



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

NEWARK WATERSHED CONSERVATION AND
DEVELOPMENT CORPORATION,

Debtor.

NEWARK WATERSHED CONSERVATION AND
DEVELOPMENT CORPORATION,

Plaintiff,

v.

LINDA WATKINS-BRASHEAR, *et al.*

Defendants.

Order Filed on April 29, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 15-10019 (VFP)

Judge: Vincent F. Papalia

Chapter: 11

Adv. Pro. No.: 15-2397 (VFP)

Hearing Date: April 23, 2019

**ORDER AWARDING FEES AND EXPENSES IN CONNECTION
WITH MOTION TO COMPEL FORENSIC INSPECTION AND ANALYSIS**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: April 29, 2019



Honorable Vincent F. Papalia
United States Bankruptcy Judge

Page 2

Case: In re Newark Watershed Conservation and Development Corporation
Case No.: 15-10019 (VFP) (Chapter 11)
Adv. Pro.: Newark Watershed Conservation and Development Corporation v.
Linda Watkins-Brashear, *et al.*
Adv. Pro. No.: 15-2397 (VFP)
Caption of Order: Order Awarding Fees and Expenses in Connection with Motion to Compel
Inspection and Forensic Analysis

This matter is before the Court pursuant to the December 13, 2018 Order Regarding Debtor's Motion to Shift Costs of Forensic Analysis to Attorney Defendants and the Cross-Motion by Attorney Defendants for Similar Relief [Dkt. No. 343] (the "December 13, 2018 Order"); and the Court having denied the Attorney Defendants' motion for reconsideration of the December 13, 2018 Order, by Order entered on February 13, 2019 [Dkt. No. 365]; and the December 13, 2018 Order having provided for the award of reasonable attorneys' fees and expenses (the "Reasonable Fees") incurred in connection with the filing and prosecution of the Debtor's Motion to Compel Forensic Inspection and Analysis [Dkt. No. 244] with respect to the matters described in items 12 through 17 of the October 13, 2018 letter brief of Debtor's counsel [Dkt. No. 326-1] (the "Forensic Analysis Motion Proceedings"), with the Reasonable Fees to be determined upon the filing and service of a Certification of Services by Debtor's counsel detailing the fees and expenses incurred in connection with the Forensic Analysis Motion Proceeding (the "Fee Request"); and the December 13, 2018 Order further providing that the Attorney Defendants have the right to object to the Fee Request on the basis of the standards established under 11 U.S.C. § 330 for professional fee applications in the Bankruptcy Court; and the Attorney Defendants having objected to the Fee Request; and the Debtor having filed a reply; and due notice having been given; and the Court having considered the arguments of counsel at a hearing held on April 23, 2019 (the "Hearing"); and for the reasons set forth on the record at the Hearing; it is hereby

Page 3

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ORDERED that the Debtor is awarded the reasonable fees and expenses incurred in connection with the Motion to Compel Forensic Analysis in the amount of \$59,545.15 (the “Fee Award”) against the Attorney Defendants, calculated as follows:

TOTAL FEE REQUEST: \$71,702.60

Deductions:

Services relating to Sealing Motion:

-- January 2 and 3, 2018 (6 entries)	\$3,566.50
--January 31 and February 2, 2018 (3 entries)	2,615.00
--January 30, 2018 hearing attendance \$2,325 x 41.37% (12 of 29 transcript pages relate to Motion to Seal)	<u>962.00</u>

Other entries during indicated period:

--January 18 to February 6, 2018 \$4,940 x 25% (estimate of services related to sealing motion)	<u>1,235.00</u>
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Subtotal: (\$8,378.50)

Duplicative/Non-Attorney Billing:

--September 5, 2017 entry (3 attorneys) deduct 1 hour @ \$450/hour	450.00
--October 12 and October 13, 2017 entries (partial deduction of .60/hour from two entries x \$325/hour)	<u>195.00</u>

Subtotal: (\$645.00)

Page 4

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Lack of Specificity/Block Billing Deduction:

--5% of \$62,679.10 Balance After Deductions (\$3,133.95)

Total Deductions: (\$12,157.45)

NET TOTAL FEE AWARD:

\$59,545.15

; and it is further

ORDERED that this Order does not address the allocation of responsibility for the Fee Award among or between the Attorney Defendants, their counsel or their insurers, as those issues were not before the Court.

Form order – ntcorder

UNITED STATES BANKRUPTCY COURT

District of New Jersey
MLK Jr Federal Building
50 Walnut Street
Newark, NJ 07102

In Re: Newark Watershed Conservation and
Development Corp
Debtor

Case No.: 15–10019–VFP
Chapter 11

Newark Watershed Conservation and Development
Corporation
Plaintiff

v.

Linda Watkins–Brashear
Defendant

Adv. Proc. No. 15–02397–VFP

Judge: Vincent F. Papalia

NOTICE OF JUDGMENT OR ORDER
Pursuant to Fed. R. Bankr. P. 9022

Please be advised that on April 29, 2019, the court entered the following judgment or order on the court's docket in the above-captioned case:

Document Number: 384 – 343

Order Awarding Fees and Expenses in Connection with Motion to Compel Inspection and Forensic Analysis. (related document:343 Order Regarding Debtors Motion to Shift Costs of Forensic Analysis To Attorney–Defendants and Cross–Motion by Attorney – Defendants For Similar Relief (Related Doc 329)Cross Motion, filed by Dan Malet on behalf of Defendants. Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties.).. Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 4/29/2019 (mcp)

Parties may review the order by accessing it through PACER or the court's electronic case filing system (CM/ECF). Public terminals for viewing are also available at the courthouse in each vicinage.

Dated: April 29, 2019
JAN: mcp

Jeanne Naughton
Clerk