

FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.,¹

APPLICANT: Lowenstein Sandler LLP

CASE NO.: 18-27963 (MBK)

CLIENT: Chapter 11 Debtors

CHAPTER: 11

CASE FILED: September 7, 2018

THIRD INTERIM APPLICATION OF LOWENSTEIN SANDLER LLP AS COUNSEL TO THE DEBTORS FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD FROM APRIL 1, 2019 THROUGH JULY 31, 2019

**SECTION I
FEE SUMMARY**

☒ Interim Fee Application (first interim) or ☐ Final Fee Application

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUS FEES REQUESTED:	<u>\$1,227,882.50</u>	<u>\$43,165.10</u>
TOTAL FEES ALLOWED TO DATE:	<u>\$1,021,98.75</u>	<u>\$29,510.23</u>
TOTAL RECEIVED BY APPLICANT ² :	<u>\$1,152,799.05</u>	<u>\$42,635.96</u>
TOTAL HOLDBACK (IF APPLICABLE):	<u>\$41,180.35</u>	<u>\$0.00</u>

FEE TOTALS	\$ 205,901.75
DISBURSEMENTS TOTALS	<u>\$13,654.87</u>
TOTAL FEE APPLICATION	\$ 219,556.62

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 Prior to the Petition Date, Lowenstein Sandler was retained to represent the Debtors in these Chapter 11 Cases. Lowenstein Sandler has been paid for all amounts owed for legal services rendered prior to the Petition Date and Lowenstein Sandler held a retainer in the amount of \$117,300.04 for services and expenses incurred during these Chapter 11 Cases. The total amount received by Lowenstein Sandler reflected above includes the application of the retainer.

Name of Professional	Year Admitted	Title/ Department	Hours	Rate	Fee
Leit, David	1995	Partner/Corporate	4.30	\$855.00	\$3,676.50
Prol, Jeffrey D.	1989	Partner/Bankruptcy	139.00	\$895.00	\$124,405.00
*Prol, Jeffrey D. - Travel Time	1989	Partner/Bankruptcy	3.50	\$447.50	\$1,566.25
Freedman, Terri Jane	1991	Counsel/Bankruptcy	111.80	\$470.00	\$52,546.00
*Freedman, Terri Jane - Travel Time	1991	Counsel/Bankruptcy	5.10	\$235.00	\$1,198.50
Suckerman, Daniel A.	2007	Counsel/Corporate	3.10	\$695.00	\$2,154.50
Yusem, Stuart S.	1982	Counsel/Corporate	6.80	\$755.00	\$5,134.00
Kramer, Jeffrey A.	1995	Associate/Bankruptcy	1.30	\$470.00	\$611.00
Claussen, Diane	N/A	Paralegal/Bankruptcy	21.20	\$270.00	\$5,724.00
Jacome, Ruth	N/A	Paralegal/Bankruptcy	3.20	\$230.00	\$736.00
Lawler, Elizabeth B.	N/A	Paralegal/Bankruptcy	32.60	\$250.00	\$8,150.00
Total Fees			331.90		\$205,901.75
Attorney Blended Rate				\$695.86	
* Reflects 50% rate reduction due to non-working travel time.					

**SECTION II
SUMMARY OF SERVICES**

SERVICES RENDERED	HOURS	FEE
Case Administration	8.40	\$2,408.00
Meetings of and Communication with Creditors	0.30	\$268.50
Fee/Employment Applications	25.40	\$9,018.50
Employment and Retention Applications - Others	8.70	\$4,772.00
Fee Applications and Invoices - Others	28.10	\$9,495.00
Assumption/Rejection of Leases and Contracts	2.00	\$882.50
Non-Working Travel	8.60	\$2,764.75
Business Operations	4.30	\$2,471.00
Financing/Cash Collateral	9.50	\$6,742.00
Tax Issues	6.40	\$3,008.00
Real Estate	0.90	\$679.50
Claims Administration and Objections	35.80	\$24,095.00
Plan and Disclosure Statement (including Business Plan)	171.60	\$123,351.50

SERVICES RENDERED	HOURS	FEE
Court Hearings	8.00	\$5,392.50
Other - Insurance Matters	13.90	\$10,553.00
SERVICE TOTALS	331.90	\$205,901.75

**SECTION III
SUMMARY OF DISBURSEMENTS**

CATEGORY	AMOUNT
Messenger and delivery charges	\$31.80
Outside Legal Counsel / Local Counsel	\$10,741.75
Computerized legal research	\$1,883.34
Telecommunications	\$481.70
Transcript charges	\$242.00
Travel	\$274.28
Total Disbursements	\$13,654.87

I certify under penalty of perjury that the above is true and correct to the best of my information, knowledge and belief.

Date: August 27, 2019

/s/Jeffrey D. Prol
Jeffrey D. Prol, Esq.

LOWENSTEIN SANDLER LLP

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Counsel to the Debtors and Debtors-in-Possession

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

In re:

Duro Dyne National Corp., *et al.*¹

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

Hearing Date: September 26, 2019 at 10:00 a.m.
Objection Deadline: September 19, 2019 at 4:00 p.m.

**THIRD INTERIM APPLICATION OF LOWENSTEIN SANDLER LLP AS COUNSEL
TO THE DEBTORS FOR COMPENSATION FOR SERVICES RENDERED AND
REIMBURSEMENT OF EXPENSES FOR THE PERIOD FROM
APRIL 1, 2019 THROUGH JULY 31, 2019**

Pursuant to 11 U.S.C. §§ 330 and 331 and Rule 2016 of the Federal Rules of Bankruptcy Procedure, Lowenstein Sandler LLP (“Lowenstein Sandler”), as counsel to the above captioned debtors and debtors-in-possession (collectively, the “Debtors”), submits its third interim application (the “Application”) for allowance of compensation and reimbursement of expenses for the period April 1, 2019 through July 31, 2019 (the “Interim Period”). By this Application, Lowenstein Sandler seeks allowance and payment of compensation in the amount of \$205,901.75 for services rendered by Lowenstein Sandler during the Interim Period. Lowenstein Sandler also

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seeks allowance and reimbursement of its actual and necessary expenses in the amount of \$13,654.87 for the Interim Period. In support of this Application, Lowenstein Sandler respectfully states as follows:

BACKGROUND AND INTRODUCTION

1. On September 7, 2018 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code, thereby commencing the above-captioned Chapter 11 Cases (the “Chapter 11 Cases”).

2. The Debtors continue to operate their businesses and manage their properties as Debtors-In-Possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in the Chapter 11 Cases.

3. On September 27, 2018, the Office of the United States Trustee appointed the Official Committee of Asbestos Claimants (the “Committee”) [Docket No. 107].

4. On October 19, 2018, the Court entered the *Order Authorizing the Employment and Retention of Lowenstein Sandler LLP as Counsel to the Debtors effective as of the Petition Date* (“Retention Order”) [Docket No. 194]. The Retention Order authorizes Lowenstein Sandler to be compensated in accordance with the procedures set forth in 11 U.S.C. §§ 330 and 331, the applicable Federal Rules of Bankruptcy Procedure, the rules of this Court and any Order entered by this Court with respect to the compensation of professionals.

5. On December 18, 2018, the Court entered the *Administrative Fee Order Establishing Certain Procedures For Allowance Of Interim Compensation And Reimbursement Of Expenses Of Professionals Retained By Order Of This Court* (the “Interim Compensation Order”) [D.I. 345].

**LOWENSTEIN SANDLER'S APPLICATION FOR COMPENSATION AND FOR
REIMBURSEMENT OF EXPENSES**

6. Lowenstein Sandler's monthly fee statements (the "Monthly Fee Statements") for the periods of April 1, 2019 through July 31, 2019 have been filed and served pursuant to the Interim Compensation Order.

7. On May 24, 2019, Lowenstein Sandler filed its *Sixth Monthly Fee Statement of Lowenstein Sandler For The Period From April 1, 2019 Through April 30, 2018* [Docket No. 710] (the "Sixth Monthly Fee Statement") requesting \$87,448.50 in fees and \$640.78 in expenses. A Certificate of No Objection for the Sixth Monthly Fee Statement was filed on June 4, 2019 [Docket No. 725].

8. On July 16, 2019, Lowenstein Sandler filed its *Seventh Monthly Fee Statement of Lowenstein Sandler For The Period From May 1, 2019 Through May 31, 2019* [Docket No. 786] (the "Seventh Monthly Fee Statement") requesting \$76,172.25 in fees and \$12,484.95 in expenses. A Certificate of No Objection for the Seventh Monthly Fee Statement was filed on July 30, 2019 [Docket No. 804].

9. On August 8, 2019, Lowenstein Sandler filed its *Eighth Monthly Fee Statement of Lowenstein Sandler For The Period From June 1, 2019 Through June 30, 2019* [Docket No. 813] (the "Eighth Monthly Fee Statement") requesting \$29,542.50 in fees and \$527.54 in expenses. A Certificate of No Objection for the Eighth Monthly Fee Statement was filed on August 20, 2019 [Docket No. 829].

10. On August 15, 2019, Lowenstein Sandler filed its *Ninth Monthly Fee Statement of Lowenstein Sandler For The Period From July 1, 2019 Through July 31, 2019* [Docket No. 820] (the "Ninth Monthly Fee Statement") requesting \$12,738.50 in fees and \$1.60 in expenses. A

Certificate of No Objection for the Ninth Monthly Fee Statement was filed on August 27, 2019 [Docket No. 840].

11. By this Application, Lowenstein Sandler seeks an interim allowance of the full amount of the fees and expenses requested in the above-referenced Monthly Fee Statements.

SUMMARY OF SERVICES

12. During the Interim Period, Lowenstein Sandler rendered professional services to the Debtors solely in connection with these Chapter 11 Cases and on behalf of the Debtors in accordance with Lowenstein Sandler's professional responsibilities. The services performed were necessary to the administration of these Chapter 11 Cases and were beneficial at the time which the services were rendered. All services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed.

13. The Monthly Fee Statements covered by this Application contain detailed daily time entries describing the actual and necessary services provided by Lowenstein Sandler during the Interim Period. The Monthly Fee Statements are incorporated herein by reference as if fully set forth in their entirety. In addition, Lowenstein Sandler incorporates herein by reference the summaries of services performed by Lowenstein Sandler contained in the Monthly Fee Statements as if fully set forth herein in their entirety.

14. Lowenstein Sandler has rendered professional services as counsel to the Debtors as requested and necessary and appropriate in these Chapter 11 Cases.

15. This is Lowenstein Sandler's third interim application. Lowenstein Sandler has made no prior or other application to this or any other Court for the relief requested herein.

Lowenstein Sandler has and will continue to perform additional necessary services subsequent to July 31, 2019, for which Lowenstein Sandler will file subsequent fee applications.

EXPENSES INCURRED

16. During the course of these Chapter 11 Cases, Lowenstein Sandler incurred and paid its actual and necessary disbursements and expenses, which totaled \$13,654.87. The Monthly Fee Statements covered by this Application contain detailed itemizations of expenses incurred by Lowenstein Sandler during the Interim Period. The Monthly Fee Statements are incorporated herein by reference as if fully set forth in their entirety. In addition, Lowenstein Sandler incorporates herein by reference the itemizations of expenses incurred by Lowenstein Sandler contained in the Monthly Fee Statements as if fully set forth herein in their entirety.

RELIEF REQUESTED

17. By this Application, Lowenstein Sandler requests that the Court approve payment of one-hundred percent (100%) of the fees and expenses incurred by Lowenstein Sandler during the Interim Period of April 1, 2019 through July 31, 2019.

18. In accordance with the factors enumerated in section 330 of the Bankruptcy Code, it is respectfully submitted that the amount of compensation requested by Lowenstein Sandler in this Application is fair and reasonable given (a) the complexity of the Chapter 11 Cases, (b) the time expended, (c) the nature and extent of the services rendered, (d) the value of such services, and (e) the costs of comparable services other than in a case under the Bankruptcy Code.

19. Moreover, Lowenstein Sandler has reviewed the requirements of D.N.J. LBR 2016-3 and the Revised UST Guidelines and believes this Application substantially complies therewith.

CERTIFICATION OF COUNSEL

20. A Certification of Counsel is attached hereto as **Exhibit A** and made part of this Application.

WHEREFORE, Lowenstein Sandler LLP respectfully requests the Court enter an order, substantially in the form attached hereto, providing (a) that an interim allowance be made to Lowenstein Sandler LLP for the period from April 1, 2019 through July 31, 2019, in the amount of (i) \$205,901.75 as compensation for necessary professional services rendered, and (ii) \$13,654.87 for actual and necessary expenses incurred, for a total of \$219,556.62; (b) that the Debtors are authorized and directed to pay Lowenstein Sandler the outstanding amount of such sums; and (c) for such other and further relief as may be just and proper.

Dated: August 27, 2019

Respectfully submitted,

LOWENSTEIN SANDLER LLP

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