Entered on Docket
May 26, 2005

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

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In re: VSS ENTERPRISES, LLC, dba Castaways Hotel Casino and Bowling Center, Debtor.	Case No. BK-S-03-17939 LBR Chapter 7 **Date of Hearing: May 18, 2005** **Time of Hearing: 11:00 a.m.** **Judge: Honorable Linda B. Riegle**

ORDER PARTIALLY GRANTING FIRST INTERIM APPLICATION FOR ALLOWANCE AND PAYMENT OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES OF KOLESAR & LEATHAM, CHTD., COUNSEL FOR THE CHAPTER 7 TRUSTEE, TIMOTHY S. CORY

The First Interim Application for Allowance of Attorney's Fees and Reimbursement

of Expenses in the amount of $217,252.80[1] and Request for Immediate Payment Thereof as a Chapter 7 administrative expense (the "Application") of KOLESAR & LEATHAM, CHTD. (the "Applicant"), counsel for TIMOTHY S. CORY (the "Trustee"), the duly-appointed Trustee of the Chapter 7 estate of VSS ENTERPRISES, LLC d/b/a the CASTAWAYS HOTEL, CASINO, and BOWLING CENTER (the "Debtor"), the Debtor in the above-entitled Chapter 7 case, came regularly on for hearing before the above-entitled Court, the Honorable Linda B. Riegle presiding, at the time and place referenced above. The Applicant was represented by its associate James B. MacRobbie, Esq., and the Trustee was present in the room. No other appearances were made by any other parties.

The Court having considered the all of the pleadings and papers filed regarding the Application; noting that the hearing on the fee application was properly noticed to all creditors and parties in interest; and noting that, with the exception of an Opposition filed by the CULINARY TRUST FUNDS, and no other opposition having been filed thereto,

The Court finds that the services for the fees and expenses incurred by the Applicant of at least $150,000.00 are reasonable, and are actual and necessary services rendered to the estate, that no agreement or understanding exists between the Applicant and any other person for the sharing of compensation for services rendered in or in connection with the above-captioned case, and that the Applicant has not entered into an agreement, express or implied, with any other party in interest in this case for the purpose of fixing fees or compensation and reimbursement of expenses incurred in connection with this case. The Court, being fully advised herein, and with good cause appearing therefor:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that

1. The Application is granted in part in the sum of $150,000.00 for compensation rendered from February 13, 2004 (the "First Interim Award");

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[1] The original Application April 7, 2005 sought recovery of $207,930.00 in attorneys' fees and $3,502.80 in costs for a total of $211,432.80. On May 6, 2005, the Application was supplemented to include an additional $4,867.50 in attorneys' fees and $952.50 in costs for a total of $5,820.00 (the "Supplement"). Thus, the total amount sought under both the original Application and the Supplement is $212,797.50 in attorneys' fees and $4,455.30 in costs for a grand total of $217,252.80.

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2. The Trustee is immediately authorized to pay the First Interim Award to the Applicant; and,

3. This First Interim Award of $150,000.00 is made without prejudice to the Applicant's right to seek payment and/or reimbursement of the $67,252.80 balance[2] of the fees and costs sought in this Application pending this Court's further review of the matter, or to submit further applications based on services provided and expenses incurred after the period covered by this Application.

IT IS SO ORDERED.

Submitted by:

KOLESAR & LEATHAM, CHTD.

By: _____

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[2] i.e., the total amount sought in the Application of $217,252.80 minus the First Interim Award of $150,000.00 for a remaining balance of $67,252.80.

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