

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In Re:

ULRICH FELIX ANTON ENGLER

Case No. 9:08-bk-04360-MGW

Debtor.

APPLICATION FOR AUTHORITY TO PAY EXPENSES

TO: THE HONORABLE Michael G. Williamson, United States Bankruptcy Judge

The Application of Robert E. Tardif Jr., Trustee respectfully represents:

1. On May 22, 2012, the Court entered an Order granting the Trustee's Motion for Approval of Amended Joint Prosecution and Cooperation Agreement (the "Agreement") with regard to the class action suit styled Franz Lesti and Petra Richter, individually and on behalf of all others similarly situated, and Robert E. Tardif, Jr., in his capacity as the Chapter 7 Trustee of the substantively consolidated bankruptcy estates of Debtors, Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. v. Wells Fargo Bank, N.A. (f/k/a Wachovia Bank, N.A.), United States District Court for the Middle District of Florida (the "District Court"), Case Number 2:11-cv-00695-JES-DNF (the "Class Action Suit").
2. As set forth at paragraph 3 of the Agreement, "[t]he net proceeds of any Joint Recoveries [in the Class Action Suit] shall be shared equally between the Debtors' estates and the Class Action Plaintiffs on an equal, fifty-fifty (50/50) basis." Doc. 831, CM/ECF p. 12.
3. On March 19, 2013, the District Court entered an Order denying Wells Fargo Bank, N.A.'s ("Wells Fargo") Motion to Dismiss the Class Action Plaintiffs' claims against it for aiding and abetting conversion, aiding and abetting fraud, and unjust enrichment. Class Action Suit, Doc. 72.
4. On May 17, 2013, the Court entered an Order granting the Trustee's Application to Employ Expert Witness Catherine A. Ghiglieri (the "Expert Witness") in the Class Action Suit. Doc. 950.
5. On November 20, 2013, the District Court entered an Order denying Wells Fargo's Dispositive Motion for Summary Judgment on the above-referenced claims. Class Action Suit, Doc. 116.
6. On February 7, 2014, the Expert Witness finalized and served her Expert Report on Wells Fargo.
7. The Class Action Suit is scheduled for trial on August 4, 2014.

8. By this Application, the Trustee seeks court approval to pay his proportionate share of the Expert Witness charges of \$7,212.54, deposition transcript and mediator fees of \$9,461.46, and travel and accommodation expenses of \$3,428.18, for a total of \$20,102.18. True and correct copies of the invoices or summary of charges are attached as Composite Exhibit A.

9. As of today, the Debtors' estate has a balance on hand in the amount of \$8,356,954.26.

WHEREFORE, the Trustee respectfully requests the Court to enter an Order authorizing him to pay his proportionate share of the foregoing expenses for the Class Action Suit totaling \$20,102.18 together with such further relief as the Court may deem proper.

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished electronically to the Assistant United States Trustee, by regular U.S. Mail to Ulrich Felix Anton Engler and Private Commercial Office, Inc., 1217 Cape Coral Parkway #121, Cape Coral, FL 33904, and by either regular U.S. Mail or electronic notice to all creditors and parties in interest according to the Motion to Limit Notice (Doc. No. 418) and Court's Order Granting Trustee's Motion to Establish Certain Notice, Case Management and Administrative Procedures (Doc. No. 451), on this 6th day of May, 2014.



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