

**THE LAW OFFICE OF JOHN A. FIALCOWITZ, LLC**

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*Local Counsel for Official Committee of Asbestos Claimants*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re:

DURO DYNE NATIONAL CORP., *et al.*<sup>1</sup>  
Debtors.

Chapter 11

Case No. 18-27963 MBK  
(jointly administered)

**NARRATIVE OF SERVICES PROVIDED BY THE LAW OFFICE OF JOHN A.  
FIALCOWITZ, LLC AS LOCAL COUNSEL TO THE OFFICIAL COMMITTEE OF  
ASBESTOS CLAIMANTS IN ACCORDANCE WITH L.B.R. 2016-1(a)(2)(D) AND IN  
SUPPORT OF ITS THIRD INTERIM FEE APPLICATION FOR  
ALLOWANCE OF FEES AND REIMBURSEMENT OF EXPENSES**

TO: HONORABLE MICHAEL B. KAPLAN  
UNITED STATES BANKRUPTCY JUDGE

The Law Office of John A. Fialcowitz, LLC ("Fialcowitz") submits this narrative of services pursuant to LBR 2016-1(a)(2)(D) and in support of its third interim fee application as local counsel for the Official Committee of Asbestos Claimants ("the Committee") for allowance of compensation and reimbursement of expenses for the period April 1, 2019 through July 31,

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<sup>1</sup> 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).

2019 (the “Interim Period.”). By this Application, I seek allowance and payment of compensation in the amount of \$10,302.50 for services rendered during the Interim Period. I also seek reimbursement of actual and necessary expenses in the amount of \$857.32 during the Interim Period.

**I. Introduction.**

1. On September 7, 2018 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code, commencing the above-captioned chapter 11 cases in this Court.

2. Effective September 26, 2018, the Office of the United States Trustee appointed the Committee pursuant to Section 1102 of the Bankruptcy Code.

3. On September 27, 2018, the Committee selected me to act as its local counsel in this case.

4. By Order dated November 8, 2018, the Court granted the Committee’s application to retain my firm and I to serve as its local counsel in this case, effective as of the Petition Date (Docket No. 257). Attached to the Fee Application Cover Sheet as **Exhibit A** is the Order authorizing the Committee to retain my law firm.

5. On November 15, 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”)(Docket. No. 345).

6. I seek an allowance of fees for services performed on behalf of the Committee for the period April 1, 2019 through July 31, 2019 (the “Application Period”) and reimbursement for

actual, out-of-pocket expenses that I incurred on behalf of the Committee during this period of time.

7. I charge for my local counsel services at an hourly rate of \$325 per hour.

## **II. Description of Services.**

8. During the Interim Period, I performed a variety of legal services in connection with this matter including, but not limited to, the following:

9. ***Litigation Services (Total Hours: 14.9; Total Fees: \$4,842.50).*** I performed several litigation-related services during the Application Period.

10. First, LBR 9010-b(4) states that “[o]nly local counsel, and not the attorney admitted *pro hac vice*, may file papers, enter appearances, and receive notices and service of papers.” Consistent with my obligations as the Committee’s local counsel, I reviewed and filed all of the Committee’s submissions during the Interim Period.

11. Second, I reviewed and filed redacted and sealed versions of the Federal and Munich amended and restated settlement agreements.

12. Third, I reviewed North River and the US Trustee’s filings and the Committee’s responses to these filings.

13. Fourth, I reviewed the Committee’s proposed findings of fact and conclusions of law in support of plan confirmation.

14. Fifth, I reviewed the Committee’s opposition to the Objectors’ proposed findings of fact and conclusions of law and appeared by Court Call on conference calls hosted by the Court.

15. ***Fee Applications – Self (Total Hours: 7.7; Total Fees: \$2,502.50).*** I prepared and filed my sixth, seventh, eighth and ninth monthly fee statements, as well as my second interim application for compensation.

16. ***Fee Applications –Other (Total Hours 8.9; Total Fees: \$2,892.50)***. I reviewed and filed the sixth, seventh, eighth and ninth monthly fee statements for Caplin & Drysdale, Chartered, Gilbert LLP and Charter Oak Financial Consultants, LLC, as well as their second interim applications for compensation.

17. ***Docket Review/File Maintenance (Total Hours: .2; Total Fees: \$65)***. I reviewed various docket notices and calendared all deadlines and dates.

**III. Detail of Hours Expended/Relief Requested.**

18. Attached as **Exhibit B** to the Fee Application Cover Sheet are my invoices that detail the time that I spent on this matter during the Interim Period.

19. As shown on the attached invoices, I devoted 31.7 hours to this matter during the Interim Period, which services have a value of \$10,302.50.

20. I also incurred out-of-pocket costs during the Interim Period in the total amount of \$857.50.

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

22. I attach my Declaration in further support of this Application at **Exhibit C**.

WHEREFORE, I respectfully request that the Court enter an order, substantially in the form attached hereto as **Exhibit D**, approving this Application in its entirety and awarding me \$11,159.82 in compensation for services rendered and reimbursement of expenses, together with such other and further relief as this Court deems just and proper.

Dated: August 27, 2019

Respectfully submitted,

**THE LAW OFFICE OF JOHN A.  
FIALCOWITZ, LLC**

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*Local Counsel for Official Committee of Asbestos  
Claimants*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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

Debtor: Duro Dyne National Corp., et al.<sup>1</sup> Applicant: The Law Office of John A. Fialcowitz, LLC

Case No.: 18-27963 (MBK) Client: Official Committee of Asbestos Claimants

Chapter: 11 Case Filed: September 7, 2018

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

RETENTION ORDER (S) ATTACHED AS EXHIBIT A

**THIRD INTERIM APPLICATION OF THE LAW OFFICE OF  
JOHN A. FIALCOWITZ, LLC FOR THE PERIOD FROM  
APRIL 1, 2019 THROUGH JULY 31, 2019**

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**SECTION 1  
FEE SUMMARY**

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Interim Fee Application (second interim)

	<b><u>FEES</u></b>	<b><u>EXPENSES</u></b>
TOTAL PREVIOUSLY REQUESTED	\$61,620.00	\$3,725.68
TOTAL ALLOWED TO DATE	\$51,317.50	\$2,970.36
TOTAL RETAINER (IF APPLICABLE)	N/A	N/A
TOTAL HOLDBACK (IF APPLICABLE)	\$7,702.44	N/A
TOTAL RECEIVED BY APPLICANT	\$53,917.56	\$3,502.95
FEE TOTALS – PAGE 2	\$10,302.50	
DISBURSEMENT TOTALS – PAGE 3		\$857.32
TOTAL FEE APPLICATION	\$11,159.82	

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<sup>1</sup> 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).

<b>NAME OF PROFESSIONAL &amp; TITLE</b>	<b>YEAR ADMITTED</b>	<b>HOURS</b>	<b>RATE</b>	<b>FEE</b>
John A. Fialcowitz	1995	31.7	\$325.00	\$10,302.50
<b>TOTAL FEES</b>				<b>\$10,302.50</b>

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**SECTION II  
SUMMARY OF SERVICES**

<b>SERVICES RENDERED</b>	<b>HOURS</b>	<b>FEE</b>
Asset Analysis and Recovery		
Business Operations		
Case Administration		
Claims Administration and Objections		
Fee Applications – Self	7.7	\$2,502.50
Financing		
Litigation	14.9	\$4,842.50
Plan and Disclosure Statement		
Relief from Stay Proceedings		
Tax Issues		
Committee Meetings/Conferences		
Travel Time		
Docket Review & File Maintenance	.2	\$65.00
Fee Applications – Others	8.9	\$2,892.50
Retention Applications – Others		
Retention Applications – Self		
Review Fee Application – Other Parties		
<b>SERVICE TOTALS:</b>	<b>31.7</b>	<b>\$10,302.50</b>

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**SECTION III  
SUMMARY OF DISBURSEMENTS**

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<b>DISBURSEMENTS</b>	<b>AMOUNT</b>
<b>Computer Assisted Legal Research</b>	
<b>Conference Call Charges</b>	\$150.00
<b>Courier &amp; Express Carriers</b>	
<b>Court Reporting</b>	
<b>Fax</b>	
<b>Filing Fees</b>	
<b>Other Research</b>	
<b>Pacer Fees</b>	
<b>Postage</b>	
<b>Reproduction Services – In-house</b>	
<b>Reproduction Services – Outside</b>	\$707.32
<b>Travel</b>	
<b>Other (specify):</b>	
<b>DISBURSEMENTS TOTALS:</b>	\$857.32

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**SECTION IV  
CASE HISTORY**

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(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 8, 2018, effective as of September 27, 2018 [Docket No. 257]. See Order attached as Exhibit A.
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:
  - (a) LBR9010-b(4) states that “[o]nly local counsel, and not the attorney admitted *pro hac vice*, may file papers, enter appearances, and receive notices and service of papers.” Consistent with my obligations as the Committee’s local counsel, I reviewed and filed all of the Committee’s submissions during the Application Period;

- (b) Fialcowitz, as local counsel for the Committee, reviewed and filed redacted and sealed versions of the Federal and Munich amended and restated settlement agreements;
- (c) Fialcowitz prepared and filed his sixth, seventh, eighth and ninth monthly fee statements, as well as his second interim application for compensation;
- (d) Fialcowitz assisted in the preparation, review and filing of the sixth, seventh, eighth and ninth monthly interim fee statements for other Committee professionals, as well as their second interim applications for compensation;
- (e) Fialcowitz reviewed the Committee proposed findings of fact and conclusions of law in support of plan confirmation, the Committee's opposition to the Objectors' proposed findings of fact and conclusions of law and appeared by Court Call on conference calls hosted by the Court;
- (f) Fialcowitz performed other professional services as counsel for the Committee as necessary and appropriate in these chapter 11 cases.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (unknown at this time)
- (B) SECURED CREDITORS: (unknown at this time)
- (C) PRIORITY CREDITORS: (unknown at this time)
- (D) GENERAL UNSECURITED CREDITORS: (unknown at this time)

I certify under penalty of perjury that the above is true.

Dated: August 27, 2019

Respectfully submitted,

**THE LAW OFFICE OF JOHN A.  
FIALCOWITZ, LLC**

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