



SO ORDERED,

Katharine M. Samson

Judge Katharine M. Samson
United States Bankruptcy Judge
Date Signed: June 13, 2016

The Order of the Court is set forth below. The docket reflects the date entered.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

In re:)	
)	
MISSISSIPPI PHOSPHATES)	
CORPORATION, <i>et al.</i> ¹)	CASE NO. 14-51667-KMS
)	Chapter 11
)	
Debtors)	Jointly Administered
)	

AGREED ORDER GRANTING FIFTH APPLICATION OF BUTLER SNOW LLP
FOR INTERIM ALLOWANCE OF ADMINISTRATIVE CLAIM
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

[Dkt. ## 302, 586, 1148]

This matter came on for consideration by the Court on the *Fifth Application of Butler Snow LLP for Interim Allowance of Administrative Claim for Compensation and Reimbursement of Expenses* [Dkt. # 1148] (the “*Fifth Application*”) filed by Butler Snow LLP (“*Butler Snow*”) in the above-styled Chapter 11 case, pursuant to 11 U.S.C. §§ 327, 330, and 331 and Rule 2016(a) of the Federal Rules of Bankruptcy Procedure, and pursuant to (i) the *Order Granting*

¹ The chapter 11 cases of the following affiliated Debtors have been administratively consolidated for joint administration pursuant to that certain *Order Granting Motion of the Debtor for Order Directing Joint Administration of Affiliated Cases Pursuant to Bankruptcy Rule 1015(b)*, dated October 29, 2014 [Dkt. # 62]: Mississippi Phosphates Corporation (“*MPC*”), Case No. 14-51667, Ammonia Tank Subsidiary, Inc. (“*ATS*”), Case No. 14-51668 and Sulfuric Acid Tanks Subsidiary, Inc. (“*SATS*”, and, collectively with MPC and ATS, the “*Debtors*”), Case No. 14-51671. These chapter 11 cases are sometimes referred to herein as the “*Bankruptcy Cases*.”

Application of Debtors to Employ Butler Snow LLP as Its Attorneys [Dkt. # 302] (the “**Employment Order**”) and (ii) the *Order Granting Motion of the Debtors for an Administrative Order Pursuant to 11 U.S.C. §§ 331 and 503 to Establish a Procedure for Interim Compensation and Reimbursement of Expenses of Employed Professionals of the Debtors and the Official Committee of Unsecured Creditors* [Dkt. # 586] (the “**Interim Fee Procedures Order**”).

In the Fifth Application, Butler Snow sought an order authorizing and directing: (i) the allowance, on an interim basis, for fees as an administrative expense claim in the amount of \$89,282.50 for services rendered as counsel to the Debtors from December 1, 2015, through April 30, 2016 (the “**Fifth Fee Period**”), and (ii) the allowance, on an interim basis, for expenses as an administrative expense claim in the amount of \$344.08 for expenses incurred as counsel to the Debtors during the Fifth Fee Period.

The Court finds as follows:

1. This Court has jurisdiction over this Fifth Application pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A).

2. The statutory bases for the relief requested herein are Sections 327, 330, and 331 of the Bankruptcy Code and Rule 2016 of the Federal Rules of Bankruptcy Procedure.

3. This is the fifth request for the interim allowance of compensation for professional services rendered in these Bankruptcy Cases by Butler Snow. The Court previously entered the following orders:

(a) *Agreed Order Granting First Application of Butler Snow LLP for Interim Allowance of Administrative Claim for Compensation and Reimbursement of Expenses* [Dkt. # 750] in which the Court awarded Butler Snow (i) allowed fees as an administrative expense claim in the

amount of \$1,114,021.20 for services rendered as counsel to the Debtors; (ii) allowed expenses as an administrative expense claim in the amount of \$17,345.58 for expenses incurred as counsel to the Debtors; and (iii) authorized the payment to Butler Snow from the Butler Snow Professional Fees Escrow Account in the amount of \$223,505.24 as the amount of the holdbacks in the Butler Snow Professional Fees Escrow Account;

(b) *Agreed Order Granting Second Application of Butler Snow LLP for Interim Allowance of Administrative Claim for Compensation and Reimbursement of Expenses* [Dkt. # 958] in which the Court awarded Butler Snow (i) allowed fees as an administrative expense claim in the amount of \$507,888.00 for services rendered as counsel to the Debtors; (ii) allowed expenses as an administrative expense claim in the amount of \$5,693.97 for expenses incurred as counsel to the Debtors; and (iii) authorized the payment to Butler Snow from the Butler Snow Professional Fees Escrow Account the sum of \$99,194.40 as the amount of the holdbacks in the Butler Snow Professional Fees Escrow Account;

(c) *Agreed Order Granting Third Application of Butler Snow LLP for Interim Allowance of Administrative Claim for Compensation and Reimbursement of Expenses* [Dkt. # 1067] in which the Court awarded Butler Snow (i) allowed fees as an administrative expense claim in the amount of \$504,444.00 for services rendered as counsel to the Debtors; (ii) allowed expenses as an administrative expense claim in the amount of \$5,063.66 for expenses incurred as counsel to the Debtors; and (iii) authorized the payment to Butler Snow from the Butler Snow Professional Fees Escrow Account the sum of \$100,864.80 as the amount of the holdbacks in the Butler Snow Professional Fees Escrow Account; and

(d) *Agreed Order Granting Fourth Application of Butler Snow LLP for Interim Allowance of Administrative Claim for Compensation and Reimbursement of Expenses* [Dkt. # 1088] in which the Court awarded Butler Snow (i) allowed fees as an administrative expense claim in the amount of \$315,384.50 for services rendered as counsel to the Debtors; (ii) allowed expenses as an administrative expense claim in the amount of \$3,480.06 for expenses incurred as counsel to the Debtors; and (iii) authorized the payment to Butler Snow from the Butler Snow Professional Fees Escrow Account the sum of \$62,518.50 as the amount of the holdbacks in the Butler Snow Professional Fees Escrow Account.

4. No objections or other responses were timely filed to the Fifth Application.
5. The Court finds that United States Trustee and Butler Snow have agreed that there should be an adjustment and deduction to the amounts sought in the Fifth Application with

respect to the Fifth Fee Period as follows: a reduction in allowed fees in the amount of \$98.00 from the fees sought in the Fifth Application for the Fifth Fee Period.² No other adjustments to the amounts requested in the Application are required.

6. The Fifth Application should be granted in all respects, except with respect to the \$98.00 amount to be adjusted and deducted as set forth in paragraph 5 above.

IT IS, THEREFORE, ORDERED that the Fifth Application is approved, subject to the adjustment and deduction set forth in paragraph 5 above.

IT IS FURTHER ORDERED that Butler Snow shall be allowed, on an interim basis, fees as an administrative expense claim in the amount of \$89,184.50 for services rendered as counsel to the Debtors during the Fifth Fee Period.

IT IS FURTHER ORDERED that Butler Snow shall be allowed, on an interim basis, reimbursement of expenses as an administrative expense claim in the amount of \$344.08 for reimbursement for expenses incurred as counsel to the Debtors during the Fifth Fee Period.

IT IS FURTHER ORDERED that Butler Snow shall be authorized to be paid \$89,528.58 for the Fifth Fee Period, with such payment of the \$89,528.58 being made as soon as practicable after the entry of the Order either from available budgeted funds or from the retainer held by Butler Snow.

##END OF ORDER##

² The total reduction consists of an erroneous charge of \$98.00.

ORDER PREPARED AND SUBMITTED BY:

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ONE OF THE ATTORNEYS FOR THE DEBTORS

AGREED TO AND APPROVED FOR ENTRY:

OFFICE OF THE UNITED STATES TRUSTEE

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