

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
(Substantively Consolidated)

Debtors.

ORDER GRANTING FOURTH INTERIM APPLICATION FOR ALLOWANCE AND PAYMENT OF COMPENSATION TO ROBERT F. ELGIDELY, ESQ. AND THE LAW FIRM OF GENOVESE JOBLOVE & BATTISTA, P.A., AS SPECIAL COUNSEL FOR CHAPTER 7 TRUSTEE, ROBERT E. TARDIF, JR., RELATING TO CONTINGENCY FEE FOR ADVERSARY PROCEEDING NO. 9:09-ap-01026-MGW

THIS MATTER came before the Court for hearing on September 13, 2011 at 10:30 a.m. on the *Fourth Interim Application For Allowance And Payment Of Compensation To Robert F. Elgidely, Esq. And The Law Firm Of Genovese Joblove & Battista, P.A., As Special Counsel For Chapter 7 Trustee, Robert E. Tardif, Jr., Relating To Contingency Fee For Adversary Proceeding No. 9:09-ap-01026-MGW* [D.E. 704] (the "Application"). In the Application, the Trustee's Special Counsel ("GJB") seeks a contingency fee award in the amount of \$533,426.60 for services rendered in connection with the aforementioned adversary proceeding in the period December 22, 2009 through February 23, 2011. The Court, having reviewed the Application, having heard from GJB, being otherwise duly advised in the premises, and for the reasons stated orally and recorded in open Court, which shall constitute the decision of this Court, does hereby

ORDER as follows:

1. GJB is awarded a contingency fee in the amount of \$533,426.60.
2. In allowing the foregoing fees, the Court has considered the criteria in 11 U.S.C. §§ 330 and 331 and the requirements of Bankruptcy Rule 2016 in light of the principles stated in

Norman v. Housing Authority of Montgomery, 836 F.2d 1292, 1299 (11th Cir. 1988); *Pennsylvania v. Delaware Valley Citizen's Council for Clean Air*, 478 U.S. 546 (1986); *Blum v. Stenson*, 465 U.S. 886, 897 (1984); *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); each of the factors that govern the reasonableness of fees as set forth in *Matter of First Colonial Corp. of America*, (5 Cir. 1977), 544 F.2d. 1291 and *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). Specific findings and a statement of the facts and considerations supporting each of these conclusions have been omitted in the interest of brevity but will be prepared and filed at the request of any party if received by this Court within ten (10) days after the entry of this Order.

3. The Chapter 7 Trustee is hereby authorized to pay the above-awarded fees to GJB.

DONE AND ORDERED at Tampa, Florida on September 22, 2011.



Michael G. Williamson
United States Bankruptcy Judge

Copies furnished to:

Robert E. Tardif, Jr., Trustee, 1533 Hendry Street, 1st Floor, Fort Myers, FL 33901

Assistant United States Trustee, 501 East Polk Street, Suite 1200, Tampa, Florida 33602

Robert F. Elgidely, Esq., 200 East Broward Boulevard, Suite 1110, Fort Lauderdale, Florida 33301

All parties registered on the Court's CM/ECF System