

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In Re:

SW Boston Hotel Venture LLC,
et al.,
Debtors

Chapter 11
Bankruptcy No. 10-14535 - JNF

**LIMITED OBJECTION OF UNITED STATES TRUSTEE TO APPLICATION TO
EMPLOY EDWARDS ANGELL PALMER & DODGE LLP AS SPECIAL REAL
ESTATE COUNSEL TO DEBTOR AND DEBTOR-IN-POSSESSION
(WITH CERTIFICATE OF SERVICE)**

The United States Trustee objects to the application (“Application”) (Docket #83) filed by SW Boston Hotel Venture LLC (“Debtor”) to retain Edwards Angell Palmer & Dodge LLP (“EAPD”) as special real estate counsel. In support, the United States Trustee states:

1. The Application is deficient in that it fails to provide details regarding the identified connections with the Debtor, its secured creditors and unsecured creditors, any other parties in interest or their respective attorneys or accountants, or the U.S. Trustee for the District of Massachusetts including, but not limited to, Sovereign Bank, the City of Boston, Bovis LendLease LMB, Duff & Phelps and NStar. Affidavit par. 13. Neither the Application nor the attached Affidavit identify the nature of each engagement and whether the individuals associated with each engagement are involved in the Debtor’s case and quantify the fees which EAPD earns from each engagement as a percentage of its annual revenue.

2. The Application is further deficient in that it fails to disclose whether EAPD has

received any payments from or on behalf of the Debtor within the last ninety days and, if so, to identify the amount and source of such payment(s) and to provide information necessary for the creditors' committee to perform a preference analysis. *In re Pillowtex, Inc.* 304 F.3d 246 (3rd Cir. 2002).

3. The Application is further deficient in that it fails to disclose any information regarding "the usual billing rates for normal and customary representation of the Debtors." Affidavit par. 10.

4. The United States Trustee reserves the right to object to any request by EAPD "for an enhancement of its fees or a lodestar award greater than its normal hourly time charges." Application par. 16.

5. Upon information and belief (conversations with Attorneys D. Ethan Jeffrey and Natalie Sawyer), counsel to the Debtor has requested that EAPD submit an amended Application and Affidavit that provides disclosure of all of the information set forth above.

WHEREFORE, the United States Trustee prays that the Court enter orders: i) denying the Application as presently drafted; ii) granting him such other and further legal and equitable relief to which he may be entitled.

Respectfully submitted,

JOHN P. FITZGERALD
Acting United States Trustee

By: /s/ Paula R. C. Bachtell
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CERTIFICATE OF SERVICE

I certify that on May 28, 2010, I ECF transmitted true and correct copies of the foregoing to the individuals listed in the Court's ECF database.

Respectfully submitted,

JOHN P. FITZGERALD
Acting United States Trustee

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