Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 1 of 20

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re:	)	Chapter 11
	)	_
	)	Case No. 10-26881 (PSH)
CORUS BANKSHARES, INC., <sup>1</sup>	)	
	)	Objection Deadline: November 8, 2011
	)	4:00 p.m., C.T.
Debtor.	)	•
		<b>Hearing Date: Scheduled Only If</b>
		Necessary

NOTICE OF FIFTEENTH MONTHLY APPLICATION FOR COMPENSATION AND PAYMENT OF ITEMIZED CHARGES AND EXPENSES TO KILPATRICK TOWNSEND & STOCKTON LLP AS COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR THE PERIOD FROM SEPTEMBER 1, 2011, THROUGH AND INCLUDING SEPTEMBER 30, 2011

PLEASE TAKE NOTICE that on October 25, 2011, the Fifteenth Monthly Application for Compensation and Payment of Itemized Charges and Expenses to Kilpatrick Townsend & Stockton LLP as Counsel for the Official Committee of Unsecured Creditors for the Period from September 1, 2011, Through and Including September 30, 2011 (the "Application") was filed by Kilpatrick Townsend & Stockton LLP ("Kilpatrick Townsend") with the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn, Chicago, IL 60604.

**PLEASE TAKE FURTHER NOTICE** that for the period September 1, 2011, through and including September 30, 2011, Kilpatrick Townsend seeks interim allowance of monthly fees in the amount of \$50,721.60 (80% of \$63,402.00) and monthly expenses in the amount of \$1,217.23.

**PLEASE TAKE FURTHER NOTICE** that any objection must be filed with the Court by **November 8, 2011 at 4:00 p.m., C.T.** and served by such time on: (a) counsel to the Official Committee of Unsecured Creditors, Attn: Todd C. Meyers, Esq. and Deborah M. Gutfeld, Esq.; (b) the Debtor: Corus Bankshares, Inc., 10 S. Riverside Plaza, Suite 1800, Chicago, IL 60606, Attn: Chief Financial Officer; (c) counsel to the Debtor; and (d) the Office of the United States Trustee for the Northern District of Illinois, 219 South Dearborn Street, Suite 873, Chicago, Illinois 60604, Attn: Richard C. Friedman.

<sup>&</sup>lt;sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of the Debtor's federal tax identification number, is: Corus Bankshares, Inc. (3592). The location of the Debtor's corporate headquarters and the service address for the Debtor is: 10 S. Riverside Plaza, Suite 1800, Chicago, IL 60606.

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 2 of 20

**PLEASE TAKE FURTHER NOTICE** that pursuant to the *Order Establishing Procedures* for Interim Compensation and Reimbursement of Expenses for Professionals and Official Committee Members [Docket No. 67], if no objections are filed and served in accordance with the above procedure, the Debtor will be authorized to pay Kilpatrick Townsend 80% of the requested fees and 100% of the requested expenses without further hearing or order of the Court. A hearing on the Application will be held only if an objection is properly and timely filed in accordance with the above procedure.

Dated: October 25, 2011 Respectfully submitted,

By: /s/ Todd C. Meyers

#### KILPATRICK TOWNSEND & STOCKTON LLP

Todd C. Meyers (ARDC # 90785773) Robbin S. Rahman (Georgia Bar No. 592151) 1100 Peachtree Street, Suite 2800 Atlanta, Georgia 30309-4530 (404) 815-6500 (Telephone) (404) 815-6555 (Facsimile) tmeyers@kilpatricktownsend.com

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 3 of 20

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re	:	) Chapter 11			
COR	EUS BANKSHARES, INC., <sup>1</sup>	Case No. 10-26881 (PSH)  Objection Deadline: November 8, 2011,			
Debtor.		) 4:00 p.m., C.T. ) Hearing Date: Scheduled Only If Necessary			
COVER SHEET FOR THE FIFTEENTH MONTHLY APPLICATION FOR COMPENSATION AND PAYMENT OF ITEMIZED CHARGES AND EXPENSES TO KILPATRICK TOWNSEND & STOCKTON LLP AS COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR THE PERIOD FROM SEPTEMBER 1, 2011, THROUGH AND INCLUDING SEPTEMBER 30, 2011					
1.	Name of Applicant:	Kilpatrick Townsend & Stockton LLP			
2.	Authorized to Provide Professional Services to:	Official Committee of Unsecured Creditors for the above-captioned Debtor			
3.	Date of Order Authorizing Employment:	August 3, 2010 (nunc pro tunc to June 28, 2010)			
4.	Period for Which Compensation is Sought:	From September 1, 2011, through and including September 30, 2011			
5.	Amount of Fees Sought:	\$50,721.60 (80% of \$63,402.00)			
6.	Amount of Expense	\$1,217.23			

X Monthly \_\_\_ Interim Application \_\_ Final Application

7.

Reimbursement Sought:

This is a:

<sup>&</sup>lt;sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of the Debtor's federal tax identification number, is: Corus Bankshares, Inc. (3592). The location of the Debtor's corporate headquarters and the service address for the Debtor is: 10 S. Riverside Plaza, Suite 1800, Chicago, IL 60606.

# **History of Fees and Expenses**

# **Summary of Monthly Statements:**

DATE FILED	PERIOD COVERED	TOTAL REQUESTED (Fees & Expenses)	TOTAL ALLOWED (Fees & Expenses)	FEES & EXPENSES PREVIOUSLY PAID
8/27/10	6/28/10 - 7/31/10	\$91,332.22	\$73,365.22	\$73,365.22
10/12/10 <b>(Amended)</b>	8/1/10 – 8/31/10	\$72,775.56	\$59,348.46	\$59,348.46
10/29/10	9/1/10 – 9/30/10	\$79,718.28	\$64,540.58	\$64,540.58
11/19/10	10/1/10 - 10/31/10	\$81,047.27	\$65,139.97	\$65,139.97
12/8/10	11/1/10 – 11/30/10	\$101,583.06	\$81,300.96	\$81,300.96
1/28/11	12/1/10 – 12/31/10	\$36,644.43	\$30,072.53	\$30,072.53
3/2/11	1/1/11 – 1/31/11	\$29,723.00	\$26,099.33	\$26,099.33
4/20/11	2/1/11 - 2/28/11	\$35,424.87	\$28,579.07	\$28,579.07
5/16/11	3/1/11 – 3/31/11	\$96,781.58	\$78,103.63	\$78,103.63
6/1/11	4/1/11 – 4/30/11	\$39,486.75	\$32,052.15	\$32,052.15
6/30/11	5/1/11 - 5/31/11	\$94,491.26	\$75,840.16	\$75,840.16
8/9/11	6/1/11 - 6/30/11	\$90,672.10	\$73,326.90	\$73,326.90
8/26/11	7/1/11 – 7/31/11	\$66,566.82	\$53,750.82	\$53,750.82
10/3/11	8/1/11 - 8/31/11	\$73,922.91	\$59,507.11	\$0.00
10/25/11	9/1/11 – 9/30/11	\$64,619.23	N/A	N/A

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 5 of 20

## **Summary of Interim Applications:**

DATE FILED	PERIOD COVERED	TOTAL REQUESTED (Fees & Expenses)	TOTAL ALLOWED (Fees & Expenses)	FEES & EXPENSES PREVIOUSLY PAID
11/8/10	6/28/10 – 9/30/10	\$243,826.06	\$236,401.76	\$197,254.26
3/2/11	10/1/10 - 12/31/10	\$219,274.76	\$218,181.01	\$176,513.46
6/1/11	1/1/11 – 3/31/11	\$164,250.38	\$156,397.25	\$6,542.63
8/24/11	4/1/11 – 6/30/11	\$224,650.11	\$224,650.11	\$181,219.21

Dated: October 25, 2011 Respectfully submitted,

By: <u>/s/ Todd C. Meyers</u>

#### KILPATRICK TOWNSEND & STOCKTON LLP

Todd C. Meyers (ARDC # 90785773) Robbin S. Rahman (Georgia Bar No. 592151) 1100 Peachtree Street, Suite 2800 Atlanta, Georgia 30309-4530 (404) 815-6500 (Telephone) (404) 815-6555 (Facsimile) tmeyers@kilpatricktownsend.com

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 6 of 20

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re:	)	Chapter 11
	)	
	)	Case No. 10-26881 (PSH)
CORUS BANKSHARES, INC., <sup>1</sup>	)	
	)	Objection Deadline: November 8, 2011
	)	4:00 p.m., C.T.
Debtor.	)	•
		Hearing Date: Scheduled Only If
		Necessary

FIFTEENTH MONTHLY APPLICATION FOR COMPENSATION AND PAYMENT OF ITEMIZED CHARGES AND EXPENSES TO KILPATRICK TOWNSEND & STOCKTON LLP AS COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR THE PERIOD FROM SEPTEMBER 1, 2011, THROUGH AND INCLUDING SEPTEMBER 30, 2011

Pursuant to sections 328, 330, and 331 of title 11 of the United States Code (the "Bankruptcy Code"); Rule 2016 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"); the Order Authorizing the Employment and Retention of Kilpatrick Stockton LLP as Its Attorneys, Retroactive to June 28, 2010 [Docket No. 96] (the "Retention Order"); the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Official Committee Members [Docket No. 67] (the "Interim Compensation Order"); the local bankruptcy rules for the United States Bankruptcy Court for the Northern District of Illinois (the "Local Bankruptcy Rules"); and the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed under 11 U.S.C.

<sup>&</sup>lt;sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of the Debtor's federal tax identification number, is: Corus Bankshares, Inc. (3592). The location of the Debtor's corporate headquarters and the service address for the Debtor is: 10 S. Riverside Plaza, Suite 1800, Chicago, IL 60606.

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 7 of 20

§ 330 (the "U.S. Trustee Guidelines"), <sup>2</sup> Kilpatrick Townsend & Stockton LLP ("Kilpatrick Townsend"), counsel for the Official Committee of Unsecured Creditors (the "Committee") for Corus Bankshares, Inc. (the "Debtor"), hereby applies for (the "Application") allowance and payment of compensation in the sum of \$50,721.60 (80% of \$63,402.00) and itemized charges and expenses in the sum of \$1,217.23, for a total of \$51,938.83 for professional services rendered and itemized charges and other expenses incurred by Kilpatrick Townsend on behalf of the Committee during the period from September 1, 2011, through and including September 30, 2011 (the "Application Period"). The exhibits attached to this Application, pursuant to the Guidelines, are:

Exhibits "1-A" and "1-B"- Summary of Professional and Paraprofessional Time.

Exhibit "2" - Summary of Requested Reimbursements of Expenses.

Exhibit "3" - The applicant's complete time records, in chronological order, by activity code category, for the time period covered by this application. The requested fees are itemized to the tenth of an hour.

In support of this Application, Kilpatrick Townsend respectfully represents as follows:

#### JURISDICTION, VENUE AND STATUTORY PREDICATE

- 1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
  - 2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
- 3. The statutory predicates for the relief requested herein are sections 328, 330, and 331 of the Bankruptcy Code, Bankruptcy Rule 2016, and Local Bankruptcy Rule 5082-1.

<sup>&</sup>lt;sup>2</sup> Pursuant to an informal agreement with the Office of the United States Trustee (the "U.S. Trustee"), Kilpatrick Townsend has, to the extent possible, prepared this application in compliance with the First Amended Fee Review Committee Guidelines as approved in the Chapter 11 case of UAL Corporation, *et al.*, Case No. 02-48191 (Bankr. N.D. Ill., July 16, 2003) (the "UAL Fee Guidelines").

<sup>&</sup>lt;sup>3</sup> Pursuant to section (b)(1)(v) of the U.S. Trustee Guidelines, the Committee has had an opportunity to review and approve the request for compensation and reimbursement for the actual and necessary expenses sought herein.

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 8 of 20

#### **BACKGROUND**

- 4. On June 15, 2010 (the "Petition Date"), the Debtor filed a voluntary petition with this Court under chapter 11 of the Bankruptcy Code. The Debtor is operating its business and managing its property as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in this chapter 11 case.
- 5. On June 28, 2010, pursuant to section 1102 of the Bankruptcy Code, the United States Trustee appointed five creditors to serve on the Committee in connection with this chapter 11 case. The members of the Committee are: (a) U.S. Bank, N.A., as Indenture Trustee for Corus Statutory Trusts I, III & V; (b) The Bank of New York Mellon Trust Company, N.A., as Indenture Trustee for Corus Statutory Trust II, IV, VI, VIII & IX; (c) Wilmington Trust Company, as Indenture Trustee for Corus Statutory Trusts VII, X & XIII; (d) Wells Fargo Bank, N.A., as Indenture Trustee for Corus Statutory Trust XII; and (e) Bank of America, N.A., as Indenture Trustee for Corus Statutory Trust XI. On March 21, 2011, Bank of America resigned as a member of the Committee [ECF No. 385].
- 6. On June 28, 2010, the Committee, in connection with the exercise of its powers and the performance of the duties conferred upon it, pursuant to section 1103 of the Bankruptcy Code, selected Kilpatrick Townsend as its counsel.
- 7. Pursuant to the Retention Order, the Committee was authorized to retain and employ Kilpatrick Townsend, retroactive to June 28, 2010.
- 8. On September 27, 2011, the Court entered an order confirming the Debtors' Third Amended Plan of Reorganization Under Chapter 11 of the Bankruptcy Code [ECF No. 689] (the "Plan").

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 9 of 20

- 9. The services for which the Committee retained Kilpatrick Townsend as its counsel in this bankruptcy case include, <u>inter alia</u>:
  - a. rendering legal advice regarding the Committee's organization, duties and powers in this case;
  - b. assisting the Committee in its investigation of the acts, conduct, assets, liabilities and financial condition of the Debtor, the possible monetization of the Debtor's tax assets, and any other matters relevant to this case or the formulation and analysis of any plan of reorganization or plan of liquidation;
  - c. attending meetings of the Committee and meetings with the Debtor, its attorneys and other professionals, as requested by the Committee;
  - d. representing the Committee in hearings before the Court;
  - e. assisting the Committee in preparing all necessary motions, applications, responses, reports and other pleadings in connection with the administration of this case; and
  - f. providing such other legal assistance as the Committee may deem necessary and appropriate.
- 10. This Application covers the period from September 1, 2011, through and including September 30, 2011. Kilpatrick Townsend reserves the right to amend or supplement the Application pursuant to the terms of the Interim Compensation Procedures Order (and, to the extent applicable, the UAE Fee Guidelines).
- 11. The Committee selected Kilpatrick Townsend as its counsel because of the firm's extensive experience and knowledge with regard to debtor's and creditors' rights and business reorganizations under chapter 11 of the Bankruptcy Code. The members of Kilpatrick Townsend's

Bankruptcy and Financial Restructuring Group have extensive experience in all aspects of chapter 11 cases, having represented debtors, secured creditors, unsecured creditors, creditors' committees, chapter 11 trustees, examiners, liquidating trustees, and various other constituencies. Furthermore, Kilpatrick Townsend has the necessary background and experience to deal effectively with the potential legal issues and problems that may arise in the context of this bankruptcy case.

#### REQUESTED RELIEF

Application and requests that the Debtor be authorized and directed to pay the sum of \$50,721.60 (80% of \$63,402.00) and itemized charges and expenses in the sum of \$1,217.23, for a total of \$51,938.83 for professional services rendered and itemized charges and other expenses incurred by Kilpatrick Townsend on behalf of the Committee during the period from September 1, 2011, through and including September 30, 2011.

# SUMMARY OF PROFESSIONAL SERVICES RENDERED DURING THE APPLICATION PERIOD

13. During the Application Period, Kilpatrick Townsend expended <u>131.20</u> hours in the performance of its duties as counsel for the Committee. A description of the significant work performed by Kilpatrick Townsend during the Application Period, itemized in accordance with its task-specific categories, is as follows:

## **B120.** Business Operations

.10 Hours \$72.50 Fees

- 14. During the Application Period, Kilpatrick Townsend:
- reviewed and analyzed the Debtor's monthly operating report.

# **B130.** Case Administration

0.70 Hours \$305.50 Fees

- 15. During the Application Period, Kilpatrick Townsend:
- communicated with parties regarding the Debtor's securities filings; and
- corresponded with various bondholders regarding the administration of the case.

## **B140.** Claims Adm. and Objections

<u>0.20 Hours</u>

\$145.00 Fees

- 16. During the Application Period, Kilpatrick Townsend:
- reviewed and analyzed a proof of claim and communicated regarding the same.

#### **B160.** Employment and Fee Applications

**7.80 Hours** 

**\$2,167.50 Fees** 

- 17. During the Application Period, Kilpatrick Townsend:
- performed legal research regarding reimbursement of indenture trustee fees and expenses and communicated with parties regarding the same;
- prepared and filed certifications of no objection for Kilpatrick Townsend's and
   FTI's thirteenth monthly fee statements;
- prepared and revised Kilpatrick Townsend's fourteenth monthly fee statement; and
- revised FTI's fourteenth monthly fee statement.

### **B170.** Fee/Employment Objections

.20 Hours

**\$145.00 Fees** 

- 18. During the Application Period, Kilpatrick Townsend:
- Reviewed and analyzed Kinetic's monthly fee statement.

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 12 of 20

#### **B190.** Litigation General

1.00 Hours \$738.50 Fees

- 19. During the Application Period, Kilpatrick Townsend:
- communicated with parties regarding tax refund arguments.

# **B200.** Meetings of Creditors

**5.90 Hours** 

**\$4,216.50 Fees** 

- 20. During the Application Period, Kilpatrick Townsend:
- prepared for and conducted telephonic Committee meetings; and
- corresponded with Committee members and Committee professionals regarding case status, FDIC's objection issues, IT fee issues, and various other issues.

#### **B210.** Plan and Disclosure Statement

**104.10 Hours** 

\$52,436.00 Fees

- 21. During the Application Period, Kilpatrick Townsend:
- communicated with Debtor's counsel and other parties regarding plan issues, disclosure statement, objections to the plan, including objections of the FDIC, plan schedule, plan supplement, indenture trustee issues, litigation trustee issues, confirmation hearing, other issues relating to the Debtor's plan, and drafted various pleadings regarding the same;
- reviewed and analyzed the plan voting report and communicated with parties regarding the same;
- prepared a chart of indenture trustee fees and communicated with parties regarding the same and prepared and revised chart identifying TOPrS Trust, CDO, and plan voting party;

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 13 of 20

- reviewed and analyzed the distribution analysis prepared by Kinetic and communicated with parties regarding the same;
- reviewed and analyzed the confirmation brief, declaration, and proposed order and communicated with parties regarding the same;
- reviewed plan provisions and communicated with parties regarding the same;
- prepared for and attended pre-confirmation hearing conferences with Debtor's counsel and other parties and prepared for and attended the confirmation hearing;
   and
- communicated with Debtor's counsel and other parties regarding pension plan termination.
- 22. During the Application Period, certain of Kilpatrick Townsend's lawyers traveled to Chicago, Illinois for hearings. The non-working travel time incurred during such travel has been charged at 1/2 of the applicable lawyer's hourly rate.

#### ITEMIZED CHARGES AND OTHER EXPENSES

- 23. In this Application, Kilpatrick Townsend is seeking \$1,217.23 in reimbursement for itemized charges and other expenses incurred in its duties as counsel for the Committee. Kilpatrick Townsend respectfully submits that the itemized charges and other expenses incurred by Kilpatrick Townsend were necessary to the performance of its duties as counsel for the Committee. The itemized charges and other expenses are summarized on Exhibit "2".
- 24. Kilpatrick Townsend's billing statements set forth the total cost for expedited mailings. The charges incurred by Kilpatrick Townsend in the performance of its duties were necessary at the time such charges were incurred. Where possible, Kilpatrick Townsend has utilized electronic mail and other means to transmit data expeditiously and cost effectively.

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 14 of 20

- 25. Kilpatrick Townsend's billing statements include charges for long distance telephone calls made in connection with its representation of the Committee (including long distance telephone calls placed in conjunction with outgoing facsimile transmissions).
- 26. Internal photocopies in this case are billed at the rate of \$.10 per page. Outside photocopies have been billed at Kilpatrick Townsend's cost for the same. Kilpatrick Townsend's costs for photocopies are not incorporated into its hourly billing rates; thus, Kilpatrick Townsend bills its clients separately for copying charges.
- 27. Receipts of various itemized charges and other expenses are not attached to this Application. Copies of receipts are available to parties in interest upon request.
- 28. Kilpatrick Townsend reserves the right to correct, amend, or supplement the Application until such time as final compensation and reimbursement is sought from this estate.

# COMPLIANCE WITH APPLICABLE LAWS AND RULES REGARDING FEE AND EXPENSE APPLICATIONS

- 29. As set forth above, Kilpatrick Townsend has prepared this Application, to the extent possible, in full compliance with all applicable laws, rules, orders and agreements. A non-exclusive list of the measures taken by Kilpatrick Townsend to ensure such compliance are set forth below.
- ◆ <u>Task-Code Categories</u>: The professional services rendered by Kilpatrick Townsend are allocated pursuant to applicable task-code categories.
- ◆ <u>Time Entry Format</u>: Kilpatrick Townsend's time entries contain information regarding the billing party providing services, a narrative summary of the work performed, and an itemization (in one-tenth hour increments) of the number of hours expended in performing such services. Additionally, each time entry reflects the amount of compensation requested in connection with such time entry.

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 15 of 20

♦ <u>Chronology</u>: Kilpatrick Townsend's time entries are arranged in chronological order under the appropriate project category.

No Fee Sharing: In accordance with Rule 2016(a) of the Bankruptcy Rules and section 504 of the Bankruptcy Code, there is no agreement or understanding between Kilpatrick Townsend and any other person, other than members of the firm, for the sharing of compensation to be received for services rendered in this case. All of the services for which compensation is requested herein by Kilpatrick Townsend were performed for or on behalf of the Committee and not on behalf of any other person or entity.

#### THE UAL FEE GUIDELINES

- 30. As set forth above, Kilpatrick Townsend has informally agreed with the U.S. Trustee to prepare this Application in compliance with the UAL Fee Guidelines. Pursuant to that agreement, Kilpatrick Townsend submits that it has used its best efforts to ensure that this Application conforms therewith.
- 31. Notwithstanding such efforts, it is possible that (a) certain aspects of the Application do not fully comply with the UAL Fee Guidelines due to inadvertence or clerical mistakes, or, alternatively (b) Kilpatrick Townsend's interpretation of the UAL Fee Guidelines is not consistent with the interpretation of the U.S. Trustee. In either event, Kilpatrick Townsend reserves its right to amend and supplement this Application or provide further explanation or justification for its interpretation of the UAL Fee Guidelines.
- 32. In certain instances, the UAL Fee Guidelines establish a presumption that certain fees and expenses were of no benefit to the estate and will not be charged to the Debtor unless the professional can establish the benefit of such services to the Debtor's estate. Kilpatrick Townsend

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 16 of 20

represents that only one of the situations in which a presumption of no benefit arises is relevant to its Application.

- 33. Specifically, one professional employed by Kilpatrick Townsend billed fewer than ten hours for the month of September. See UAL Fee Guidelines at p. 4. Alfred S. Lurey (total time billed: 1.10 hours) provided essential and valuable analysis and input regarding the FDIC's objection to confirmation of the plan and subordination provisions with respect to the plan. However, Kilpatrick Townsend represents that the services of Mr. Lurey were necessary and a benefit to the estate.
- 34. Under these circumstances, Kilpatrick Townsend asserts that the presumption established by the UAL Fee Guidelines should be rebutted as the services of Mr. Lurey were essential and provided benefit to the estate.

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 17 of 20

WHEREFORE, Kilpatrick Townsend respectfully requests, as an administrative expense, interim allowance and payment of compensation in the sum of \$50,721.60 (80% of \$63,402.00) and itemized charges and expenses in the sum of \$1,217.23, for a total of \$51,938.83 for professional services rendered and itemized charges and other expenses incurred by Kilpatrick Townsend on behalf of the Committee during the period from September 1, 2011, through and including September 30, 2011.

Dated: October 25, 2011 Respectfully submitted,

By: /s/ Todd C. Meyers

#### KILPATRICK TOWNSEND & STOCKTON LLP

Todd C. Meyers (ARDC # 90785773) Robbin S. Rahman (Georgia Bar No. 592151) 1100 Peachtree Street, Suite 2800 Atlanta, Georgia 30309-4530 (404) 815-6500 (Telephone) (404) 815-6555 (Facsimile) tmeyers@kilpatricktownsend.com

Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 18 of 20

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re:	)	Chapter 11
	)	
_	)	Case No. 10-26881 (PSH)
CORUS BANKSHARES, INC., <sup>1</sup>	)	
	)	
	)	
Debtor.	)	

# **DECLARATION**

- 1. I am a partner in the law firm of Kilpatrick Townsend & Stockton LLP (the "Firm").
- 2. I am admitted to practice and a member in good standing of the Bar of the State of Georgia, and am admitted to practice before, among other courts, the United States District Court for the Northern District of Illinois, and the United States District Court for the Northern District of Georgia.
- 3. I have personally performed certain of the legal services rendered by the Firm as counsel for the Official Committee of Unsecured Creditors (the "Committee") and am familiar with other work performed on behalf of the Committee by the lawyers and other persons in the firm.
- 4. The facts set forth in the foregoing Application are true and correct to the best of my knowledge, information and belief.

/s/ Todd C. Meyers	
Todd C. Meyers	

<sup>&</sup>lt;sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of the Debtor's federal tax identification number, is: Corus Bankshares, Inc. (3592). The location of the Debtor's corporate headquarters and the service address for the Debtor is: 10 S. Riverside Plaza, Suite 1800, Chicago, IL 60606.

#### CERTIFICATE OF SERVICE

Todd C. Meyers, an attorney, certifies that on October 25, 2011, he caused a copy of the foregoing Fifteenth Monthly Application for Compensation and Payment of Itemized Charges and Expenses to Kilpatrick Townsend & Stockton LLP as Counsel for the Official Committee of Unsecured Creditors for the Period from September 1, 2011, Through and *Including September 30, 2011*, to be filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to the following parties:

David R Seligman dseligman@kirkland.com, adam.gorman@kirkland.com, leslie.garthwaite@kirkland.com

bisco.deborah@pbgc.gov, efile@pbgc.gov

Sonia U Chae chaes@sec.gov

Jeffrey W Gettleman jgettleman@kirkland.com, sgross@kirkland.com, dseligman@kirkland.com, csroka@kirkland.com

Deborah M Gutfeld dgutfeld@ngelaw.com, cdennis@ngelaw.com

Wojciech F Jung wjung@lowenstein.com, squigley@lowenstein.com

Michael D Messersmith mmessersmith@kayescholer.com, keanderson@kayescholer.com, jben@kayescholer.com

Nicholas M Miller nmiller@ngelaw.com

Deborah J Bisco

William T Neary

Elizabeth Gayle Peterson USTPRegion11.ES.ECF@usdoj.gov epeterson@fhslc.com, docket@fhslc.com, ajordan@fhslc.com

Todd C Meyers tmeyers@kilpatricktownsend.com, rrahman@kilpatricktownsend.com lcanty@kilpatricktownsend.com

Guthrie B William william.guthrie@dlapiper.com, docketingchicago@dlapiper.com

Blair R Zanzig bzanzig@loeb.com, mjawor@loeb.com, chdocket@loeb.com Mark A Berkoff mberkoff@ngelaw.com; cdennis@ngelaw.com Case 10-26881 Doc 720 Filed 10/25/11 Entered 10/25/11 16:00:29 Desc Main Document Page 20 of 20

Parties may access this filing through the Court's CM/ECF system.

Dated: October 25, 2011 Respectfully submitted,

By: /s/ Todd C. Meyers

#### KILPATRICK TOWNSEND & STOCKTON LLP

Todd C. Meyers (ARDC # 90785773) Robbin S. Rahman (Georgia Bar No. 592151) 1100 Peachtree Street, Suite 2800 Atlanta, Georgia 30309-4530 (404) 815-6500 (Telephone) (404) 815-6555 (Facsimile) tmeyers@kilpatricktownsend.com