

**SUMMARY SHEET**

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<p>In Re:</p> <p>BCE WEST, L.P., <i>et al.</i>,</p> <p style="text-align: center;">Debtors.</p> <p>EID: 38-319719</p>	<p>Proceedings Under Chapter 11</p> <p>Case No. B98-12547-ECF-CGC</p> <p>(Case Nos. 98-12547-ECF-CGC through 98-12570-ECF-CGC)</p> <p>(Jointly Administered)</p> <p><b>FIFTH AND FINAL INTERIM APPLICATION FOR APPROVAL OF FEES AND COSTS FOR SERVICES RENDERED BY SNELL &amp; WILMER L.L.P. FOR THE PERIOD OF FEBRUARY 1, 2000 THROUGH MAY 26, 2000</b></p>
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Fees Previously Requested	\$223,210.50	Name of Applicant: Snell & Wilmer L.L.P.
Fees Previously Awarded	\$223,210.50	Role in Case: Local counsel for Official Unsecured Creditors' Committee
Expenses Previously Requested	\$8,709.55	Current Application: 02/1/00 through 05/26/00 (Final)
Expenses Previously Awarded	\$8,709.55	Fees Requested: \$54,769.00
Retainer Paid	\$None	Expenses Requested : \$ 5,798.61*
		Total Requested: \$60,567.61*

	NAME OF PROFESSIONAL/ PARAPROFESSIONAL	YEAR ADMITTED TO PRACTICE	HOURS BILLED/ CURRENT APPLICATION	RATE	TOTAL FOR APPLICATION
	PARTNER DANIEL J. McAULIFFE	1970	0.3	350.00	\$105.00
	PARTNER DONALD L. GAFFNEY	1979	141.9	320.00	45,408.00
	PARTNER ROBERT R. KINAS	1986	2.3	260.00	598.00
	ASSOCIATE LORI SCHMIG	1994	0.3	180.00	54.00
	ASSOCIATE ROBERT C. DAUM	1999	9.5	115.00	1,092.50
	ASSOCIATE JOE STROUD III	1998	42.6	115.00	4,899.00
	PARALEGAL UTE-KARIN REDING		27.5	95.00	2,612.50
	<b>TOTAL</b>		<b>224.4</b>		<b>\$54,769.00</b>

TOTAL BLENDED HOURLY RATE: \$265.02  
(Excluding Paraprofessionals)

\* These totals do not include \$109.56 for Federal Express charge which appeared in our May fee statement but was incurred after May 26, 2000

1 Donald L. Gaffney (#005717)  
Christopher H. Bayley (#010764)

2 Lori A. Schmig (#019285)

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7 Attorneys for Official Unsecured Creditors' Committee

8  
9 IN THE UNITED STATES BANKRUPTCY COURT

10 FOR THE DISTRICT OF ARIZONA

11 In Re:

12 BCE WEST, L.P., *et al.*,

13 Debtors.

17 EID: 38-319719

Proceedings Under Chapter 11

Case No. B98-12547-ECF-CGC

(Case Nos. 98-12547-ECF-CGC  
through 98-12570-ECF-CGC)

(Jointly Administered)

**FIFTH AND FINAL INTERIM  
APPLICATION FOR APPROVAL  
OF FEES AND COSTS FOR  
SERVICES RENDERED BY SNELL  
& WILMER L.L.P. FOR THE PERIOD  
OF FEBRUARY 1, 2000 THROUGH  
MAY 26, 2000; DECLARATION OF  
DONALD L. GAFFNEY**

19  
20 Snell & Wilmer L.L.P. ("Snell & Wilmer" or "Applicant"), local counsel for the  
21 Official Unsecured Creditors' Committee ("Committee"), applies to the Court pursuant to 11  
22 U.S.C. §§ 330 and 331 and to this Court's "Order Establishing Procedures for Interim  
23 Compensation and Reimbursement of Professionals" dated October 27, 1998, for an order  
24 approving and allowing its "Fifth And Final Interim Application For Approval of Fees and Costs  
25 for Services Rendered by Snell & Wilmer for the Period of February 1, 2000 Through May 26,  
26 2000 ("Final Interim Application") as an administrative expense of the bankruptcy estate.

1 **I. INTRODUCTION**

2 Applicant is a law partnership with offices in Phoenix and Tucson, Arizona;  
3 Irvine, California; Salt Lake City, Utah; and Denver, Colorado. All attorneys who appear in this  
4 case are duly licensed to practice in the State of Arizona and various United States District  
5 Courts. Applicant specializes, in part, in insolvency, bankruptcy, and corporate reorganization  
6 matters, and is well qualified and experienced to have performed services in this case.

7 **II. BACKGROUND**

8 On October 5, 1998, the Debtors filed their Voluntary Petitions under 11 U.S.C. §  
9 301 in Case Nos. 98-12547-PHX-CGC through 98-12570-PHX-CGC. On October 5, 1998, this  
10 Court entered its Order granting joint administration of the Debtor cases.

11 On October 21, 1998, the United States Trustee appointed certain unsecured  
12 creditors to the Joint Committee of Unsecured Creditors. The Committee applied to the Court for  
13 employment of Snell & Wilmer as local counsel to the Official Unsecured Creditors' Committee.  
14 On October 26, 1998, this Court entered its "Order Approving Application to Employ Snell &  
15 Wilmer, L.L.P. as Local Counsel to the Official Unsecured Creditors' Committee" nunc pro tunc as  
16 of October 5, 1998.

17 To date, Snell & Wilmer has filed four Interim Applications, as listed below, and  
18 has been reimbursed in full by the Debtors for the fees and costs incurred during those Interim  
19 Fee Periods. This is Snell & Wilmer's Final Interim Application in this case.<sup>1</sup>

20

DATE	FEES	COSTS
03/11/99	\$94,801.00	\$3,251.77
07/14/99	\$59,385.00	\$1,001.02
11/15/99	\$43,708.50	\$2,755.86
03/15/00	\$25,316.00	\$1,700.90

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25 <sup>1</sup> This application complies with the United States Trustee's "Guidelines for Reviewing  
26 Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330,"  
dated January 30, 1996 ("Trustee's Guidelines").

1 **III. DESCRIPTION OF SERVICES RENDERED**

2 Applicant is requesting approval from the Court for payment of the fees and costs  
3 it has incurred during the period February 1, 2000, through May 26, 2000 (“Application Period”),  
4 in the amounts of \$54,769.00 and \$5,798.61, respectively. In support of its Final Interim  
5 Application, Snell & Wilmer, in compliance with the Trustee’s Guidelines, submits its Summary  
6 Sheet and its separate billing statements for work performed and for costs incurred during this  
7 Application Period, marked Exhibits “A” through “D,” respectively and incorporated herein by  
8 this reference. The billing statements set forth in detail the time spent and the precise  
9 professional services rendered by Applicant during this Application Period. The billing  
10 statements are divided into several categories (following the United States Trustee’s Guidelines)  
11 which depict separate, significant matters for which Applicant has provided services to the  
12 Committee.

13 **a. Legal Research (120)**

14 During this Application Period, Applicant researched 9th Circuit case law re  
15 Bankruptcy Court’s jurisdiction to permit the discharge of liabilities of non-debtors, attorney-  
16 client privilege issues, and issues raised by sale involving bid collusion.

18 <b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
19 Robert K. Kinas (ROK)	2.3	260.00	\$598.00
20 Robert Daum (RCD)	9.5	115.00	1,092.50
21 Joe Stroud III (JSS)	6.0	115.00	690.00
22 <b>TOTAL</b>	<b>17.8</b>		<b>\$2,380.50</b>

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24 **b. Discovery (130)**

25 During this Application Period, Applicant prepared for and attended various  
26 hearings dealing with document production issues, prepared for and attended document reviews,

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and review and preparation of various motions regarding discovery issues.

<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Daniel McAuliffe (DJM)	0.3	350.00	\$105.00
Donald L. Gaffney (DLG)	25.4	320.00	8,128.00
<b>TOTAL</b>	<b>25.7</b>		<b>\$8,233.00</b>

**c. Case Administration (140)**

During this Application Period, Applicant reviewed and analyzed pleadings, including orders, motions and objections thereto. Applicant prepared for and attended monthly court hearings, responded to phone calls from creditors and consulted and coordinated with lead Committee counsel regarding status of case.

<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Donald L. Gaffney (DLG)	18.6	320.00	\$5,952.00
Ute-Karin Reding (UKR)	13.9	95.00	1,320.50
<b>TOTAL</b>	<b>32.5</b>		<b>\$7,272.50</b>

**d. Meeting of Creditors (141)**

During this Application Period, Applicant prepared for and participated telephonically in Committee meetings; and consulted and coordinated with lead Committee counsel re Committee matters.

<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Donald L. Gaffney (DLG)	8.5	320.00	\$2,720.00
<b>TOTAL</b>	<b>8.5</b>		<b>\$2,720.00</b>

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**e. Plan and Disclosure Statement (142)**

During this Application Period, Applicant prepared for and attended settlement and confirmation hearings, reviewed objections to the Plan and Disclosure Statement, reviewed McDonald’s documents and issues relating to same, and conducted numerous telephone conferences.

<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Donald L. Gaffney (DLG)	87.5	320.00	\$28,000.00
Joe Stroud III (JSS)	33.3	115.00	3,829.50
<b>TOTAL</b>	<b>120.8</b>		<b>\$31,829.50</b>

**f. Litigation (160)**

During this Application Period, Applicant reviewed correspondence regarding Joint Pretrial provisions, prepared subpoenas, and prepared memorandum regarding resolution to McDonald’s request for protective order.

<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Donald L. Gaffney (DLG)	0.9	320.00	\$288.00
Joe Stroud III (JSS)	3.3	115.00	379.50
Ute-Karin Reding (UKR)	0.3	95.00	28.50
<b>TOTAL</b>	<b>4.5</b>		<b>\$696.00</b>

**g. Claims Administration and Objections (190)**

During this Application Period, Applicant reviewed and responded to various claim inquiries.

1	<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
2	Donald L. Gaffney (DLG)	0.9	320.00	\$288.00
3	<b>TOTAL</b>	<b>0.9</b>		<b>\$288.00</b>

4 **h. Fee/Employment Applications (320)**

5 During this Application Period, Applicant prepared monthly fee and cost  
 6 statements; prepared Fourth Interim Fee Application and proposed order; and reviewed  
 7 correspondence regarding fee applications and monthly statements of case professionals.  
 8

9	<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
10	Donald L. Gaffney (DLG)	0.1	320.00	\$32.00
11	Lori Schmig (LRS)	0.3	180.00	54.00
12	Ute-Karin Reding (UKR)	13.3	95.00	1,263.50
13	<b>TOTAL</b>	<b>13.7</b>		<b>\$1,349.50</b>

14 **SUMMARY**

15 The Applicant expended 224.4 hours on behalf of the Committee for this  
 16 Application Period. The total amount for legal services rendered for this period is \$54,769.00.  
 17 The average blended hourly rate is \$244.95. A summary of totals for each categories is provided  
 18 below:  
 19

20	<b>CATEGORY</b>	<b>TOTAL HOURS</b>	<b>TOTAL FEES</b>	<b>BLENDED RATE</b>
21	Legal Research (120)	17.8	2,380.50	133.73
22	Discovery (130)	25.7	8,233.00	320.35
23	Case Administration (140)	32.5	7,272.50	223.76
24	Meeting of Creditors (141)	8.5	2,720.00	320.00
25	Plan/Disclosure Statement (142)	120.8	31,829.50	263.48

1	Litigation (160)	4.5	696.00	154.66
2	Claims Administration/Objection (190)	.9	288.00	320.00
3	Fee/Employment Applications (320)	13.7	1,349.50	98.50
4	<b>TOTAL</b>	<b>224.4</b>	<b>\$54,769.00</b>	<b>\$244.95</b>

5 Below follows a summary of the total amount of hours expended by each  
6 timekeeper, his/her hourly rate and the amount of legal fees:

8	<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
9	Daniel J. McAuliffe (DJM)	0.3	350.00	\$105.00
10	Donald L. Gaffney (DLG)	141.9	320.00	45,408.00
11	Robert R. Kinas (ROK)	2.3	260.00	598.00
12	Lori Schmig (LRS)	0.3	180.00	54.00
13	Robert C. Daum (RCD)	9.5	115.00	1,092.50
14	Joe Stroud III (JSS)	42.6	115.00	4,899.00
15	Ute-Karin Reding (UKR)	27.5	95.00	2,612.50
16	<b>TOTAL</b>	<b>224.4</b>		<b>\$54,769.00</b>

17  
18 The hourly rates are based on the customary compensation charged by comparably  
19 skilled practitioners and paraprofessionals in cases other than cases under Title 11. The services  
20 rendered by Snell & Wilmer have not been duplicative of services rendered by other professionals  
21 employed or compensated by the estate and have been to the benefit of the estate.

22 **IV. DESCRIPTION OF EXPENSES INCURRED**

23 With respect to the expenses incurred on behalf of the Committee for which  
24 reimbursement is sought, all such expenses are charged to all of the Applicant's clients, whether  
25 Debtor, creditor, trustee, or non-bankruptcy related. Applicant, in the ordinary course of its  
26



1 practice, maintains the following records of expenses incurred on behalf of its clients:

2 (a) Photocopying: Applicant contracts with Bowne Business Services  
3 (“Bowne”), an outside service, to perform photocopying functions on Applicant’s premises.  
4 Bowne owns and maintains all the photocopying and related equipment, and employs the staff  
5 who perform the services. On each occasion when photocopying is performed internally, the  
6 client for whom copies are made is charged at the rate of \$.20 per page. Those charges are  
7 computed daily and input into Applicant’s computer system. In situations where hundreds of  
8 copies are required, and time permits, Applicant has the documents copied by an independent  
9 service, off the premises, at a cost of less than \$.20 per page. The cost of photocopying by an  
10 outside service is passed directly to the client.  
11

12 (b) Facsimile: As with (a) above, Bowne owns and maintains all of the  
13 facsimile equipment. The same staff members who are responsible for photocopying are also  
14 responsible for sending and receiving facsimiles. On each occasion when facsimiles are either  
15 sent or received, Applicant is charged \$1.00.  
16

17 (c) Messenger Service and Federal Express: Services for the above-mentioned  
18 are charged to the client only upon receipt of billing from the respective service.  
19

20 (d) Computer Research: Charges for computer research are passed directly to  
21 the client.

22 (e) Long Distance Telephone Charges: Records of long-distance telephone  
23 calls are created in a cost recovery system which includes the date of the call, the telephone  
24 number reached, the client to be charged for the call, and the attorney or paralegal making the  
25 call.  
26

1 (f) Postage: Postage is charged to clients only when multiple envelopes are  
2 being mailed at a single time. A cost recovery system in the Applicant’s mail room records the  
3 client file number and amount to be charged. These charges are then recorded on the client  
4 account ledger.

5 (g) Travel: Mileage is charged to the client and reimbursed to the attorney or  
6 paralegal at the rate of \$.325 per mile. Parking charges, train, and/or airline fares are passed  
7 directly to the client at Applicant’s cost.  
8

9 Applicant, in the normal course of its business, produces, from the records  
10 described above, computer printouts listing the expenses incurred by Applicant’s clients.  
11 Applicant’s expenses can be located on the last pages of the respective billing statements, which  
12 are attached hereto as Exhibits “A” through “D.” Such out-of-pocket costs expended by  
13 Applicant in the representation of the Committee during the period of February 1, 2000, through  
14 May 26, 2000, total \$5,798.61.  
15

<b>TYPE OF COST/EXPENSES</b>	<b>AMOUNT</b>
In-house duplicating	\$2,658.60
Long distance phone calls	55.06
Fax charges	708.00
Courier Service/Document transmittal	1,132.96
Postage	146.74
Business Meeting Expense – Parking	2.25
Westlaw Research	1,095.00
<b>TOTAL</b>	<b>\$5,798.61</b>

1     **V.     BENEFIT TO THE ESTATE**

2                     Applicant has served as local counsel to the Official Unsecured Creditors’  
3     Committee (“Committee”) appointed by the office of the United States Trustee. Applicant assists  
4     the Committee in providing analyses and counsel regarding local and district court procedures  
5     and substituting for the primary Committee counsel on occasion when more cost effective or  
6     necessary due to scheduling conflicts.  
7

8     **VI.    LAW**

9                     Section 331 of the Bankruptcy Code explicitly authorizes the allowance of interim  
10    compensation and reimbursement for expenses. Section 331 provides, in part, as follows:

11                     A trustee, an examiner, a debtor’s attorney, or any professional  
12                     person employed under section 327 or 1103 of this title may apply  
13                     to the court not more than once every 120 days after an order for  
14                     relief in a case under this title, or more often if the court permits,  
15                     for such compensation for services rendered before the date of such  
16                     an application or reimbursement for expenses incurred before such  
17                     date as is provided under section 330 of this title. After notice and  
18                     hearing, the court may allow and disburse to such applicant such  
19                     compensation for reimbursement.

20                     Section 330 of the Bankruptcy Code provides that the court may award to a  
21    professional person employed under Section 1103 of the Bankruptcy Code reasonable  
22    compensation for actual, necessary services rendered by the professional person, based on the  
23    time, the nature, the extent and the value of such services, and the cost of comparable services to  
24    a non-debtor, as well as reimbursement of the actual, necessary expenses expended by the  
25    professional person.

26                     Applicant has requested compensation for time spent in the preparation of portions  
of this application for fees. In In re Nucorp Energy, Inc., 764 F.2d 655, 662 (9th Cir. 1985), the  
Court found that bankruptcy counsel should be compensated for the services relating to fee  
application preparation. The court stated:

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There is even more reason to compensate attorneys for services related to fee application preparation in bankruptcy proceedings than in any other statutory fee cases. Bankruptcy counsel devotes substantially more time and effort to the preparation of fee applications than do attorneys who receive compensation for comparable services pursuant to other statutory fee award provisions. The fee applications required of counsel by the Bankruptcy Court generally are much more detailed and time consuming than are the fee applications submitted in other types of cases. . .

The preparation and presentation of the detailed fee application required by the Bankruptcy court necessarily involves substantial investments of time and effort from both counsel and their staffs. To require counsel to devote considerable time to the preparation of fee applications, but to demand that they absorb the substantial cost associated therewith, would be to ignore the direct mandate of Section 330 (a) that reasonable compensation be provided for actual, necessary services rendered by bankruptcy counsel. . .

The detailed fee application enables the bankruptcy court to fulfill its obligations to examine carefully the requested compensation in order to insure that the claimed expenses are justified . . .

We hold that the bankruptcy counsel are entitled to compensation for the time and effort spent in preparing fee applications. In re Nucorp,

764 F.2d 655, 658, 659, 662 (1985).

**VII. CONCLUSION**

Snell & Wilmer respectfully submits that all services rendered in this case have been at the request of the Committee and have been in all respects reasonable and necessary and beneficial to the Committee and the creditors of the estate.

No agreement has been made and no understanding exists for any division of the compensation requested by the Final Application between Snell & Wilmer and any other person.

WHEREFORE, Snell & Wilmer respectfully requests that this Court enter its Order as follows:

1. Allowing compensation to Snell & Wilmer for attorneys' fees in the amount of \$54,769.00 and costs in the amount of \$5,798.61, for a total award of \$60,567.61, for

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the period February 1, 2000 through May 26, 2000;

2. Authorizing the Debtors to pay to Snell & Wilmer compensation for attorneys' fees in the amount of \$54,769.00 and costs in the amount of \$5,798.61, for a total award of \$60,567.61; and

3. Granting Applicant such other and further relief as may be just and appropriate under the circumstances of this case.

RESPECTFULLY SUBMITTED, this \_\_\_\_ day of July, 2000.

SNELL & WILMER L.L.P.

By: /s/ Donald L. Gaffney #005717

Donald L. Gaffney  
Lori A. Schmig  
One Arizona Center  
Phoenix, Arizona 85004-2202  
Attorneys for the Official Unsecured  
Creditors' Committee

Copy of the foregoing served by U.S. Mail and/or electronic notification this \_\_\_\_ day of July 2000, to:

Jeffrey C. Krause  
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Richard J. Cuellar  
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2929 N. Central Avenue, 7th Floor  
Phoenix, AZ 85012

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Mr. Michael Daigle  
General Counsel  
**BOSTON CHICKEN, INC.**  
14123 Denver West Parkway  
P.O. Box 4086  
Golden, CO 80401-4086  
Debtor

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Attorneys for Unsecured  
Creditors Committee

/s/ Koren Lyons

685803.4

**IDENTIFICATION OF TIMEKEEPERS**

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- DJM Daniel J. McAuliffe, partner of Snell & Wilmer LLP, Commercial Litigation Section, practice concentrates primarily on complex commercial litigation matters; admitted to the bar in 1970. Mr. McAuliffe's current hourly rate is \$350.00
- DLG Donald L. Gaffney, partner of Snell & Wilmer L.L.P., Bankruptcy/Insolvency Section; practice concentrates primarily on creditor representation and litigation; admitted to the bar in 1979. Mr. Gaffney's current hourly rate is \$320.00.
- ROK Robert R. Kinas, partner of Snell & Wilmer L.L.P. Bankruptcy/Insolvency Section; practice concentrates primarily on bankruptcy; admitted to the bar in 1990. Mr. Kinas' current hourly rate is \$260.00.
- LRS Lori A Schmig, associate of Snell & Wilmer LLP, Bankruptcy/Insolvency Section; practice concentrates primarily on bankruptcy; admitted to the bar in 1994. Ms. Schmig's current hourly rate is \$180.00.
- RCD Robert C. Daum, associate of Snell & Wilmer LLP,; admitted to the bar in 1999. Mr. Daum's current hourly rate is \$115.00.
- JSS Joe Stroud III, associate of Snell & Wilmer LLP, Bankruptcy/Insolvency Section; practice concentrates primarily on bankruptcy; admitted to the bar in 1998. Mr. Stroud's current hourly rate is \$115.00.
- UKR Ute-Karin Reding, paralegal of Snell & Wilmer L.L.P., Bankruptcy/Insolvency Section; specializes in bankruptcy and litigation. Ms. Reding's current hourly rate is \$95.00.

1 I, DONALD L. GAFFNEY, declare:

2 1. I am a partner of the law firm of Snell & Wilmer L.L.P.  
3 (“Applicant”), attorneys for The Official Unsecured Creditors Committee (“Committee”).  
4 The matters stated herein are within my personal knowledge and belief and, if called as a  
5 witness, I could and would competently testify as to the facts stated herein.

6 2. I am licensed to practice in all courts of the State of Arizona.

7 3. I am the responsible and billing attorney for the Committee in this  
8 proceeding.

9 4. Listed below is a breakdown of the hours expended by each attorney  
10 or paraprofessional who worked on this case, the hourly rate billed by such person, and  
11 their respective area(s) of practice or specialization:

12 Daniel J McAuliffe – Partner of Snell & Wilmer L.L.P.; admitted to practice  
13 in 1970; specializing in litigation. 0.3 hours. Billable rate: \$350.00 per hour.

14 Donald L Gaffney – Partner of Snell & Wilmer L.L.P.; admitted to practice  
15 in 1979, specializing in bankruptcy. 141.9 hours. Billable rate: \$320.00 per hour.

16 Robert R. Kinas -- Partner of Snell & Wilmer L.L.P.; admitted to practice in  
17 1990; specializing in bankruptcy. 2.3 hours. Billable rate: \$260.00 per hour.

18 Lori A. Schmig -- Associate of Snell & Wilmer L.L.P.; admitted to practice  
19 in 1994; specializing in bankruptcy. 0.3 hours. Billable rate: \$180.00 per hour.

20 Robert C. Daum – Associate of Snell & Wilmer L.L.P.; admitted to practice  
21 in 1998, specializing in litigation. 9.5 hours. Billable rate: \$115.00 per hour.

22 Joe Stroud III – Associate of Snell & Wilmer L.L.P.; admitted to practice in  
23 1998, specializing in bankruptcy. 42.6 hours. Billable rate: \$115.00 per hour.

24 Ute-Karin Reding – Paralegal of Snell & Wilmer L.L.P.; 27.5 hours.  
25 Billable rate: \$95.00 per hour.

26 5. From February 1, 2000 through May 26, 2000, Applicant logged a



1 total of 224.4 hours in representing the Committee. The blended hourly rate for  
2 professional services performed by the attorneys paraprofessionals working on this case is  
3 \$244.95.

4           6. Attached hereto as Exhibits “A” through “D” are the billing  
5 statements of Applicant concerning its representation of the Committee in this bankruptcy  
6 proceeding. The billing statements are set forth under reference File no. 34270.0001,  
7 tasks 120, 130, 140, 141, 142, 160, 190, and 320 and include services rendered from  
8 February 1, 2000 through May 26, 2000.

9           7. The billing statements are prepared and forwarded to clients in the  
10 ordinary course of practice by Snell & Wilmer L.L.P. Time records prepared by the  
11 attorneys and paraprofessionals by Snell & Wilmer L.L.P. reflect one-tenth of an hour as  
12 the minimum charge for work performed by the attorneys and paraprofessionals.  
13 Additionally, it is Applicant’s practice to require its clients to reimburse Applicant for  
14 long distance telephone charges, mileage at the rate of \$.325 per mile, parking, Federal  
15 Express, messengers, postage, photocopying at the rate of \$.20 per page, computer  
16 research and facsimile at the rate of \$1.00 per page.

17           8. Out-of-pocket expenses in this matter are also listed in Exhibits “A”  
18 through “D.”

19           9. It is respectfully submitted that considering the time spent on this  
20 matter, and the fact that Applicant’s charges are well in line with comparable law firms,  
21 this request for Applicant’s award of attorneys’ fees and costs is justified and should be  
22 allowed in full.

23           10. All of the services for which compensation is sought by Snell &  
24 Wilmer LLP were performed for and on behalf of the Committee and not on behalf of any  
25 other person.  
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11. No agreement or understanding exists between Snell & Wilmer LLP and any other entity for the sharing of compensation received or to be received for services rendered in or in connection with these cases.

12 From February 1, 2000 through and including May 26, 2000, the total amount of fees incurred by Applicant was \$54,769.00 and the total amount of costs incurred was \$5,798.61, for a total amount of \$60,567.61.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of July, 2000.

\_\_\_\_\_  
Donald L. Gaffney