

1 The UST objects to fees for efforts which were duplicative
2 of other professionals involved in the case and/or not likely to
3 benefit the estate. The SAT Noteholders complain of overbilling,
4 double billing for office meetings, excessive time spent on
5 various tasks, insufficient detail and lumping. The SAT
6 Noteholders suggest that the amount sought should be reduced by
7 50%.

8 BP responds that it has already agreed to a discount, has
9 remedied various typographical errors which lead to confusion,
10 properly divided the labor on various projects and generally
11 provided value for the fees sought.

12 The Court has considered the various objections raised by
13 SAT Noteholders and the UST and rules as follows.

14 **Double-Billing**

15 BP acknowledged that certain typos in the Second Interim
16 Application indicated double-billing. Those were corrected and
17 the request has been reduced by \$11,047.

18 BP explains that the billing items objected to by SAT
19 Noteholders, those reflecting meetings within BP - most often
20 between Daren R. Brinkman (DRB) and paralegal JPB, were not
21 double-billed. Rather, the time was billed by DRB, but not by
22 JPB. The Court has reviewed the "objectionable" time entries
23 and finds they support this explanation - the entries for DRB
24 for meetings with JPB for example, have no matching billing
25 entry for JPB. The same is true of meetings between DRB and
26 ///

1 Laura J. Portillo (LJP). This manner of time keeping and billing
2 appears to the Court quite proper.

3 Otherwise, BP defends its practice of having two attorneys,
4 most often BRB and LJP, working together on various briefs or
5 other projects which had more than one facet. The descriptions
6 in the billing statements are general, as one would expect. For
7 example, "Draft Rule 9019 motion." However, there is nothing
8 wrong with different attorneys working on different aspects of
9 such projects even if both describe their efforts only as working
10 on the project. The Court finds nothing inherently inappropriate
11 with this division of labor approach. The Court has reviewed the
12 specific billing increments to which the SAT Noteholders have
13 pointed and finds no specific problems.

14 The Court finds SAT Noteholders's objection on the ground of
15 double billing to be unsupported. No reduction in fees will be
16 made on this ground. The Court has also considered the UST's
17 general allegation that BP's services were internally and
18 externally duplicative, and finds the objection unfounded.

19 **Services Duplicative of Other Parties**

20 BP correctly points out that the interests of the OCC,
21 Debtor and even the SAT Noteholders, were at times parallel. This
22 does not mean, however, that counsel for any particular party
23 could simply sit by and rely on another party to assert or defend
24 the shared position. The Court does not find that any of the
25 alleged duplicative services of BP on behalf of the OCC were
26 inappropriate for that reason.

1 **OCC Plan of Reorganization**

2 SAT Noteholders complains that BP spent too much time and
3 incurred an unreasonable amount of fees preparing and then
4 revising the plan and disclosure statement. BP explains,
5 however, that in drafting and revising the plan of reorganization
6 on behalf of the OCC BP was, as the saying goes, shooting at a
7 moving target. The OCC was attempting to come up with a plan
8 which would resolve the divergent interests and claims of all of
9 the parties in this bankruptcy case and the SAT case. BP
10 explains that the first version of the plan, which provided for
11 continued litigation of the various adverse positions, was
12 scrapped in favor of the consensual plan. The Court has reviewed
13 the time entries in this category with an eye not only to content
14 but division of labor within the BP firm. The Court finds the
15 time reasonable in light of the complexities of this case. The
16 Court is particularly impressed that BP accomplished much of the
17 plan preparation at paralegal rates. This appears to be a very
18 reasonable division of labor.

19 It is not reasonable to expect BP, representing the OCC, to
20 simply cut and paste the factual information provided by the SAT
21 Noteholders into its plan and disclosure statement at a time when
22 the parties' positions were largely divergent.

23 **Excessive or Unreasonable Time Entries**

24 The Court is not persuaded that BP's practice of billing .1
25 entries with respect to emails is unreasonable. The Court is

26 ///

1 aware of no firm which bills, for the purposes of fee
2 applications, in increments of less than .1.

3 SAT Noteholders also objects to LJP's billing more time
4 preparing for a conference call than the call itself. However,
5 the Court finds nothing inherently unreasonable about that.
6 Frequently, time spent in preparation leads to less time spent in
7 actual discussion. It appears that in this situation, the
8 efforts to evaluate the advisability of settling or continuing
9 the litigation with the SAT Noteholders streamlined the
10 discussion and ultimately this case.

11 The Court has reviewed the other time entries identified by
12 SAT Noteholders and finds the detail sufficient under the
13 circumstances. The UST Guidelines do not require an attorney to
14 summarize the content of every discussion with opposing counsel
15 or its client. A brief mention of the subject matter and
16 communicant is sufficient. The Court has reviewed a sampling of
17 the time entries SAT Noteholders has marked with an asterisk -
18 indicating that they lack sufficient detail - and finds the
19 objection to be unfounded. Certainly, there are some entries
20 such as "7/7/08 - DRB review response 0.10" which on their face
21 lack sufficient detail. However, when read in context of the
22 heading "Employment & Compensation" it becomes clear that it
23 relates to BP's fee application. For one tenth of an hour's
24 time, this is plenty of detail. The same is true of the other
25 indicated items under this category

26 ///

1 As to the general objection of the UST, the Court is
2 persuaded by the explanation of BP in its reply, as well as a
3 review of the time entries and the overall status of the case -
4 now and when the services were provided, that the services
5 provided by BP were reasonably calculated to benefit the estate
6 and/or necessary to the administration of the estate.

7 In the Second Interim Application BP has sought fees of
8 \$308,807.00. In its reply BP concedes that this should be
9 reduced by \$11,047.00 due to typographical errors in the billing
10 statements for a net of \$297,760. For the foregoing reasons, as
11 well as those previously set out on the record, attorneys fees
12 and costs for BP are allowed on the Second Interim Application as
13 follows:

14 Attorneys fees allowed: \$297,760.00
15 Costs allowed: \$ 3,930.00.

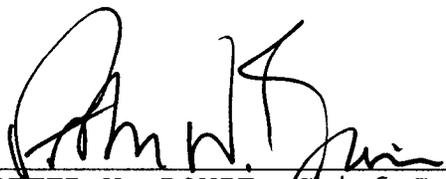
16 With respect to the Final Application attorneys fees and
17 costs allowed as follows:

18 Attorneys fees allowed: \$106,069.00
19 Costs allowed: \$ 1,651.65.

20 IT IS SO ORDERED.

21 DATED: SEP 25 2009

22
23
24
25
26


PETER W. BOWIE, Chief Judge
United States Bankruptcy Court