

10000 5/21/99

1 BELDING, HARRIS & PETRONI, LTD.
STEPHEN R. HARRIS, ESQ.
2 Nevada Bar No. 001463
417 West Plumb Lane
3 Reno, Nevada 89509
Telephone: (775) 786-7600
4 Facsimile: (775) 786-7764

RECEIVED AND FILED
99 MAY 27 AM 11:56
U.S. BANKRUPTCY COURT
PATRICIA GRAY, CLERK

5 DONALD W. VAGSTAD
General Counsel of Applicant
6 Admitted *pro hac vice*
601 W. 1st Ave., Ste 1500
7 Spokane, WA 99201
Telephone: (509) 625-3536

ENTERED 5/27/99

8 Attorneys for Apollo Gold, Inc.,
9 Successor by Merger to
Pegasus Gold International, Inc.

12 UNITED STATES BANKRUPTCY COURT
13 DISTRICT OF NEVADA

14 * * * * *

15 IN RE:

16 PEGASUS GOLD CORPORATION, a
Nevada corporation; and related entities,

Case Nos. BK-N 98-30088-GWZ through
BK-N 98-30105-GWZ
(Jointly Administered Chapter 11)

18 Debtor.

19 ORDER AUTHORIZING THE RETENTION
AND EMPLOYMENT OF WITHERSPOON,
20 KELLY, DAVENPORT & TOOLE ON A
NUNC PRO TUNC BASIS AS OF
21 JANUARY 7, 1999; AND PAYMENT OF
FIRST AND FINAL COMPENSATION FOR
22 WITHERSPOON, KELLY, DAVENPORT &
TOOLE

Hrg. DATE: May 17, 1999
and TIME: 9:00 a.m.
Est. Time: 5 minutes
Set By: D.D.

24 E.I.N. 88-0271352 /

26 Based upon the APPLICATION FOR AN ORDER AUTHORIZING THE RETENTION
27 AND EMPLOYMENT OF WITHERSPOON, KELLEY, DAVENPORT & TOOLE ON A NUNC
28 PRO TUNC BASIS AS OF JANUARY 7, 1999; FIRST AND FINAL COMPENSATION

2285

1 APPLICATION FOR WITHERSPOON, KELLEY, DAVENPORT & TOOLE, filed with the Court
2 on April 6, 1999, said APPLICATION requesting the entry of an order authorizing Debtors to
3 retain and employ WITHERSPOON, KELLEY, DAVENPORT & TOOLE (the "Witherspoon
4 Firm"), on a *nunc pro tunc* basis as of January 7, 1999, and authorizing Debtors to pay the
5 Witherspoon Firm the sum of \$13,862.00 for legal fees and costs incurred from January 5,
6 1999 to February 5, 1999; with STEPHEN R. HARRIS, ESQ., of BELDING, HARRIS &
7 PETRONI, LTD., present on behalf of the Reorganized Debtor Apollo Gold, Inc.; and the Court
8 also noting the appearances of other attorneys for creditors, creditors and interested parties; said
9 APPLICATION having been duly noticed to all creditors and interested parties for hearing on
10 May 17, 1999, at 9:00 a.m., and the Court finding that the legal services rendered and costs
11 expended were necessary in order to represent Apollo Gold in the above captioned Chapter 11
12 proceeding; and the Court having considered all other pleadings on file, and the oral argument
13 of counsel for the relief requested; and there being no written opposition filed; and good cause
14 appearing,

15 **IT IS HEREBY ORDERED** that Debtors are authorized to retain the firm of Witherspoon,
16 Kelley, Davenport & Toole, as special counsel, on a *nunc pro tunc* basis, effective January 1,
17 1999;

18 **IT IS FURTHER ORDERED** that the first and final compensation request of Debtors'
19 special counsel, Witherspoon, Kelley, Davenport & Toole, is ratified and approved for payment,
20 for the total sum of \$13,862.00 for legal fees and costs incurred from January 7, 1999 to
21 February 5, 1999.

22 **IT IS FURTHER ORDERED** that the above-delineated request for payment of first and
23 final legal fees and costs is hereby ratified and approved for payment and is deemed an allowed
24 11 U.S.C. § 503(b) administrative expense. Harrison J. Golden, as liquidating trustee for the
25 Pegasus Gold Corporation Liquidating Trust, Successor to Pegasus Gold Corporation, is hereby
26 authorized and directed to pay said amount.

27

28

1 **IT IS FURTHER ORDERED** that the first and final compensation awarded herein is
2 classified as a Chapter 11 administrative expense, and to be paid from unencumbered proceeds
3 collected from the liquidation of the Debtors' bankrupt estate assets.

4 DATED this 27 day of May, 1999.

5
6 
7 _____
8 GREGG W. ZIVE
9 UNITED STATES BANKRUPTCY JUDGE

10 Prepared by:

11 STEPHEN R. HARRIS, ESQ.
12 BELDING, HARRIS & PETRONI, LTD.
13 417 West Plumb Lane
14 Reno, NV 89509
15 (702) 786-7600
16 Attorneys for Debtors

17 APPROVED AS TO FORM this 17th
18 day of May, 1999.

19
20
21
22
23
24
25
26
27
28
29 *See fax signature. Page attached*
30 _____
31 Nicholas Strozza, Esq.
32 Assistant U.S. Trustee
33 Office of the United States Trustee
34 C. Clifton Young Federal Building
35 300 Booth Street, Room 2129
36 Reno, NV 89509

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS FURTHER ORDERED that the first and final compensation awarded herein is classified as a Chapter 11 administrative expense, and to be paid from unencumbered proceeds collected from the liquidation of the Debtors' bankrupt estate assets.

DATED this _____ day of May, 1999.

GREGG W. ZIVE
UNITED STATES BANKRUPTCY JUDGE

Prepared by:

STEPHEN R. HARRIS, ESQ.
BELDING, HARRIS & PETRONI, LTD.
417 West Plumb Lane
Reno, NV 89509
(702) 786-7600
Attorneys for Debtors

APPROVED AS TO FORM this 17th
day of May, 1999.



Nicholas Strozza, Esq.
Assistant U.S. Trustee
Office of the United States Trustee
C. Clifton Young Federal Building
300 Booth Street, Room 2129
Reno, NV 89509