

**Rule 2016-2      Motion for Compensation and Reimbursement of Expenses.**

- (a) Scope of Rule. This Local Rule applies to:
- (i) Any motion of a professional person employed under 11 U.S.C. § 327, 328 or 1103 requesting approval for compensation and/or reimbursement of expenses; and
  - (ii) Any request of an entity for payment of an administrative expense under 11 U.S.C. § 503(b)(3) or 503(b)(4).
- (b) Effect of Rule. Any such motion or request for payment, in addition to complying with the Code and the Fed. R. Bankr. P. applicable to the filing and the contents of such a motion, shall comply with the information and certification requirements listed in Local Rule 2016-2(c)-(g). Any such motion not in compliance with these requirements will not be considered by the Court, unless a waiver is obtained under Local Rule 2016-2(h).
- (c) General Information Requirements.
- (i) The motion shall include, as its first page(s), Local Form 101 and the information requested therein (categories given are examples).
  - (ii) Immediately thereafter, the motion shall include Local Form 102 and the information requested therein (categories given are examples). Where the applicant deems appropriate, the motion may also include a firm resume.
  - (iii) The narrative portion of the motion shall inform the Court of circumstances that are not apparent from the activity descriptions or that the applicant wishes to bring to the attention of the Court, including special employment terms, billing policies, expense policies, voluntary reductions, reasons for the use of multiple professionals for a particular activity or reasons for substantial time billed relating to a specific activity.
- (d) Information Requirements Relating to Compensation Requests. Such motion shall include activity descriptions which shall be sufficiently detailed to allow the Court to determine

whether all the time, or any portion thereof, is actual, reasonable and necessary and shall include the following:

- (i) All activity descriptions shall be divided into general project categories of time;
  - (ii) All motions shall include complete and detailed activity descriptions;
  - (iii) Each activity description shall include a time allotment;
  - (iv) Activities shall be billed in tenths of an hour (six (6) minutes);
  - (v) The aggregate amount of fees requested for all activities within a particular time entry;
  - (vi) Each activity description shall include the type of activity (e.g., phone call, research);
  - (vii) Each activity description shall include the subject matter (e.g., exclusivity motion, section 341 meeting);
  - (viii) Activity descriptions shall not be lumped - each activity shall have a separate description and a time allotment;
  - (ix) Travel time during which no work is performed shall be separately described and may be billed at no more than 50% of regular hourly rates;
  - (x) The activity descriptions shall individually identify all meetings and hearings, each participant, the subject(s) of the meeting or hearing and the participant's role; and
  - (xi) Activity descriptions shall be presented chronologically or chronologically within each project category.
- (e) Information Requirements Relating to Expense Reimbursement Requests.
- (i) The motion shall contain an expense summary by category for the entire period of the request. Examples of such categories are computer-assisted

legal research, photocopying, outgoing facsimile transmissions, airfare, meals and lodging.

- (ii) Following the summary, the motion shall itemize each expense within each category, including the date the expense was incurred, the charge and the individual incurring the expense, if available. With regard to meal reimbursements, the itemization shall list each meal separately and for each meal identify the meal (breakfast, lunch, etc.) and the number of persons attending. For travel reimbursements, the itemization shall list each trip separately and for each trip identify the mode of transportation (air, train, etc.), the departure and destination, and the name of the person travelling.
  - (iii) The motion shall state the requested rate for copying charges (which shall not exceed \$.10 per page for black and white copies and \$.80 for color copies), computer-assisted legal research charges (which shall not be more than the actual cost) and outgoing facsimile transmission charges (which shall not exceed \$.25 per page, with no charge for incoming facsimiles).
  - (iv) Receipts or other support for each disbursement or expense item for which reimbursement is sought must be retained and be available on request.
- (f) Reimbursement of Payments Made to Other Professionals. If any entity subject to this Local Rule seeks reimbursement for any payment it made to another professional, such entity must provide, with respect to the services rendered or expenses incurred by such other professional, the information required by paragraphs (c), (d), and (e) hereof, unless a waiver is obtained under paragraph (h) hereof.
- (g) Certification Requirement. The motion shall also contain a statement that the professional person seeking approval of the motion has reviewed the requirements of this Local Rule and that the motion complies with this Local Rule.
- (h) Waiver Procedure. An employed professional person or entity within the scope of this Local Rule may request that the Court waive, for cause, one or more of the information requirements of this Local Rule. Such a request should be made in the same motion in which the person seeks Court

approval to be employed, or as soon as possible thereafter, and shall be served on debtor's counsel, counsel to any official committee and the United States Trustee. The caption of any motion that contains a waiver request shall explicitly state that the person is seeking a waiver of one or more of the information requirements of this Local Rule.

- (i) Form of Order. The form of order submitted to the Court shall specifically recite the amounts requested in fees and in expenses. The form of final fee order in all cases converted from chapter 11 to chapter 7 shall provide that the Debtors' counsel in the chapter 11 case shall file, within fourteen (14) days of entry of the final fee order, a notice identifying the amount of the approved fees and expenses paid and then outstanding for all estate professionals. All estate professionals, including any official committee, shall timely cooperate with the Debtors' counsel in preparing such a notice.
- (j) Fee Examiners. The Court may, in its discretion or on motion of any party, appoint a fee examiner to review fee applications and make recommendations for approval. On conversion, the authority of the fee examiner ends unless retained by the chapter 7 trustee or otherwise ordered by the Court.
- (k) Final Fee Applications in Chapter 7 Asset Cases. Estate professionals shall file final fee applications in chapter 7 asset cases but shall not notice the final fee application for hearing. Instead, the hearing date shall be stated as TBD. The final fee application shall only be served upon the chapter 7 trustee and the United States Trustee. After the Trustee Final Report is filed with the Court, the Court will (i) notice the hearing for the final fee application and provide for the objection deadline and (ii) serve the notice of the final fee application. If the estate professional inadvertently notices a final fee application for hearing, it shall include language in the proposed form of order that "fees are subject to disgorgement pending approval of TFR."