, Boston Bar Journal, 1989-1993. Adjunct Professor, Northeastern University School of Law, 2001-2003. Member, Zoning Board of Appeals, Gloucester, Massachusetts, 1991-1994. Member: American Bar Association (Litigation and Business Law Sections; Council of Appellate Lawyers), Boston Bar Association, Essex County Bar Association. Practice areas: Commercial Litigation; Appellate Practice.

Steven C. Reingold, born Lynn, Massachusetts, 1968. Education: Rutgers University (B.A., 1990); Boston University School of Law (J.D., 1993). Phi Beta Kappa. Note Editor, Boston University Public Interest Law Journal (1992-1993). Author: *Cause and Prejudice: The Rehnquist Court, Habeas Corpus and Judicial Activism*, 3 B.U. Pub. Int. L.J. 141 (1993). Admitted to practice: 1993, New Jersey and United States District Court, District of New Jersey; 1994, New York; 1995, United States District Court, Southern and Eastern Districts of New York; 1999, Massachusetts and United States District Court, District of Massachusetts; 2004, New Hampshire and United States District Court, District of New Hampshire. Adjunct Professor of Law, New England School of Law, 2000-2002. Member: Massachusetts Bar Association, Boston Bar Association. Practice areas: Commercial Litigation and Bankruptcy.

Michael J. Fencer, born Concord, Massachusetts, 1962. Education: Suffolk University College of Arts and Sciences (B.S. *magna cum laude*, 1997); Suffolk University School of Law (J.D. *cum laude*, 2000). Vice President, Moot Court Honor Board, 1999-2000; Suffolk Jurisprudence Awards, Environmental Law, Secured Transactions. Admitted to Practice: 2001, Massachusetts, United States District Court, District of Massachusetts,

and United States Court of Appeals for the First Circuit. Law Clerk to the Hon. Joel B. Rosenthal, United States Bankruptcy Court, District of Massachusetts, 2000-2001. Member: Massachusetts Bar Association, Boston Bar Association, American Bankruptcy Institute. Practice Areas: Bankruptcy, Commercial Litigation, and Construction Law.

Brendan C. Recupero. born Boston, Massachusetts, 1974. Education: Saint Anselm College (B.A. 1996); Suffolk University School of Law (J.D. *cum laude*, 1999). Managing Editor, Suffolk University Law Review, 1998-1999; Suffolk Jurisprudence Awards, Constitutional Law. Admitted to Practice: 1999, Massachusetts, United States District Court for the District of Massachusetts. Law Clerk to the Hon. William C. Hillman, United States Bankruptcy Court for the District of Massachusetts, 1999-2000. Co-chair of the Newsletter and Information Services Committee, Bankruptcy Law Section, Boston Bar Association. Member: American Bankruptcy Institute, Boston Bar Association, Turnaround Management Association. Practice Areas: Bankruptcy and Commercial Litigation.

Andrew Newton. Education: Williams College (B.A., 2006); Northeastern University School of Law (J.D., 2009)

Kristin O'Connor. Education: Bridgewater State College (B.S., 2003); Roger Williams University School of Law (J.D., 2007)

Jacqueline Mimno. Education: Simmons College (B.A., 2010)

Erika Darcy. Education: University of Massachusetts, Dartmouth (B.A., 2006)

CERTIFICATE OF SERVICE

I, Karen B. Skomorucha, hereby certify that, on October 11, 2010, I caused one copy of the foregoing to be served upon the parties listed below in the manner indicated.

HAND DELIVERY

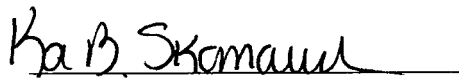
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Evelyn J. Meltzer, Esq.
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Karen B. Skomorucha (#4759)