

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

FREEDOM PERFORMANCE LLC,

Case No.: 8:19-bk-05338-RCT

Debtor.

Chapter 7

**FIRST INTERIM APPLICATION FOR ALLOWANCE AND PAYMENT
OF COMPENSATION AND REIMBURSEMENT OF EXPENSES TO
LISA M. CASTELLANO AND THE LAW FIRM OF
GENOVESE JOBLOVE & BATTISTA, P.A.
AS GENERAL COUNSEL TO THE CHAPTER 7 TRUSTEE**

RECEIVED BY OAL
2019 OCT 28 PM 6:50

**NOTICE OF OPPORTUNITY TO OBJECT
AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court, Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Suite 555, Tampa, Florida 33602, and serve a copy on the movant's attorney, Michael A. Friedman, Esq., Genovese Joblove & Battista, P.A., 100 North Tampa Street, Suite 2600, Tampa, Florida 33602, and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

1. Name of applicant: Genovese Joblove & Battista, P.A.
2. Role of applicant: General Counsel to the Chapter 7 Trustee
3. Name of certifying professional: Lisa M. Castellano, Esq.
4. Date case filed: June 4, 2019
5. Date of application for employment: June 7, 2019 (Doc. 4)

- 6. Date of order approving employment: June 10, 2019 (Doc. 6)
- 7. If Debtor's counsel, date of Disclosure of Compensation form: *N/A*
- 8. Date of this application: October 22, 2019
- 9. Dates of services covered: June 5, 2019 through September 30, 2019
- 10. If case is chapter 7, amount trustee has on hand:\$33,316.21

Fees:

- 11. Total fee requested for this period (from Exhibit 1)\$14,326.50
- 12. Balance remaining in fee retainer account, not yet awarded\$0.00
- 13. Fees paid or advanced for this period, by other sources.....\$0.00
- 14. **Net amount of fee requested for this period..... \$14,326.50**

Expenses:

- 15. Total expense reimbursement requested for this period.....\$233.12
- 16. Balance remaining in expense retainer account, not yet received.....\$0.00
- 17. Expenses paid or advanced for this period, by other sources.....\$0.00
- 18. **Net amount of expense reimbursements requested for this period.....\$233.12**
- 19. Gross award requested for this period (#11 + #15).....\$14,559.62
- 20. **Net award requested for this period (#14 + #18).....\$14,559.62**
- 21. **If Final Fee Application, amounts of net awards requested in interim applications but not previously awarded (total from History of Fees and Expenses, following pages):..... No prior awards**
- 22. **Interim fee and expense award requested (#20 + #21).....\$14,559.62**

History of Fees and Expenses

1. Dates, sources, and amounts of retainers received:

Dates	Sources	Amounts	For fees or costs?
-------	---------	---------	--------------------

N/A

2. Dates, sources, and amounts of third party payments received:

Dates	Sources	Amounts	For fees or costs?
-------	---------	---------	--------------------

N/A

3. Prior fee and expense awards:

Dates	Sources	Amounts	For fees or costs?
-------	---------	---------	--------------------

None

Certification

1. I have read the Applicant's application for compensation and reimbursement of expenses (the "**Application**").

2. To the best of my knowledge, information and belief formed after reasonable inquiry, the fees and disbursements comply with the U.S. Trustee's Guidelines for reviewing application for compensation and reimbursement of expenses filed by case trustees and professional under Section 330 of Title 11 of the United States Code (the "**Guidelines**"), except as specifically noted in this Certification and described in the Application.

3. Except to the extent that fees or disbursements are prohibited or restricted by the Guidelines, the fees and disbursements sought are billed at rates and in accordance with practices customarily employed by the Applicant and generally accepted by the Applicant's clients.

4. In providing a reimbursable service or disbursement (other than time charged for paraprofessionals and professionals), the Applicant does not make a profit on that service or disbursement (except to the extent that any such profit is included within the permitted allowable amounts set forth in the Guidelines for photocopies and facsimile transmission).

5. In charging for a particular service or disbursement, the Applicant does not include in the amount for which reimbursement is sought the amortization of the cost of any investment, equipment, or capital outlay (except to the extent that any such amortization is included within the permitted allowable amounts set forth herein for photocopies and facsimile transmission).

6. In seeking reimbursement for a service which the Applicant justifiably purchased or contracted for from a third party, the Applicant is requesting reimbursement only for the amount billed to the Applicant by the third-party vendor and paid by the Applicant to such

vendor.

7. A complete copy of the Application (including all relevant exhibits) will be furnished to the Debtor, the U.S. Trustee, and their respective counsel, at the time it is filed with the Court.

8. To my knowledge, there are no variances with the provisions of the Guidelines.

I HEREBY CERTIFY that the foregoing is true and correct.

Dated: October 22, 2019.

Respectfully submitted,

GENOVESE JOBLOVE & BATTISTA, P.A.
General Counsel to the Chapter 7 Trustee
100 N. Tampa Street, Suite 2600
Tampa, Florida 33602
Telephone: (813) 439.3100
Telecopier: (813) 439.3153

By: /s/ Michael A. Friedman
Michael A. Friedman, Esq.
Florida Bar No. 71828
E-Mail: mfriedman@gjb-law.com

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

FREEDOM PERFORMANCE LLC,

Debtor.

Case No.: 8:19-bk-05338-RCT

Chapter 7

**FIRST INTERIM APPLICATION FOR ALLOWANCE AND PAYMENT
OF COMPENSATION AND REIMBURSEMENT OF EXPENSES TO
LISA M. CASTELLANO AND THE LAW FIRM OF
GENOVESE JOBLOVE & BATTISTA, P.A.
AS GENERAL COUNSEL TO THE CHAPTER 7 TRUSTEE**

**NOTICE OF OPPORTUNITY TO OBJECT
AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court, Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Suite 555, Tampa, Florida 33602, and serve a copy on the movant's attorney, Michael A. Friedman, Esq., Genovese Joblove & Battista, P.A., 100 North Tampa Street, Suite 2600, Tampa, Florida 33602, and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

Lisa M. Castellano and Genovese Joblove & Battista, P.A. (collectively "GJB" or the "Applicant"), counsel to STEPHEN L. MEININGER (the "Trustee"), Chapter 7 Trustee of the bankruptcy estate of FREEDOM PERFORMANCE LLC (the "Debtor"), applies for the interim allowance and payment of compensation for professional services rendered and reimbursement of expenses pursuant to Sections 328, 330, 331 and 503(b) of Title 11 of the

United States Code (the “**Bankruptcy Code**”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (“**Bankruptcy Rule(s)**”) and the United States Department of Justice, Executive Office for United States Trustee’s Guidelines for Reviewing Applications For Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330 (the “**Guidelines**”).

EXHIBITS TO APPLICATION

1. In accordance with the Guidelines, the following exhibits are annexed to this application:

Exhibit 1: Summary of Professional and Paraprofessional Time

Exhibit 2: Summary of Expenses and Disbursements

Exhibit 3: Breakdown of Fees and Costs by Matter & Detailed Description of Services Rendered

2. Exhibit 1 contains a list of Applicant’s professionals and paraprofessionals who have provided services to the Trustee during the Application Period and a summary of the time each expended in representing the Trustee in the case.

3. Exhibit 2 contains a summary of Applicant’s total, actual and necessary, out-of-pocket expenses and disbursements for which Applicant seeks reimbursement in accordance with Section 330(a)(1) of the Bankruptcy Code, the Bankruptcy Rules and the Guidelines. The expenses and disbursements summarized in Exhibit 2 are those which Applicant typically would invoice to its non-bankruptcy clients.

4. Exhibit 3 contains a breakdown of fees and costs by matter as well as a detailed description of the services rendered on behalf of the Trustee, for which Applicant seeks compensation in accordance with Section 330(a)(1) of the Bankruptcy Code, the Bankruptcy Rules and the Guidelines. Exhibit 3 contains a daily description of the services rendered and the hours expended by Applicant’s professionals and paraprofessionals who performed services in

the case. Applicant prepared Exhibit 3 based on, among other things, contemporaneous daily time records maintained by the Applicant's professionals and paraprofessionals.

5. Applicant seeks an interim award of fees of \$14,326.50 for 34.10 hours worked in the period June 5, 2019 through September 30, 2019 (the "**Application Period**"), and requests the Court authorize the payment of \$14,326.50 in fees and \$233.12 in costs upon approval of this Application.¹ Applicant's average hourly rate during the Application Period was \$420.13 per hour. Applicant submits that the requested fee is reasonable under *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), made applicable to bankruptcy proceedings by *In re First Colonial Corp. of America*, 554 F.2d 1291 (5th Cir. 1977).

I. Retention of Applicant, Disclosure of Compensation and Requested Award

6. On June 10, 2019, the Court entered the Order Approving Application for Entry of an Order Authorizing the Employment of Lisa Castellano and the Law Firm of Genovese Joblove & Battista, P.A. as Counsel to Chapter 7 Trustee, Stephen L. Meininger (Doc. 6 - the "**Employment Order**").

7. This is Applicant's first interim fee application in this case. Applicant seeks an award of fees in the amount of \$14,326.50, and an award of expenses in the amount of \$233.12 for the period June 5, 2019 through September 30, 2019 (the "**Application Period**"). Applicant's average hourly rate during the Application Period was \$420.13 per hour.

II. Case Background

8. On June 4, 2019 (the "**Petition Date**"), the Debtor filed a voluntary Chapter 7 petition. According to the Debtor's Petition and Schedules, the Debtor the estimated value of the Debtor had assets worth \$184,275.82 and estimated liabilities of \$252,661.68 on the Petition Date.

¹ See Doc. 6.

9. The Debtor was an automotive shop specializing in the sale and installation of performance vehicle parts. According to the Debtor's records, on the Petition Date, the Debtor maintained product inventory amounting to \$87,894.00. Upon being appointed the Trustee became responsible, *inter alia*, for protecting the estate's interest in the valuable inventory supply.

10. On June 10, 2019, the Court entered the Employment Order approving employment of GJB as counsel to the Trustee.

11. The Debtor's meeting of creditors was held and concluded on July 11, 2019.

III. Services Rendered During the Application Period

12. As more fully set forth in Exhibit 3, the services rendered by Applicant during the Application Period primarily consisted of representing the Trustee in evaluating, analyzing, and pursuing the estate's interest in the Debtor's assets. These services included selecting and hiring an auctioneer familiar with the machinery and equipment the Debtor maintained, as well as overseeing the auction of said assets.

IV. Evaluation of Services Rendered: First Colonial Considerations

This application presents the nature and extent of the professional services rendered by the Applicant in connection with its services as general counsel for the Trustee. The recitals set forth in the daily diaries attached hereto constitute only a summary of the time spent.

American Benefit Life Ins. Co. v. Baddock (In re First Colonial Corp.), 544 F.2d 1291 (5th Cir.), *cert. denied*, 431 U.S. 904 (1977), enumerates twelve factors a bankruptcy court should evaluate in awarding fees. *First Colonial* remains applicable in the Eleventh Circuit to the determination of reasonableness of fees to be awarded under the Bankruptcy Code. *Grant v. George Schuman Tire & Battery Company*, 908 F.2d 874 (11th Cir. 1990); 2 COLLIER ON

BANKRUPTCY ¶ 330.05[2][a] at 330-33 through 330-37 (L. King 15th ed. 1991); *see also Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981). The twelve factors are:

- i) The time and labor required;
- ii) The novelty and difficulty of the questions presented;
- iii) The skill required to perform the legal services properly;
- iv) The preclusion from other employment due to acceptance of the case;
- v) The customary fee for similar work in the community;
- vi) Whether the fee is fixed or contingent;
- vii) The time limitations imposed by the client or circumstances;
- viii) The amount involved and results obtained;
- ix) The experience, reputation and ability of the attorneys;
- x) The undesirability of the case;
- xi) The nature and length of the professional relationship with the client; and
- xii) Awards in similar cases.

First Colonial, 544 F.2d at 1298-99.

Based upon the standards set forth in Sections 330 and 331 of the Bankruptcy Code, as well as in *First Colonial*, Applicant submits that the fair and reasonable value of its services rendered during the Application Period is the amount requested in this Application.

a) Time, Nature and Extent of Services Rendered and Results Obtained.

The foregoing summary, together with the exhibits attached hereto, details the time, nature and extent of the professional services rendered by the Applicant during the Application Period. The Applicant submits that the total number of hours expended (34.10), at an average

hourly rate of \$420.13 per hour, is reasonable in light of the results obtained, namely, the recovery of approximately \$42,000.00 for the estate.

b) Novelty and Difficulty of Questions Presented.

The case does not involve particularly novel or complex issues, but successfully monetizing the Debtor's assets nonetheless required substantial skill and diligence.

c) Skill Requisite to Perform Services Properly.

In rendering services to the Trustee, Applicant respectfully submits the representation has required expertise in the areas of bankruptcy law.

d) Preclusion from Other Employment by Attorney Due to Acceptance of Case.

Applicant's representation of the Trustee in this case did not preclude it from accepting other employment.

e) Customary Fee.

As set forth above, Applicant charged a blended hourly rate of \$420.13 per hour for its representation of the Trustee in this case. The hourly rates of the Applicant set forth in the attached exhibits are consistent with the hourly rates the Applicant bills to its clients in other similar bankruptcy cases. The Court has approved these rates, as have other courts within and outside of this district, in other bankruptcy matters in which the Applicant and other counsel of like reputation and experience have been involved.

f) Whether Fee is Fixed or Contingent.

Applicant's compensation in these matters is subject to Court approval as well as the availability of estate assets, and is therefore contingent in nature. The Court should consider this factor, which militates in favor of a fee in the amount requested.

g) Time Limitations Imposed by Client or Other Circumstances.

The circumstances of this case generally did not impose time constraints on the Applicant, though successfully monetizing the Debtor's assets for the benefit of the estate required diligence and prompt attention to this matter.

h) Experience, Reputation and Ability of Attorneys.

Lisa M. Castellano and other attorneys employed by Applicant that worked on this matter are experienced in matters of this kind and regularly appear before this Court.

i) "Undesirability" of Case.

The Applicant is privileged to have had the opportunity to represent the Trustee in this matter and does not consider the representation undesirable.

j) Nature and Length of Professional Relationship with Client.

Applicant has had the privilege of working with the Trustee in this and other cases.

k) Awards in Similar Cases.

The amount requested by the Applicant is reasonable in terms of awards in cases of similar magnitude and complexity and in light of the results obtained. The compensation which the Applicant requests comports with the mandate of the Bankruptcy Code, which directs that services be evaluated in light of comparable services performed in non-bankruptcy cases in the community.

V. CONCLUSION

The Applicant believes that it has performed valuable services for the Trustee in this case. For this reason and all of the reasons set forth herein, Applicant requests a first interim award of fees in the amount of \$14,326.50 and expenses in the amount of \$233.12 for a total award of \$14,559.62, of which the Applicant requests payment of \$14,326.50 in fees and

\$233.12 in costs, representing payment of 100% of the fees and 100% of the costs awarded through September 30, 2019, upon approval of this Application.

WHEREFORE, Applicant respectfully requests the Court to enter an Order (A) awarding the Applicant an interim award equal to **\$14,326.50** in compensation for services rendered and **\$233.12** as reimbursement for actual and necessary expenses incurred during the course of Applicant's representation of the Trustee during the Application Period, for a total interim award of **\$14,559.62**; (B) authorize the Trustee to pay Applicant \$14,326.50 in fees and \$233.12 in expenses upon approval; and (C) granting such further relief as the Court may deem appropriate.

DATED this 22nd day of October 2019.

GENOVESE JOBLOVE & BATTISTA, P.A.
General Counsel to the Chapter 7 Trustee
100 N. Tampa Street, Suite 2600
Tampa, Florida 33602
Telephone: (813) 439.3100
Telecopier: (813) 439.3153

By: /s/ Michael A. Friedman
Michael A. Friedman, Esq. (FBN 71828)
E-Mail: mfriedman@gjb-law.com
Lisa M. Castellano, Esq. (FBN 748447)
E-Mail: lcastellano@gjb-law.com
Eric D. Jacobs, Esq. (FBN 85992)
E-Mail: ejacobs@gjb-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October 2019, a true and correct copy of the foregoing document has been furnished via electronic mail by virtue of the Court's CM/ECF system to all parties registered to receive notices of electronic filing in this case; and via First Class U.S. Mail to all parties identified on the attached Mailing Matrix who are not registered users of the Court's CM/ECF System.

By: /s/ Michael A. Friedman
Michael A. Friedman, Esq.

SERVICE LIST

Served via CM/ECF

Lisa M Castellano, Attorney for Trustee on behalf of Trustee Stephen L Meininger
lcastellano@gjb-law.com, btraina@gjb-law.com;btraina@ecf.courtdrive.com;ejacobs@gjb-law.com

James D. Jackman on behalf of Debtor Freedom Performance LLC
jackmanesq@aol.com, jackmanecfnotices@gmail.com; lorraine.jamesdjackmanesq@gmail.com;
tammey.jackmanlaw@gmail.com;ecf.jackmanlaw@gmail.com;r45207@notify.bestcase.com

Stephen L Meininger
SLMeininger@earthlink.net, smeininger@ecf.epiqsystems.com;FL38@ecfcbis.com

United States Trustee - TPA7/13
USTPRegion21.TP.ECF@USDOJ.GOV

Served via U.S. Mail

To all parties on the attached mailing matrix.

Label Matrix for local noticing
113A-8
Case 8:19-bk-05338-RCT
Middle District of Florida
Tampa
Tue Oct 22 09:48:34 EDT 2019

Bay Area Auction Services, Inc
8010 U.S. Hwy 19 N
Pinellas Park, FL 33781-1743

Roberta A. Colton
Tampa
, FL

Freedom Performance LLC
4501 Manatee Ave. W.
Box 295
Bradenton, FL 34209-3952

Judith D Smith
Judith D Smith CPA
PO Box 530385
St Petersburg, FL 33747-0385

(p)ADT LLC
PAYROLL OPERATIONS
1501 YAMATO RD
BOCA RATON FL 33431-4438

Beyond Credit Card
Processing Fees/Chargebacks
10507 Timberwood Circle
Suite 1000
Louisville, KY 40223-5313

Capital One
PO Box 30285
Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

Comcast
1701 JFK Blvd.
Philadelphia, PA 19103-2899

Duval Premium Budget, Inc.
PO Box 7859
Jacksonville, FL 32238-0859

GDP Tuning
875 Jet Stream Dr.
Suite C
Rexburg, ID 83440-5465

Goodrich Holdings
3910 Goodrich Ave.
Sarasota, FL 34234-4813

Goodrich Holdingsm LLC
Attn: Mike Moyer
3910 Goodrich Ave.
Sarasota, FL 34234-4813

Guardian Dental Insurance
PO Box 981572
El Paso, TX 79998-1572

Jamo Performance Exhaust LLC
2710 Losee Rd.
Suite 8
North Las Vegas, NV 89030-4169

Jessica B. Goldstein, Atty
Office of Enforcement & Comp
1200 Pennsylvania Ave., NW
Room 1202F, Mail Code 2232A
Washington, DC 20460-0001

Mark J Palermo, Atty Advisor
US EPA, Air Enforcement Div.
1200 Pennsylvania Ave., NW
Mail Code 2242A
Washington, DC 20460-0001

PayPal
PO Box 5018
Lutherville Timonium, MD 21094-5018

Premier Performance Products
Distribution
278 E. Dividend Dr.
Rexburg, ID 83440-3559

RingCentral
20 Davis Dr.
Belmont, CA 94002-3002

RingCentral
200 South College Street
Charlotte, NC 28202-2012

Sinister Mfg Co Inc.
2025 Opportunity Dr.
Roseville, CA 95678-3010

(p) SPRINT NEXTEL CORRESPONDENCE
ATTN BANKRUPTCY DEPT
PO BOX 7949
OVERLAND PARK KS 66207-0949

The Kabbage Team
925B Peachtree Street NE
Suite 1688
Atlanta, GA 30309-3918

Thunder Diesel & Performance
1605 Highway 201 N.
Mountain Home, AR 72653-2423

Thunder Diesel & Performance
1835 South College Spur
Mountain Home, AR 72653-9678

U.S. EPA-Office of the Head-
quarters Hrg Clerk MC-1900R
1300 Pennsylvania Ave, NW
Ronald Reagan Bldg, Rm M1200
Washington, DC 20004-3002

UPS Freight
PO Box 1216
Richmond, VA 23218-1216

UPS Freight
PO Box 650690
Dallas, TX 75265-0690

US Environmental Protection
Agency, Office of Adm Law
Judges, Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001

UnitedHealth Group
PO Box 1459
Minneapolis, MN 55440-1459

UnitedHealthcare Insurance Company
185 Asylum Street
03B
Hartford, CT 06103-3408

Wells Fargo
Corporate Offices
420 Montgomery Street
San Francisco, CA 94104-1207

Wells Fargo Bank, N.A. (287)
PO Box 6995
Portland, OR 97228-6995

Stephen L Meininger +
707 North Franklin Street
Suite 850
Tampa, FL 33602-4400

James D. Jackman +
James D. Jackman PA
5008 Manatee Ave W Ste A
Bradenton, FL 34209-3862

United States Trustee - TPA7/13 +
Timberlake Annex, Suite 1200
501 E Polk Street
Tampa, FL 33602-3949

Lisa M Castellano, Attorney for Trustee +
Genovese Joblove & Battista, P.A.
100 N. Tampa Street, Suite 2600
Tampa, FL 33602-5810

Note: Entries with a '+' at the end of the
name have an email address on file in CMECF

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

ADT Security
1501 Yamato Road
Boca Raton, FL 33431

Sprint
PO Box 4191
Carol Stream, IL 60197-4191

(d)Sprint Corp
Attention Bankruptcy
PO Box 7949
Overland Park, KS 66207-0949

End of Label Matrix	
Mailable recipients	39
Bypassed recipients	0
Total	39

EXHIBIT 1

Summary of Professional and Paraprofessional Time

Stephen L. Meininger, Chapter 7 Trustee (In re: Freedom Performance LLC)
Invoice for 06/05/2019 – 09/30/2019

Meininger/Freedom Performance

<u>Attorneys</u>	<u>Hours</u>	<u>Amount</u>
MAF	0.40	\$ 180.00
LMC	29.00	\$ 13,050.00
EJ	1.30	\$ 552.50

<u>Paralegals</u>	<u>Hours</u>	<u>Amount</u>
BT	3.40	\$ 544.00

ATTORNEYS	\$ 13,782.50
PARALEGAL	\$ 544.00

EXHIBIT 2

Summary of Expenses and Disbursements

1.	Filing Fees	\$0.00
2.	Process Service Fees	\$0.00
3.	Witness Fees	\$0.00
4.	Court Reporter & Transcripts	\$0.00
5.	Lien and Title Searches	\$0.00
6.	Photocopies (in-house copies) (262 copies at \$0.15 each)	\$39.30
7.	Photocopies (outside copies)	\$0.00
8.	Postage	\$58.20
9.	Overnight Delivery Charges	\$0.00
10.	Outside Courier/Messenger Services	\$0.00
11a.	Long Distance (a) Telephone Charges	\$0.00
11b.	Long Distance (b) Conference Calls/Court Call	\$0.00
12.	Long Distance Fax Transmission @ \$1.00/pg.	\$0.00
13.	Computerized Research A. PACER	\$0.00
14.	Out of Middle District of Florida Travel A. Transportation/Airfare B. Lodging C. Meals D. Parking	\$0.00 \$0.00 \$0.00 \$0.00
15.	Other (Not specifically disallowed; must specify and justify) Meals Local Travel Parking	\$59.27 \$74.40 \$1.95
TOTAL "GROSS" AMOUNT OF REQUESTED DISBURSEMENTS		\$233.12

EXHIBIT 3

Genovese Joblove & Battista, P.A.

100 Southeast Second Street, 44th Floor
 Miami, Florida 33131
 Telephone (305) 349-2300 Facsimile (305) 349-2310
 Employer ID# 65-0518134

Attn: Stephen L. Meininger
 Stephen L Meininger, Ch 7 Trustee (Freedom Performance)
 707 N. Franklin Street
 Suite 850
 Tampa, FL 33602

October 17, 2019
 Inv. # 96045
 File # 12301-001

Re: Stephen L Meininger, Ch 7 Trustee / Freedom Performance LLC

Statement for Services Rendered Through Sep 30/19

--- Legal Fees ---

001 / Asset Analysis and Recovery

Date	Category	Description	Hours	Rate	Total
06/19/19	LMC	Prepare for and attend meeting with Trustee to view premises/assets in Sarasota; assess options for sale of assets (.4); telephone conference with Bay Area Auctions regarding sale of assets (.2); assemble photos of assets and prepare correspondence to Bay Area Auctions regarding assets to be sold and inspection at property (.3); telephone conference with Trustee regarding access to property for auctioneer (.1).	4.60hr	\$450.00/hr	\$2,070.00
06/20/19	LMC	Several correspondence to and from counsel for landlord regarding assess to property and direct communications with landlord (.4); several correspondence to and from auctioneer regarding assess to property and sale of assets (.3); telephone conference with Trustee regarding auctioneer and process for sale of assets (.2).	0.90hr	\$450.00/hr	\$405.00
06/21/19	LMC	Several correspondence from and to auctioneer regarding sale of assets and proceeding with on site auction (.4); several correspondence to and from Trustee regarding authority to proceed with auction (.2); analyze and assess details of auctions and outline of motion to sell (.4).	1.00hr	\$450.00/hr	\$450.00
06/28/19	LMC	Telephone conference with Trustee regarding proceeding with auction of property/assets (.2); confer with M. Friedman regarding potential for recovery of assets (.2).	0.40hr	\$450.00/hr	\$180.00

Stephen L Meininger, Ch 7 Trustee (Freedom Performance)
12301-001

File # 12301-001
 Inv. # 96045

07/11/19	LMC	Complete preparation for and attend 341 meeting of creditors (1.1); analyze and inventory and equipment to be sold via public auctions (.3); telephone conference with auctioneers regarding time and date of auction and items to be sold (.2); direct preparation of notice of intention to sell; review and revise notice of intention to sell (.3).	1.90hr \$450.00/hr	\$855.00
07/11/19	LMC	Telephone conference with auctioneer regarding filed notice of sale of assets.	0.10hr \$450.00/hr	\$45.00
07/11/19	BT	Prepare and finalize report and notice of intention to sell property of the estate.	1.00hr \$160.00/hr	\$160.00
07/12/19	LMC	Telephone conference with Trustee regarding confirmation of auction on 8/7 and discuss lease and landlord.	0.20hr \$450.00/hr	\$90.00
07/19/19	LMC	Telephone conference with auctioneer regarding onsite auction and timing to vacate property.	0.20hr \$450.00/hr	\$90.00
07/30/19	LMC	Review and revise notice of interest to sell and confirm time for objections in light of 8/7 auction.	0.10hr \$450.00/hr	\$45.00
08/02/19	LMC	Review file regarding upcoming auction, and correspondence to auctioneer (.20)	0.20hr \$450.00/hr	\$90.00
08/05/19	LMC	Review file regarding upcoming auction on 8/7 (.2).	0.20hr \$450.00/hr	\$90.00
08/14/19	EJ	Discussion with Lisa Castellano regarding police powers provision of the automatic stay and its application to the EPA (.4). Legal research regarding the same (.7).	1.10hr \$425.00/hr	\$467.50
08/21/19	LMC	Telephone conference with debtor's counsel regarding 2004 Exam and Extensions of Time to objections to exemptions and discharge and intent proposed buyout(.3); Correspondence from debtor's counsel with draft of proposed buyout and compare valuations with relevant schedules(.3); Asses case for Extensions of Time to object to Exemptions and discharge(.2); Review and revise Motion for Extension of Time regarding discharge(.2); Review and revise Motion for Extension of Time regarding exemptions(.2); Review and revise proposed Order regarding Extension of Time(.2).	1.40hr \$450.00/hr	\$630.00
09/05/19	LMC	Telephone conference with debtor's counsel regarding computers to be abandoned (.2); corresponded to debtor's counsel regarding description of computers to be abandoned (.2).	0.40hr \$450.00/hr	\$180.00
09/09/19	EJ	Meeting with Michael Friedman and Lisa Castellano to discuss general case strategy and action plan.	0.20hr \$425.00/hr	\$85.00
09/30/19	BT	Review case file and begin preparing application for compensation.	0.40hr \$160.00/hr	\$64.00
Total 001 / Asset Analysis and Recovery			14.30	\$5,996.50

Stephen L Meininger, Ch 7 Trustee (Freedom Performance)
12301-001

File # 12301-001
 Inv. # 96045

002 / Asset Disposition

07/17/19	LMC	Correspondence to auctioneer regarding auction of assets.	0.20hr \$450.00/hr	\$90.00
08/06/19	LMC	Telephone Conference with Trustee regarding auction of assets and confirm no objections(.2); Correspondence to and from auctioned to confirm auction on 8/7 (.2)	0.40hr \$450.00/hr	\$180.00
08/07/19	LMC	Conference with client and auctioneer and attend on-site auction for sale of all debtor's assets.(5.20); Conference from auctioneer with auction assets (.10)	5.30hr \$450.00/hr	\$2,385.00
08/08/19	LMC	Correspondence from and to auctioneer regarding sale proceeds from 8/7 auction. (.20)	0.20hr \$450.00/hr	\$90.00
Total 002 / Asset Disposition			6.10	\$2,745.00

005 / Case Administration

06/05/19	LMC	Telephone conferences with Trustee regarding overview of bankruptcy case (.2); obtain and review docket, schedules, and creditor list (.5).	0.70hr \$450.00/hr	\$315.00
06/06/19	LMC	Telephone conference with Steve Meininger regarding Freedom Performance case (.2); direct preparation of conflict check for new Meininger case regarding Freedom Performance (.2); telephone conference with Steve Meininger regarding proceeding with engagement (.2); review conflict check results (.2).	0.80hr \$450.00/hr	\$360.00
06/06/19	LMC	Obtain and review case docket and preliminary review of schedules.	0.50hr \$450.00/hr	\$225.00
06/07/19	BT	Review case docket, download pertinent pleadings and calendar relevant deadlines.	0.30hr \$160.00/hr	\$48.00
06/10/19	LMC	Telephone conference with Trustee regarding landlord and obtaining access to property (.2).	0.20hr \$450.00/hr	\$90.00
06/11/19	LMC	Telephone conference with client regarding access to property and communications with landlord (.1); telephone conference with landlord's counsel regarding access to property and discuss lease and lessee (.2); telephone conference with debtor's counsel regarding grant of authority to access property (.2).	0.50hr \$450.00/hr	\$225.00
06/12/19	LMC	Correspondence from counsel for debtor with attached correspondence from Geoff Kemper regarding authority for access to property (.2); telephone conference with Trustee regarding access to property and discuss assets (.2); review correspondence from debtor's counsel regarding status / interest of buyers for business assets (.2).	0.60hr \$450.00/hr	\$270.00

Stephen L Meininger, Ch 7 Trustee (Freedom Performance)
12301-001

File # 12301-001
 Inv. # 96045

Date	Code	Description	Hours	Rate	Total
06/13/19	LMC	Telephone conference with bankruptcy counsel for debtor (.2); telephone conference with bankruptcy counsel for landlord regarding to property (.2); correspondence to Trustee regarding status of access; telephone conference with Trustee (.2).	0.60hr \$450.00/hr		\$270.00
06/17/19	LMC	Several correspondence to and from bankruptcy counsel for landlord regarding access to property (.3); telephone conference with Trustee regarding access to property and communications with landlord's counsel (.2); telephone conference with counsel for landlord regarding communications with bankruptcy counsel and discuss assets on premises (.2).	0.70hr \$450.00/hr		\$315.00
06/18/19	LMC	Correspondence from Trustee with claim of communications regarding termination of health insurance policy (.2); telephone conference with Trustee regarding site visit to property and communications with counsel for landlord (.2).	0.40hr \$450.00/hr		\$180.00
06/28/19	MAF	Confer with E Jacobs, L Castellano and B Traina regarding status, potential assets, next steps (0.3).	0.30hr \$450.00/hr		\$135.00
07/01/19	LMC	Correspondence from UHC regarding health issues policy (.1); telephone conference with Trustee regarding UHC policy; correspondence to and from Trustee regarding termination of UHC policy and consent form to be executed (.3); correspondence to and from UHC with executed consent form (.2).	0.60hr \$450.00/hr		\$270.00
07/10/19	LMC	Review docket and schedules in preparation for 341 meeting (.4); correspondence to and from Trustee regarding 341 meeting and areas of interest (.2).	0.60hr \$450.00/hr		\$270.00
08/19/19	LMC	Telephone conference with auctioneer regarding auction proceeds and payment of auctioneer fees(.2).	0.20hr \$450.00/hr		\$90.00
09/04/19	LMC	Correspondence from and to Trustee regarding abandonment of interest in computers (.2); review bankruptcy rules regarding abandonment of interest and case of negative notice (.2).	0.40hr \$450.00/hr		\$180.00
09/06/19	LMC	Telephone conference with Trustee regarding case status abandonment of interest (.2); several correspondence to debtor's counsel regarding information as to computers to be abandoned (.2); direct preparation of notice of abandonment (.1).	0.50hr \$450.00/hr		\$225.00
09/06/19	BT	Prepare notice of abandonment of computers.	0.30hr \$160.00/hr		\$48.00
09/09/19	LMC	Review case docket and claims register (.2); assess status of estate recovery of assets and proceeding with fee application (.2).	0.40hr \$450.00/hr		\$180.00
09/10/19	LMC	Review and revise notice of abandonment of computers.	0.20hr \$450.00/hr		\$90.00

Stephen L Meininger, Ch 7 Trustee (Freedom Performance)
12301-001

File # 12301-001
 Inv. # 96045

09/10/19	BT	Revise and finalize notice of abandonment of computers.	0.30hr \$160.00/hr	\$48.00
09/12/19	LMC	Telephone conference with Trustee regarding status of filed claims and estate.	0.20hr \$450.00/hr	\$90.00
09/17/19	LMC	Correspondence from and to trustee regarding claims and filing of tax return for estate.	0.20hr \$450.00/hr	\$90.00
09/20/19	LMC	Correspondence from and to Trustee regarding hiring of CPA for tax return and proceeding with filing of fee applications.	0.20hr \$450.00/hr	\$90.00

Total 005 / Case Administration

9.70 \$4,104.00

011 / Fee/Employment Applications

06/05/19	LMC	Telephone conference with Trustee regarding proceeding with application to employ (.2).	0.20hr \$450.00/hr	\$90.00
06/07/19	LMC	Review and revise application to employ, declaration and proposed order; correspondence to and from client; confirm conflict check results.	0.40hr \$450.00/hr	\$180.00
06/07/19	BT	Prepare application for entry of an order authorizing employment of L. Castellano and GJB; prepare proposed order on same.	0.70hr \$160.00/hr	\$112.00
06/10/19	LMC	Review order on application to employ and direct service of same and calendar deadlines (.2).	0.20hr \$450.00/hr	\$90.00
06/10/19	BT	Receive and review order approving application to employ; prepare proof of service of same.	0.40hr \$160.00/hr	\$64.00
06/26/19	LMC	Telephone conference with Trustee regarding filing of application to Employ auctioneer and proceeding with motion and sale of assets (.2); review application to employ auctioneer (.1).	0.30hr \$450.00/hr	\$135.00
06/27/19	LMC	Review order approving application to employ auctioneer.	0.10hr \$450.00/hr	\$45.00
08/22/19	MAF	Review and mark-up prebill.	0.10hr \$450.00/hr	\$45.00

Total 011 / Fee/Employment Applications

2.40 \$761.00

031 / General Litigation

06/24/19	LMC	Correspondence from and to counsel for landlord regarding contents of Unit 2 (.2); telephone conference with Trustee regarding review of assets by auctioneer and consolidation of units (.1).	0.30hr \$450.00/hr	\$135.00
06/25/19	LMC	Telephone conference with Trustee regarding overview of case and attendance at creditors meeting (.2); obtain and review List of Creditors and Case Docket (.2).	0.40hr \$450.00/hr	\$180.00

Stephen L Meininger, Ch 7 Trustee (Freedom Performance)
12301-001

File # 12301-001
 Inv. # 96045

08/14/19	LMC	Review letter from Environment Protection Agency; Analyze and assess effect of automatic stay and pending litigation filed by Environment Protection Agency(.6)	0.60hr \$450.00/hr	\$270.00
08/26/19	LMC	Correspondence from Trustee regarding correspondence from debtor's counsel as to computers of the debtor; Asses response to case; Correspondence to Trustee regarding response to debtor's counsel(.3).	0.30hr \$450.00/hr	\$135.00
Total 031 / General Litigation			<hr/> 1.60	<hr/> \$720.00
Total Legal Fees . . .			<hr/> 34.10	<hr/> \$14,326.50

FEE SUMMARY:

Professional	Hours	Rate	Amount
Michael A Friedman	0.40	\$450.00	\$180.00
Lisa M Castellano	29.00	\$450.00	\$13,050.00
Eric Jacobs	1.30	\$425.00	\$552.50
Brooke Traina	3.40	\$160.00	\$544.00
Total Legal Fees . . .	<hr/> 34.10		<hr/> \$14,326.50

Stephen L Meininger, Ch 7 Trustee (Freedom Performance)
12301-001

File # 12301-001
Inv. # 96045

-- Costs --

	Postage	58.20
06/19/2019	Meals (12301-001) Lisa Castellano	59.27
06/19/2019	Local Travel mileage and tolls (12301-001) Lisa Castellano	74.40
07/11/2019	Parking (12301-001) Lisa Castellano	1.95
	Total Costs . . .	<hr/> \$233.12

Stephen L Meininger, Ch 7 Trustee (Freedom Performance)
12301-001

File # 12301-001
Inv. # 96045

=====DISBURSEMENT SUMMARY =====

S101	Postage	58.20
S100	Copies	39.30
H236	Parking	1.95
H229	Meals	59.27
H228	Local Travel	74.40

Total Disbursements . . .

\$233.12

Total New Charges

\$14,559.62

OUTSTANDING BALANCE

\$14,559.62

TRUST BALANCE

\$0.00

