

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**In re:** **CASE NO. 9:08-bk-04360-MGW**

**ULRICH FELIX ANTON ENGLER,  
PRIVATE COMMERCIAL OFFICE, INC.,  
and PCO CLIENT MANAGEMENT, INC.,** **CHAPTER 7**

**Debtors.**

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**VERIFIED STATEMENT PURSUANT TO FED. R. BANKR. P. 2014  
IN SUPPORT OF AMENDED AND SUPPLEMENTAL APPLICATIONS  
TO EMPLOY ROBERT F. ELGIDELY AND THE LAW FIRM OF GENOVESE,  
JOBLOVE & BATTISTA, P.A. AS SPECIAL COUNSEL TO THE TRUSTEE**

I, Robert F. Elgidely, in accordance with Rule 2014 of the Federal Rules of Bankruptcy Procedure (hereinafter the “Bankruptcy Rule(s)”), make the following verified statements:

1. I am a Partner with the law firm of Genovese Joblove & Battista, P.A. (hereinafter “GJB”) and have been duly admitted to practice in this Court.

2. On March 31, 2008 (hereinafter the “Petition Date”), a group of creditors filed involuntary petitions for relief under Chapter 7 of Title 11 of the United States Code (hereinafter the “Bankruptcy Code”) against Ulrich Felix Anton Engler and Private Commercial Office, Inc. (hereinafter “Engler” and “PCO,” respectively) with the Clerk of this Court.

3. On April 29, 2008, the Court entered Orders for Relief against Engler and PCO.

4. On April 30, 2008, Robert E. Tardif, Jr. (hereinafter the “Trustee”) was appointed and currently serves as the permanent Chapter 7 Trustee for the Debtors’ bankruptcy estates.

5. In the period June 9, 2008 through November 7, 2008, GJB assisted Dr. Annerose Tashiro of the law firm of Schultze & Braun (hereinafter the “German Law Firm”) with the filing of over 500 proofs of claim on behalf of several pre-petition general unsecured creditors (one

additional proof of claim was filed on September 14, 2009) (hereinafter the “European Proofs of Claim”).<sup>1</sup>

6. Apart from assisting the German Law Firm with the filing of the European Proofs of Claim, GJB did not have any communications with such creditors or provide any representation to them.

7. On June 24, 2008, the Court entered an Order substantively consolidating the assets and liabilities of the bankruptcy estates of Engler and PCO.

8. Applications to employ GJB as Special Counsel to the Trustee were filed on December 29, 2008, August 19, 2009, and November 9, 2009 [D.E. Nos. 102, 137, and 151] (hereinafter referred to as the “Initial Application,” the “Amended Application,” and the “Supplemental Application,” respectively, or collectively as the “Employment Applications”).<sup>2</sup>

9. The Court approved the Employment Applications on January 5, 2009, September 3, 2009, and November 23, 2009 [D.E. Nos. 107, 140, and 153].

10. On April 23, 2010, the Court entered an Order substantively consolidating the assets and liabilities of PCO Client Management, Inc. with and into the bankruptcy estates of Engler and PCO *nunc pro tunc* to March 31, 2008.

11. On July 25, 2010, GJB filed a Second Interim Application For Allowance And Payment Of Compensation And Reimbursement Of Expenses To Robert F. Elgidely, Esq. And The Law Firm Of Genovese Joblove & Battista, P.A., As Special Counsel For Chapter 7 Trustee,

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<sup>1</sup> On March 24, 2009, the Court approved the Trustee’s application to employ the German Law Firm as Special Counsel [D.E. 121].

<sup>2</sup> The Initial Application was accompanied by a verified statement which disclosed, in numbered paragraph 3 thereof, GJB’s representation of several pre-petition general unsecured creditors. In the Amended Application and the Supplemental Application (paragraphs 9 and 16 respectively), the Trustee noted that GJB previously represented several pre-petition general unsecured creditors in connection with the bankruptcy case.

Robert E. Tardif, Jr. [D.E. 447] (hereinafter the “Second Fee Application”).

12. On August 13, 2010, creditor Renate Zink filed an Objection to the Second Fee Application on the basis that the Amended Application and the Supplemental Application were not accompanied by the verified statement required by Bankruptcy Rule 2014(a) and that GJB may have failed to file one or more avoidance actions against certain pre-petition creditors on account of a conflict of interest [D.E. 462] (hereinafter the “Objection”).

13. The German Law Firm has settled avoidance claims on behalf of the Trustee with the following pre-petition creditors for whom proofs of claim have been filed by GJB:

- (i) Michael Duffner Claim Amount: \$10,142.57 Settlement: \$3,000.00; and
- (ii) Christian Steffen Claim Amount: \$164,723.86 Settlement: \$80,000.00.<sup>3</sup>

14. The Trustee has not pursued avoidance claims against the following pre-petition creditors for whom proofs of claim have been filed by GJB:

- (i) Anneliese Dolinsky Claim Amount: \$116,162.82; and
- (ii) Armin Kaefer Claim Amount \$6,500.00.

15. The Trustee has asserted avoidance claims against the following pre-petition creditors for whom proofs of claim have been filed by GJB through separate counsel:

- (i) Target Consulting GmbH Claim Amount Eur 434,257.22; and
- (ii) Juergen Kuprath Claim Amount \$442,005.57.<sup>4</sup>

16. Except as set forth above, GJB and its individual attorneys do not represent the Debtor, any creditors or other parties-in-interest in this case, their respective attorneys and

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<sup>3</sup> The Omnibus Motion to Approve Compromises of these controversies was filed on June 23, 2010 and was granted by the Court on August 2, 2010 [D.E. Nos. 419 and 457].

<sup>4</sup> The Trustee is represented by Karl Becker in connection with the claims against Target Consulting GmbH and by Myriam Alimi in connection with the claims against Mr. Kuprath.

accountants, the United States trustee, or any person employed in the office of the United States trustee.

17. The undersigned is not aware of any conflict or potential conflict of interest relating to the employment of GJB as Special Counsel for the Trustee.

18. I have not and will not in any guise or form agree to share my compensation for such services with any person, except with persons who are Of Counsel or Members of GJB.

19. The factual statements set forth in this verified statement have been made based upon (1) a personal review by me and my staff of the list of creditors of the Debtor, (2) a computer search of GJB's client list, and (3) a memorandum circulated to all of GJB's attorneys requesting information as to whether a conflict would exist if this representation were undertaken. These efforts did not reveal any conflicts.

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

Respectfully submitted,

GENOVESE JOBLOVE & BATTISTA, P.A.  
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By: /s/ Robert F. Elgidely  
Robert F. Elgidely, Esq.  
Florida Bar No. 111856

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Verified Statement Pursuant To Fed. R. Bankr. P. 2014 In Support Of Amended And Supplemental Applications To Employ Robert F. Elgidely And The Law Firm Of Genovese, Joblove & Battista, P.A. As Special Counsel To The Trustee has been filed electronically with the Court and served on

Helge Naber, Esq., Naber PC, 300 Central Avenue, Suite 320, Great Falls, MT 59401 via electronic mail on the 16<sup>th</sup> day of August, 2010.

By: /s/ Robert F. Elgidely  
Robert F. Elgidely, Esq.