

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In re:) Chapter 11
)
ATA Holdings Corp., et al.,¹) Case No. 04-19866
) (Jointly Administered)
Debtors.)

**ORDER ON FIRST APPLICATION OF CO-COUNSEL FOR DEBTORS
FOR INTERIM ALLOWANCES AND REIMBURSEMENT OF EXPENSES**

This cause comes before the Court on the First Application Of Co-Counsel For Debtors For Interim Allowances And Reimbursement Of Expenses” (the “Application”) filed by Sommer Barnard Attorneys, PC (the “Firm”), as co-counsel for ATA Holdings Corp., et al., as debtors and debtors-in-possession (collectively, the “Debtors”). In the Application, the Firm requests fees in the amount of \$604,472.00 and expenses in the amount of \$6,886.14 for the time period of inception of the case through March 31, 2005. The Court, having considered the Application

¹ The Debtors are the following entities: ATA Holdings Corp. (04-19866), ATA Airlines, Inc. (04-19868), Ambassador Travel Club, Inc. (04-19869), ATA Leisure Corp. (04-19870), Amber Travel, Inc. (04-19871), American Trans Air ExecuJet, Inc. (04-19872), ATA Cargo, Inc. (04-19873), and Chicago Express Airlines, Inc. (04-19874).

and being duly advised of the premises, and having received no objection thereto, now enters the following findings of fact:

1. The Court finds that the Application filed by the Firm adequately details the work performed, the person performing the work, the time spent, the hourly rate charged for each person performing the work, and the expenses for which approval of reimbursement is sought. The Declaration in support of the Application was filed in accordance with S.D. Ind. L.R. B-2016-1 and notice of the Application was proper under the circumstances.

2. When determining fee awards, the Court considers the time and labor required, the novelty and difficulty of the questions presented, the skill necessary to perform the services properly, the preclusion of other employment by the parties requesting fees due to their acceptance of the case, the customary fee for similar work in the community, the time limitations imposed by the client or the circumstances of the case, the experience, reputation, and the ability of the professionals requesting fees, the undesirability of the case, the nature and length of the professional relationship with the client, and finally, the awards granted in similar cases.

3. The Court finds that the services rendered by the Firm were necessary and beneficial to the Debtor, its estate and its creditors and that the fees and expenses incurred by the Firm are compensable from the estate.

IT IS THEREFORE CONSIDERED AND ORDERED that the initial retainer in the amount of \$283,000.00 paid by the Debtors to the Firm hereby is and shall be authorized and allowed;

IT IS THEREFORE FURTHER CONSIDERED AND ORDERED that the interim payments made by Debtors to the Firm in the sum of \$341,758.58 hereby are and shall be authorized and allowed;

IT IS THEREFORE FURTHER CONSIDERED AND ORDERED that the Firm hereby is and shall be awarded pursuant to the Application fees in the amount of \$604,472.00 and reimbursement of expenses in the amount of \$6,886.14 for services rendered from inception of the case through March 31, 2005;

IT IS THEFORE FURTHER CONSIDERED AND ORDERED that the Debtor is authorized and directed to pay to Sommer Barnard Attorneys, PC the remaining balance of the fees and expenses awarded pursuant to this Application after application of \$94,333.32 from the Firm's retainer and any interim payments made by the Debtors to the Firm pursuant to the "Order Granting Motion To (I) Approve Procedures For Billings By And Payments To Professionals Retained In This Case For Fees And Expenses Incurred And (II) Approve Procedures And Partial Deferral Of Draw Down Of Retainer Paid To Professionals Retained In This Case Until Requested By Debtors" entered on December 10, 2004.

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Submitted by Co-counsel for the Debtors:

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