

JUDGE HERB ROSS (Recalled)

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ALASKA
605 West 4th Avenue, Room 138, Anchorage, AK 99501-2253 — (Website: www.akb.uscourts.gov)
Clerk's Office: 907-271-2655 (1-800-859-8059 In-State) — Judge's Fax: 907-271-2692

In re
CHANNEL CONSTRUCTION, INC.,
Debtor.

Case No. J14-00103-HAR
In Chapter 11

MEMORANDUM EXPLAINING
REDUCTION IN FEES ON FOURTH FEE
APPLICATION [McGee Law Offices – ECF
No. 197]

While reviewing the McGee Law Offices (MLO) fourth fee application (ECF No. 197), the court noticed MLO was charging 10.8 hours for Mr. McGee's time at \$330 per hour for the preparation of the fee application, instead of the \$180 per hour the court believes was authorized, a \$150 per hour overstatement.¹ I reviewed the revised *Legal Representation Agreement* which was attached as Exhibit H to the first fee application,² which does not make an exception to allow the higher rate. Thus, the fourth fee application should be reduced by 10.8 hours x \$150/hr. = **\$1,620.**

The court then reviewed the second and third fee applications, and they contained similar overstatement:

	Filed at ECF No.	Order Approving at ECF No.	Hours Overstated	Amount at \$150/hr.
Second Application	136	142	13.0 hrs.	\$1,950
Third Application	166	178	5.7 hrs	\$855
				<i>\$2,805</i>

¹ ECF No. 197 at page 8, showing 10.8 hours at \$330/hr. on the July 11, 2015 statement.

² The *Legal Representation Agreement* is Exhibit H to the first fee application. ECF 92, pages 73-77.

1 The total overstatement for the three fee applications is $\$1,620 + \$2,805 = \underline{\$4,425}$. The
2 court will reduce the attorney fees on the fourth application to adjust for the overstatements it
3 perceives on the second, third and fourth application to ~~$\$47,483$~~ ($\$51,908$ requested on the fourth
4 application, minus the $\$4,425$ total correction).

5 To allow MLO due process to contest this analysis, MLO will have 21 days from entry of
6 the order approving the application to file a file an objection to the court's reduction. MLO may
7 request a hearing if it desires one.

8
9 DATED: October 28, 2015

10 /s/ Herb Ross
11 HERB ROSS
U.S. Bankruptcy Judge

12 Serve :
13 Cabot Christianson, Esq., for the debtor
14 Michael Mills, Esq., for the UCC
Terence McGee, Esq., special counsel for debtor
Thomas E. Buford, Asst. US Trustee for Region 18