

Douglas J. Pick (DJP-5935)  
**DOUGLAS J. PICK, ESQ.**

Counsel to Marie Parente  
c/o Kudman Trachten Kessler et al  
350 Third Avenue, Ste. 4400  
New York, New York 10118  
212.868-1010

**Hearing Date: December 14, 2000**  
**Time: 11:00 a.m.**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

AMERICAN BANKNOTE CORPORATION,  
Debtor

Chapter 11  
Case No. 99 B 11577 (PCB)

-----X

Final Application for Fees	
Fees Sought	\$10,000.00
Expenses Sought	\$ 405.81
Total # of Hours	\$ 68.8
Avg. Hourly Rate	\$ 145.00
Fee Application Time	\$Not included

**ALL MATTERS**

<b><u>Name of Professionals</u></b>	<b><u>Year Admitted</u></b>	<b><u>Hours</u></b>	<b><u>Rates</u></b>	<b><u>Total</u></b>
Douglas J. Pick	1980	60.70	\$295.00	\$17,906.50
Eric Zabicki	Law Clerk	5.10	\$115.00	\$ 586.50
Emerson L. Williams	ParaLegal	3.00	\$ 50.00	\$ 150.00
<b>TOTALS</b>		68.80		\$18,643.00

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:  
AMERICAN BANKNOTE CORPORATION, Chapter 11  
Debtor Case No. 99 B 11577 (PCB)  
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**FIRST AND FINAL APPLICATION OF DOUGLAS J. PICK & ASSOCIATES  
FOR ALLOWANCE OF COMPENSATION AND FOR  
REIMBURSEMENT OF EXPENSES FOR SERVICES RENDERED  
FROM AUGUST 25, 2000 THROUGH NOVEMBER 22, 2000**

TO THE HONORABLE PRUDENCE CARTER BEATTY  
UNITED STATES BANKRUPTCY JUDGE:

Douglas J. Pick, Esq. ("Applicant"), counsel to Marie Parente, submits this application pursuant to 11 U.S.C. §1129(a)(4) for a first and final allowance of compensation for services rendered and reimbursement of expenses incurred as counsel to Marie Parente, and respectfully represents:

**I. INTRODUCTION**

1. By this application, Applicant seeks: (i) a final allowance of compensation for professional services rendered by Applicant as counsel for Marie Parente for the period August 25, 2000 through November 22, 2000 (the "Compensation Period") in the reduced amount of \$10,000.00

representing 68.80 hours in professional services; and (ii) reimbursement of actual and necessary expenses incurred during the Compensation Period in the amount of \$405.81. Not included in this fee application are many hours of almost daily telephone time with, among others, Ms. Parente to discuss various pending issues including responses to be filed with Court. Also not included in this fee application is the time spent on the preparation of this fee application.

2. This Court has jurisdiction over this case and this application pursuant to 28 U.S.C. §§ 157 and 1334 and the "Standing Order of Referral of Cases to Bankruptcy Judges," dated July 10, 1984 by District Court Judge Robert T. Ward. Venue of this case and this application is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief sought herein are 11 U.S.C. §1129(a)(4) and Federal Rules of Bankruptcy Procedure 2002(a) and 2016.

3. All of the services for which final compensation is sought herein were rendered for and on behalf of Ms. Parente, and not on behalf of any other person.

4. Applicant maintains written records of the time expended by attorneys and paraprofessional in the rendition of their professional services to Ms. Parente. Such time records are made contemporaneously with the rendering of services by the person rendering such services, and in the ordinary course of Applicant's practice. The records showing the name of the attorney or paraprofessional, the date on which the services were performed, the services rendered, and the amount of time spent in performing the services during the Compensation Period together with a list of the attorneys and paraprofessional who have worked on this case during the Compensation Period, their date of admission to the bar (where applicable), the aggregate time expended by each, their current normal hourly billing rate, and the value of the total time expended by each person, are annexed

as Exhibit "A".

5. Applicant also maintains records of all actual and necessary expenses incurred in connection with the rendition of its professional services, all of which are also available for inspection. A schedule of the categories of expenses and amounts for which reimbursement is requested is annexed hereto as Exhibit "B".

6. As set forth in the certification of Douglas J. Pick, annexed hereto as Exhibit "C," Applicant believes that this application is in compliance with the Guidelines For Fees and Disbursements For Professionals in Southern District of New York Bankruptcy Cases, as amended (the "Guidelines").

## **II. SUMMARY OF LEGAL SERVICES RENDERED**

7. The services rendered by Applicant included, but were not limited to:
- (i) Multiple telephone calls to and from Marie Parente regarding the Debtor's filing of a Chapter 11 Petition and the effect such filing had on her 1989 (and 1991) retiree medical benefits; summary of filings made by the Debtor and the responses to be filed thereto. Additional discussions were had concerning the history of the case and the efforts of her former counsel.
  - (ii) Review and analysis of multiple filings made by the Debtor with the Court, including, the preparation of papers in response: (a) Statement of Material Facts as to which it is contended that there are germane issues to be tried filed in response to the Debtor's Motion for Summary Judgment to terminate the Rabbi Trust and for the turn-over of the monies therein; (b) Statement in Opposition to Motion for Summary Judgment; and Discussion of these filing with Marie Parente; (c) Statement in Opposition to Confirmation.
  - (iii) Research and analysis of existing law in support of papers filed with the Court including the Employment Retirement Income Security Act ("CRISA") and the Labor Law; and 11 U.S.C. §§365 and 1114.
  - (iv) Review of past and current medical plans and their supplements. Review of the Rabbi Trust Agreement and related documents thereto.
  - (v) Meeting with an insurance broker to discuss the 1989 Medical Benefits and the

current proposed medical benefits.

- (vi) Attendance at a settlement conference at Skadden Arps Slate Meagher & Flom LLP, together with attendances at various scheduled hearings before this Court.

## **V. ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

5. The professional services rendered by Applicant required a high degree of professional competence and expertise so that the issues requiring evaluation and action by Ms. Parente during the Compensation Period could be attended to with skill and dispatch. It is respectfully submitted that the services rendered to Ms. Parente were performed efficiently, effectively and economically.

6. With respect to the level of compensation, the Court may award a professional reasonable compensation for actual necessary services rendered by such professional based upon consideration of all of the relevant factors, including time spent, rates charged, necessity or benefit of services rendered, reasonableness of time spent and cost of comparable services other than in a bankruptcy case.

7. During the Compensation Period, Applicant expended an aggregate of 68.80 hours in rendering services on behalf of Ms. Parente for a total fee of \$18,643.00 representing an average hourly rate of \$271.00. Applicant and the Debtor have agreed to a cap of Applicant's fee request to be no more than \$10,000.00 (\$145.00 melded rate) plus expenses.

8. Applicant has incurred out-of-pocket expenses in connection with the rendition of the professional services described above in the sum of \$405.81 for which Applicant respectfully requests reimbursement in full. None of these expenses reflect Applicant's overhead costs and all of the expenses were incurred exclusively in connection with this case. Certain of these expenses were

incurred to enable Applicant to devote time beyond normal office hours to matters which imposed unusual time demands. Applicant has endeavored to minimize these expenses to the fullest extent possible.

## **VII. CONCLUSION**

9. No agreement or understanding exists between Applicant and any other person for the sharing of any compensation to be received for professional services rendered or to be rendered in connection with this case.

10. No prior application has been made to this or any other Court for the relief requested herein for the Compensation Period, nor has any payment been received by Applicant on account of the legal services rendered or on account of the out-of-pocket expenses incurred in connection therewith.

**WHEREFORE**, Applicant respectfully requests that this Court enter an order:

- (i) approving the allowance of \$10,000.00 for compensation for services rendered during the period August 25, 2000 through November 22, 2000;
- (ii) approving the reimbursement of Applicant's out-of-pocket expenses in the amount of \$405.81;
- (iii) directing the payment of such fees and expenses; and
- (iv) granting such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
November 27, 2000

**DOUGLAS J. PICK, ESQ.**  
Counsel to Marie Parente

By: **s/Douglas J. Pick**  
Douglas J. Pick (DJP-5935)  
c/o Kudman Trachten Kessler

Newman & Rich LLP  
350 Fifth Avenue, Ste 4400  
New York, N.Y. 10118  
(212)868-1010

**EXHIBIT "C"**

Douglas J. Pick (DJP-5935)  
**DOUGLAS J. PICK & ASSOCIATES**  
Counsel to Marie Parente  
750 Third Avenue, 29<sup>th</sup> Floor  
New York, New York 10017  
212.983-8484

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

AMERICAN BANKNOTE CORPORATION,  
Debtor

Chapter 11  
Case No. 99 B 11577 (PCB)

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**CERTIFICATION OF FIRST AND FINAL APPLICATION OF  
DOUGLAS J. PICK & ASSOCIATES FOR ALLOWANCE OF INTERIM  
COMPENSATION AND FOR REIMBURSEMENT OF EXPENSES FOR SERVICES  
RENDERED FROM AUGUST 25, 2000 THROUGH NOVEMBER 22, 2000**

TO THE HONORABLE PRUDENCE CARTER BEATTY

Pursuant to (i) the Guidelines for Fees and Disbursements for Professionals in Southern District of New York Bankruptcy Cases (issued June 20, 1991), (ii) the Administrative Order with respect to Amended Guideline for Fees and Disbursements for Professionals in Southern District of New York Bankruptcy Cases (issued April 19, 1995), (iii) the Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed under 11 U.S.C. Section 330 adopted by the



Executive Office for the United States Trustees on March 22, 1995 and (iv) the Clarification and Amendment Regarding the Fee Guidelines, adopted by the Executive Office for United States Trustees, as such Apply to Cases filed in the Judicial Districts of New York, Connecticut and Vermont -- Region 2 issued by the United States Trustee for Region 2 on May 10, 1995, (collectively, the "Guidelines"), the undersigned, a member of the firm of Douglas J. Pick & Associates ("Applicant"), hereby certifies with respect to Applicant's Application for Allowance of Final Compensation and for Reimbursement of Expenses for Services Rendered, from August 25, 2000 through November 22, 2000 (the "Application"), as follows:

**A. Certification**

1. I am the "Certifying Professional" as defined in the Guidelines. I have read the Application, and certify that to the best of my knowledge, information and belief, formed after reasonable inquiry, except as specifically indicated to the contrary, (a) the Application complies with the Guidelines, (b) the fees and disbursements sought by Applicant for this compensation period fall within the Guidelines; and (c) the fees and disbursements sought by Applicant, except to the extent prohibited by the Guidelines, are billed at rates, and in accordance with practices, customarily employed by Applicant and generally accepted by Applicant's clients.

2. The Application has been provided to the Debtor, who has agreed to the payment of a fee not to exceed \$10,000.00, plus expenses.

3. Applicant had not previously provided the Debtor with a statement of fees and disbursements accruing for each month during the course of this case.

4. Applicant has provided the Debtor and the United States Trustee with a full

copy of the Application dated November 22, 2000.

5. No agreement or understanding exists between Applicant and any other person for a division of compensation herein, and no agreement prohibited by § 504 of the Bankruptcy Code (11 U.S.C. § 504) and Rule 2016 of the Bankruptcy Rules has been made.

**B. Compliance with Specific Guidelines Regarding Time Records**

6. To the best of my knowledge, information and belief, formed after reasonable inquiry, Applicant complies with all of the Guidelines as to the recording of time by Applicant's professionals and paraprofessionals.

**C. Description of Services Rendered**

7. I certify that the Application sets forth at the outset, in the accompanying summary schedules, as well as in the text of the Application: (a) the amount of fees and disbursements sought, (b) the time period covered by the Application, (c) the total professional and paraprofessional hours expended; and, further, that the schedules and the exhibits to the Application show (d) the name of each professional and paraprofessional, with his or her position at Applicant, (e) the year that each professional was licensed to practice, and (f) the hours worked by each professional and paraprofessional.

**D. Reimbursement for Expenses and Services**

8. In connection with Applicant's request for reimbursement of services and out-of-pocket expenses, I certify to the best of my knowledge, information and belief, formed after reasonable inquiry that: (a) Applicant has not included in the amounts billed a profit in providing those services for which reimbursement is sought in the Application; (b) Applicant has not included in the amounts billed for such services any amounts for amortization of the cost of any investment, equipment

or capital outlay; and (c) amounts billed for purchases or services from outside third-party vendors are billed in amounts paid by Applicant to such vendors.

9. I also certify to the best of my knowledge, information and belief, formed after reasonable inquiry, the amounts requested in the Application for reimbursement of expenses fully comply with the Guidelines.

Dated: New York, New York  
November 21, 2000

**s/Douglas J. Pick**  
DOUGLAS J. PICK