

ANDERSON KILL P.C.
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*Insurance Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

| | |
|--|-------------------------|
| In re: | Chapter 11 |
| Duro Dyne National Corp., <i>et al.</i> , ¹ | Case No. 18-27963 (MBK) |
| Debtors. | (Jointly Administered) |

**TWENTY-FIRST MONTHLY FEE STATEMENT OF ANDERSON KILL P.C.,
INSURANCE COUNSEL TO THE DEBTORS,
FOR THE PERIOD NOVEMBER 1, 2020 THROUGH NOVEMBER 30, 2020**

Anderson Kill P.C., insurance counsel to the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), submits this fee statement for the period November 1, 2020 through November 30, 2020 (the “**Twenty-First Fee Statement**”)² pursuant to the Court’s *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained By Order of this Court, dated December 18, 2018 [Docket No. 345] (the “**Administrative Order**”)*.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill previously billed the Debtors and was paid as ordinary course counsel pursuant to this Court’s Orders [Docket Nos. 242 and 496] for the period from September 7, 2018 through August 31, 2020.

Pursuant to the Administrative Order, responses to the Twenty-First Fee Statement, if any, are due by January 4, 2020.

Dated: December 22, 2020

Respectfully submitted,

ANDERSON KILL P.C.

/s/ Cort T. Malone

Cort T. Malone, Esq.

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*Insurance Counsel to the Debtors and
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.,¹ APPLICANT: Anderson Kill P.C.
CASE NO.: 18-27963 (MBK) CLIENT: Chapter 11 Debtors
CHAPTER: 11 CASE FILED: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION UNDER
PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

RETENTION ORDER(S) ATTACHED²

**TWENTY-FIRST MONTHLY FEE STATEMENT OF ANDERSON KILL P.C.,
INSURANCE COUNSEL TO THE DEBTORS, FOR THE PERIOD
NOVEMBER 1, 2020 THROUGH NOVEMBER 30, 2020**

**SECTION I
FEE SUMMARY**

| | <u>FEE</u> | <u>EXPENSES</u> |
|--|---------------------|-----------------|
| TOTAL PREVIOUS FEES REQUESTED ³ | <u>\$537,287.40</u> | <u>\$835.73</u> |
| TOTAL FEES ALLOWED TO DATE | <u>\$533,557.80</u> | <u>\$835.73</u> |
| TOTAL RETAINER REMAINING ⁴ | N/A | N/A |
| TOTAL HOLDBACK (IF APPLICABLE) | <u>\$3,729.60</u> | N/A |
| TOTAL RECEIVED BY ANDERSON KILL | <u>\$523,407.40</u> | <u>\$835.73</u> |

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill was initially retained in these chapter 11 cases to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York, pursuant to the *Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated November 1, 2018 [Docket No. 242] and *Amended Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated February 28, 2019 [Docket No. 496] (collectively, the "OCP Orders").

³ This amount reflects the total billed by Anderson Kill from December 13, 2018 – September 30, 2020. During the period from September 7, 2018 – December 12, 2018, Anderson Kill provided services to the Debtors as an ordinary course professional and was paid \$150,000 in fees for such ordinary course services pursuant to the OCP Orders.

⁴ Prior to the Petition Date, Anderson Kill was retained to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York. Anderson Kill was paid for all amounts owed for legal services rendered prior to the Petition Date and held no retainer thereafter for services and expenses incurred during these Chapter 11 Cases.

| | |
|-------------------------------|-------------------|
| FEE TOTALS - PAGE 2 | \$2,458.50 |
| DISBURSEMENTS TOTALS - PAGE 3 | + \$ 0.00 |
| TOTAL FEE APPLICATION | \$2,458.50 |
| MINUS 20% HOLDBACK | - \$491.70 |
| AMOUNT SOUGHT AT THIS TIME | \$1,966.80 |

| Name of Professional | Year Admitted | Title/Department | Hours | Rate | Fee |
|------------------------------|---------------|-----------------------|-------------|--------------|-------------------|
| Cort T. Malone | 2003 | Shareholder/Insurance | 3.30 | \$745 | \$2,458.50 |
| | | | | | |
| Total Fees | | | 3.30 | | \$2,458.50 |
| Attorney Blended Rate | | | | \$745 | |

**SECTION II
SUMMARY OF SERVICES**

| SERVICES RENDERED | HOURS | FEE |
|--|------------|-------------------|
| Opposition to Relief from Stay of Insurance Case | 0 | \$0 |
| Drafting and Responding to Discovery | 0 | \$0 |
| Drafting and Responding to Objections | 0 | \$0 |
| Drafting and Editing Briefing and Submissions | 2.2 | \$1,639.00 |
| Claims Evaluation and Related Motion Practice | 0 | \$0 |
| Prepare for Bankruptcy Hearings and Review Bankruptcy Court Orders | 0 | \$0 |
| Settlement Negotiations, Analyses, and Meetings | 0 | \$0 |
| Insurance Case Work | 1.1 | \$819.50 |
| Work related to UST and North River Appeals | 0 | \$0 |
| SERVICE TOTALS | 3.3 | \$2,458.50 |

**SECTION III
SUMMARY OF DISBURSEMENTS**

| | AMOUNT |
|----------------------------|---------------|
| | |
| TOTAL DISBURSEMENTS | \$0.00 |

**SECTION IV
CASE HISTORY**

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. §506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 1, 2018, effective as of September 7, 2018 [Docket No. 242].
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:

Anderson Kill's primary focus has been in connection with the insurance coverage litigation pending in New York State Supreme Court, Suffolk County, captioned *The North River Insurance Company v. Duro Dyne National Corporation, et al.*, Index No. 062947/2013. In connection with these Chapter 11 cases, however, the Debtor has called upon Anderson Kill to offer advice, draft and review pleadings, and otherwise become engaged at the confluence of insurance coverage and bankruptcy issues. Accordingly, given the manner in which the Chapter 11 Cases have experienced an extended tenure before the Bankruptcy Court, Anderson Kill's aggregate work product expanded beyond that which reasonably was anticipated at the commencement of the case, including:

- a) Anderson Kill reviewed and analyzed the insurance companies' requests for production of documents, participated in drafting and editing the responses to same and discovery requests to be served on the insurance companies;
- b) Anderson Kill attended to a stay relief motion, including briefing in support of stay relief strategy and preparing for and attending a hearing on the stay motion;
- c) Anderson Kill provided input regarding confirmation issues, including attendance at portions of the confirmation hearings;
- d) Anderson Kill prepared for, attended, and argued at other hearings, including the claims valuation hearing;

- e) Anderson Kill prepared for and participated in settlement negotiations, drafting and editing settlement agreements, and mediation submissions regarding North River's and other insurance company claims;
- f) Anderson Kill worked on briefing and other necessary submissions, including research, drafting, and editing same;
- g) Anderson Kill prepared for court hearings, including necessary research and preparation for oral arguments;
- h) Anderson Kill attended to various claims issues, including (i) the estimation and treatment of insurance company claims; and (ii) reviewing and analyzing North River Insurance Company's 3018 motion and preparing and filing an objection thereto; and
- i) Anderson Kill performed all other legal services for the Debtors that were necessary and proper in these proceedings and in furtherance of the Debtors' needs.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (100%)
- (B) SECURED CREDITORS: (100%)
- (C) PRIORITY CREDITORS: (100%)
- (D) GENERAL UNSECURED CREDITORS: (100%)

(6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: December 22, 2020

/s/ Cort T. Malone

Cort T. Malone, Esq.

EXHIBIT A

Professional services rendered by Anderson Kill P.C. from
NOVEMBER 1, 2020 THROUGH NOVEMBER 30, 2020

Date: 12/01/20

BILLING MEMORANDUM NO. 262109
 Document Page 8 of 10
 Thru 11/30/20

| | | | | | |
|--------|--------|-----------------|------------------------|-------|-----------------|
| Client | 102620 | DURO DYNE CORP. | Billing Timekeeper | 03218 | Malone, Cort T. |
| Matter | DDC02 | INSURANCE | Responsible Timekeeper | 03218 | Malone, Cort T. |

Randy Hinden
 DURO DYNE CORP.
 Randy Hinden
 (c/o Howard Gross - Weinberg, Gross & Pergament, LLP)
 81 Spence Street
 Bay Shore, NY 11706

Email: rhinden@durodyne.com

| | | | |
|--|---------------------------------|------------------|-----------|
| Fees selected through: 11/30/20 | Date Opened: 06/13/13 | Close Matter ? | Yes No |
| Disbursements selected through: 11/30/20 | Matter Type: Insurance Coverage | Hold this Bill ? | Yes No |
| Matter Rate Level | 1 | | |
| Department | 0300 | | |
| Office Location | 01 | | |
| | | | |

| | UNBILLED | AMT TO BILL |
|---|-------------------|-------------|
| FEES | 2,458.50 | _____ |
| DISBURSEMENTS | 0.00 | _____ |
| UNBILLED TOTAL | 2,458.50 | _____ |
| TOTAL MATTER UNAPPLIED CREDIT AVAILABLE | 1,652.40 | _____ |
| TOTAL MATTER RETAINER AVAILABLE | 0.00 | _____ |
| TOTAL CLIENT UNAPPLIED CREDIT AVAILABLE | 0.00 | _____ |
| TOTAL CLIENT RETAINER AVAILABLE | 0.00 | _____ |
| MATTER OPEN ACCOUNTS RECEIVABLE | 0.00 | _____ |
| TOTAL INVESTMENT | \$2,458.50 | _____ |

BILLING INSTRUCTIONS

rhinden@durodyne.com

Matter Billing History

| | <u>Year To Date</u> | | <u>Since Inception</u> | | <u>Last Bill/Payment</u> |
|---------------------|---------------------|----------------------|------------------------|----------------------|--------------------------|
| | <u>Fees</u> | <u>Disbursements</u> | <u>Fees</u> | <u>Disbursements</u> | <u>Date</u> |
| Amount Billed | 190,618.00 | 50.00 | 2,176,333.39 | 37,692.04 | |
| Amount Received | 183,429.90 | 50.00 | 2,176,232.87 | 37,692.04 | |
| Last Bill Amount | 5,085.00 | 0.00 | | | 11/03/20 |
| Last Payment Amount | 52,568.60 | 0.00 | | | 11/04/20 |

Timekeeper Summary

| | <u>Timekeeper</u> | <u>Rate</u> | <u>Hrs.</u> | <u>Fees</u> | <u>Edit</u> |
|-------|---------------------------------|-------------|-------------|-------------|-------------|
| 03218 | Malone, Cort T. | 745.00 | 3.30 | 2,458.50 | |
| | Total Timekeeper Amounts | | 3.30 | 2,458.50 | |

Client 102620 DURO DYNE CORP.
 Matter DDC02 INSURANCE

Billing Timekeeper 03218 Malone, Cort T.
 Responsible Timekeeper 03218 Malone, Cort T.

* * * UNBILLED TIME * * *

| DATE | TIME ID | TKPR | PHASE | TASK | ACT | WORKED TIME | WORKED VALUE | BILLED HOURS | BILLED VALUE | NARRATIVE |
|----------|---------|------|-------|------|-----|----------------------------|-----------------|--------------|-------------------|---|
| 11/02/20 | 3671445 | CTM | | | | 0.20 | 149.00 | 0.20 | 149.00 | Follow up with JP re final Confirmation of Plan and steps for dismissing insurance case. |
| 11/03/20 | 3671456 | CTM | | | | 0.50 | 372.50 | 0.50 | 372.50 | Emails exchanged JP re timing of Final Order and insurance case dismissal. Emails exchanged with insurance court clerk re same. |
| 11/12/20 | 3673620 | CTM | | | | 1.50 | 1,117.50 | 1.50 | 1,117.50 | Drafted bankruptcy submission and emails exchanged LS re filing same. |
| 11/16/20 | 3676164 | CTM | | | | 0.20 | 149.00 | 0.20 | 149.00 | Emails exchanged with LS re bankruptcy filing. |
| 11/30/20 | 3679241 | CTM | | | | 0.90 | 670.50 | 0.90 | 670.50 | Worked with LS on CNO filing. Reviewed same. EEmails exchanged with clerk in NY insurance case re postponement of 12/1 hearing. |
| | | | | | | 3.30 | 2,458.50 | 3.30 | 2,458.50 | TOTAL UNBILLED TIME |
| | | | | | | TOTAL UNBILLED TIME | | | \$2,458.50 | |
| | | | | | | MATTER TOTAL | | | \$2,458.50 | |