

Hearing Date: Thursday, November 9, 2000 at 4:30 p.m.

FILED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

2000 OCT 16 P 2:49

In re) Chapter 11
)
CELLNET DATA SYSTEMS, INC., et al.,) Case No. 00-844 (PJW)
)
Debtors.) Jointly Administered

CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

SEVENTH AND FINAL APPLICATION OF CONNOLLY BOVE LODGE & HUTZ LLP AS CO-COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR ALLOWANCE OF FEES AND REIMBURSEMENT OF EXPENSES

Name of Applicant: Connolly Bove Lodge & Hutz LLP

Authorized to Provide Professional Services to: Official Committee of Unsecured Creditors

Date of Retention: February 17, 2000

Period for which compensation and reimbursement is sought: July 1, 2000 - August 31, 2000

Amount of Compensation sought as actual, reasonable, and necessary: \$3,899.00 (\$3,359.00 from attached time records, \$260.00 for Follow-up Services, and \$280.00 for preparation of this Application as described below)

Amount of Expense Reimbursement sought as actual, reasonable, and necessary: \$181.55

This is an: interim final application

The total time expended for fee application preparation is approximately 2.0 hours and the corresponding compensation requested is approximately \$280.00 (.5 hours at \$260/hour + .5 hours at \$130/hour + 1.0 hours at \$85/hour).

<u>Date Filed</u>	<u>Period Covered</u>	<u>Requested Fees/Expenses</u>	<u>Approved Fees/Expenses</u>
4/6/00	2/17/00 - 2/29/00	\$4,101.25/ \$25.18	\$4,126.43
5/5/00	3/1/00 - 3/31/00	\$7,453.00/ \$616.06	\$8,069.06
5/26/00	4/1/00 - 4/30/00	\$5,540.50/ \$417.69	\$5,958.19
6/19/00	5/1/00 - 5/16/00	\$2,834.00/ \$91.72	\$2,925.72
6/19/00	5/17/00 - 5/31/00	\$559.00/ \$74.22	\$0
8/3/00	6/1/00 - 6/30/00	\$1,461.00/\$268.62	\$0

totals = 25,347.75
fees = 1675.04
exp =

534

<u>Name of Professional Individual</u>	<u>Position with the Applicant, Number of Years in that Position, Year of Obtaining Relevant License to Practice, Prior Relevant Experience, Area of Expertise (if applicable)</u>	<u>Hourly Billing Rate</u>	<u>Total Billed Hours</u>	<u>Total Compensation</u>
Jeffrey C. Wisler	Partner (14 months at CBL&H) ¹ . Obtained Delaware License in 1989 Bankruptcy	\$260.00	7.3	\$1,898.00
Michelle McMahon	Associate (1 year) Obtained Delaware License in 2000 Bankruptcy	\$130.00	3.0	\$390.00
Marc J. Phillips	Paralegal	\$85.00	12.6	\$1,071.00

Total Hours: 22.9 + 2 hours of Follow-up Services²

Total Fees Sought: \$3,359.00 + \$260 for Follow-up Services

Blended Rate: \$145.34

Total Expenses Sought: \$181.55

¹ Partner at Williams Hershman & Wisler, P.A. 1994-1999.

² As defined in the Application.

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SEVENTH AND FINAL APPLICATION OF CONNOLLY BOVE LODGE & HUTZ LLP AS CO-COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR ALLOWANCE OF FEES AND REIMBURSEMENT OF EXPENSES

Connolly Bove Lodge & Hutz LLP ("CBL&H"), co-counsel for the Official Committee of Unsecured Creditors ("Committee") retained in the above-captioned case, hereby submits this seventh and final application ("Application") for allowance of its fees and reimbursement of its expenses pursuant to sections 330 and 331 of title 11 of the United States Code ("Bankruptcy Code") for legal services performed and expenses incurred on behalf of the Committee during the period commencing July 1, 2000, through and including August 31, 2000 ("Application Period"). In support of its Application, CBL&H respectfully represents as follows:

Background

1. On February 4, 2000 (the "Petition Date"), CellNet Data Systems, Inc. and its affiliate Debtors (collectively, the "Debtors") each filed their voluntary petitions for relief under chapter 11 of the Bankruptcy Code.
2. The Debtors are continuing in possession of their properties and are operating and managing their businesses as debtors-in-possession pursuant to sections 1107 and 1108 of the Bankruptcy Code.
3. On February 15, 2000, the Office of the United States Trustee appointed the

Committee pursuant to section 1102(a)(1) of the Bankruptcy Code. At its first organizational meeting, the Committee elected to retain Pryor Cashman Sherman & Flynn LLP (“PCS&F”) as its primary counsel. On March 13, 2000, the Court approved the Committee’s retention of PCS&F as of February 15, 2000.

4. On February 17, 2000, the Committee elected to retain CBL&H as its Delaware counsel, subject to the approval of the Court, to represent the Committee in all matters during the pendency of the Debtors’ chapter 11 cases.

5. On March 3, 2000, the Committee filed an Application for an Order Pursuant to 11 U.S.C. §§ 328(a) and 1103(a) and Fed. R. Bankr. P. 2014(a) Authorizing the Employment and Retention of Connolly Bove Lodge & Hutz LLP as Co-Counsel for the Official Committee of Unsecured Creditors, Nunc Pro Tunc to February 17, 2000 (“Retention Motion”). On April 10, 2000, the Court approved the Committee’s retention of CBL&H as of February 17, 2000.

6. On August 16, 2000, this Court confirmed Debtors’ plan of reorganization

Jurisdiction

7. This Court has jurisdiction over this Application pursuant to 28. U.S.C. §§ 157 and 1334. The statutory predicates for the relief sought herein are sections 328(a) and 1103(a) of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

Fees and Disbursements Incurred by CBL&H

8. CBL&H seeks this Court’s allowance of fees incurred for services rendered on an hourly basis during the Application Period, plus reimbursement of actual, necessary expenses incurred by CBL&H during the Application Period, pursuant to sections 330 and 331 of the Bankruptcy Code. The rates charged by CBL&H in this case do not differ from the rates

charged to CBL&H's non-bankruptcy clients.

9. A summary of the hours, the names of each of CBL&H's professionals and paraprofessionals rendering services to the Committee during the Application Period, their respective billing rates, and the total value of time incurred by each professional and paraprofessional rendering services to the Committee, is detailed on the second page of the cover sheet. A copy of the Monthly Statement reflecting the time records for services rendered by CBL&H's professionals and paraprofessionals during the Application Period is attached hereto as Exhibit A. A Summary of Expenses incurred by CBL&H during the Application Period is attached hereto as Exhibit B. CBL&H believes that all time entries set forth in Exhibit A and all disbursements set forth in Exhibit B are in compliance with Local Order Number 32 and the United States Trustee's Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330, dated March 24, 1995 (the "Guidelines").

10. Additionally, CBL&H seeks approval of fees in the amount of \$260, representing an estimated two hours of time, at \$130 per hour, for follow-up work ("Follow-up Services") relating to the dispute between Bechtel and Schlumberger over the BCN Royalties. The outcome of this litigation will affect the amount of distribution to the Committee's constituents.

11. All services and costs for which compensation and reimbursement is requested by CBL&H in this Application were incurred for and on behalf of the Committee, and were authorized by the Committee.

Summary Description of Services Rendered

12. During the Application Period, CBL&H served as co-counsel to the Committee and worked together with PCS&F to fully advise and represent the Committee on all aspects of

this case. During the Application Period, the work performed by CBL&H and PCS&F primarily focused upon representing and protecting the Committee's interests and the interests of its constituents with regard to approval of the Disclosure Statement and confirmation of the Plan. A more detailed summary of the services provided to the Committee is contained in the attached Monthly Summary.

13. As the Committee's Delaware counsel, it has been necessary for CBL&H to keep up with all aspects of this case. CBL&H's role requires constant communications with co-counsel, counsel to the Debtors, the Court, and other parties-in-interest on matters and issues regarding this case. As Delaware counsel, CBL&H has worked with PCS&F in all aspects of the case, while assuring compliance with all local rules and procedures.

14. No fees have been billed for travel time.

Disbursements

15. A list of all of the expenses CBL&H incurred during the Application Period is included in the Monthly Statement attached hereto as Exhibit A. A Summary is attached as Exhibit B.

16. As summarized in Exhibit B, CBL&H incurred expenses totaling \$181.55 during the Application Period. CBL&H charges all of its clients \$0.15 per page for photocopying and CBL&H does not charge its clients for facsimile transmissions, except for the long distance telephone cost CBL&H incurs in connection with outgoing facsimile transmissions, which is charged to clients at cost. In addition, it is CBL&H's practice to charge clients the actual cost, with no added premium, for long distance telephone calls, computer-assisted legal research charges, and for overnight delivery and other courier services.

17. All disbursements were both reasonable and necessary under the circumstances.

Compensation Requested

18. CBL&H respectfully requests that this Court enter an order allowing (a) CBL&H's fees in the amount of \$3,619.00 for legal services rendered to the Committee during the Application Period, plus \$260.00 for the Follow-up Services, at a blended hourly rate of \$145.34, (b) reimbursement for CBL&H's actual, necessary expenses incurred on behalf of the Committee during the same period in the amount of \$181.55, and (c) CBL&H's fees in the amount of \$280.00 for the preparation of this Application.

19. Pursuant to the standards set forth in sections 330 and 331 of the Bankruptcy Code, CBL&H submits that the compensation requested herein is for actual and necessary services and expenses, and is reasonable, based upon the nature, extent, and value of such services, the time spent thereon, and the costs of comparable services other than in a case under the Bankruptcy Code.

20. CBL&H has devoted 22.9 hours of recorded time to the performance of legal services summarized in this Application and detailed in the records attached hereto, plus two hours for the Follow-up Services. The time records constitute only a general statement of the services and the time expended without description of the pressures and constraints under which CBL&H actually has rendered those services.

21. CBL&H respectfully submits that the division of time herein among partners, associates, and paralegals has been consistent with the overall goals of CBL&H to provide the highest quality of legal representation at a reasonable cost, and that the expenses incurred in the rendition of professional services were necessary, reasonable, and justified under the circumstances to serve the needs of the Committee.

Certification

22. The undersigned, on behalf of CBL&H, certifies that this Application complies in all material respects with Local Order 32 and the Guidelines, and that no agreement or understanding exists in any form with any person or entity for a division or sharing of the compensation requested herein by CBL&H.

23. The undersigned further certifies that:

(a) in providing reimbursable services and expenses, CBL&H does not make a profit on such services or expenses;

(b) in charging for a particular service, CBL&H does not include in the amount for which reimbursement is sought the amortization of the cost of any investment, equipment, or capital outlay; and

(c) in seeking reimbursement for a service which CBL&H purchased or contracted from a third party, CBL&H requests reimbursement only for the amount billed to CBL&H by the third-party vendor and paid to such vendor by CBL&H.

WHEREFORE, CBL&H respectfully requests that this Court enter an order allowing: (i) CBL&H's fees incurred for legal services rendered to the Committee during the Application Period in the amount \$3,619.00, (ii) reimbursement of CBL&H's expenses incurred during the same period in the amount of \$181.55, (iii) CBL&H's fees in the amount of \$280.00 for the preparation of this Application, and (iv) such other and further relief as is just and proper.

Dated: October 16, 2000
Wilmington, Delaware

CONNOLLY BOVE LODGE & HUTZ LLP



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Co-Counsel for The Official Committee Of
Unsecured Creditors