

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-60573 CIV-MORENO  
Magistrate Judge Garber

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MUTUAL BENEFITS CORP.,  
JOEL STEINGER a/k/a JOEL STEINER,  
LESLIE STEINGER a/k/a LESLIE STEINER,  
and PETER LOMBARDI,

Defendants,

VIATICAL BENEFACTORS, LLC,  
VIATICAL SERVICES, INC.,  
KENSINGTON MANAGEMENT, INC.,  
RAINY CONSULTING CORP.  
TWIN GROVES INVESTMENTS, INC.,  
P.J.L. CONSULTING, INC.,  
SKS CONSULTING, INC., and  
CAMDEN CONSULTING, INC.,

Relief Defendants.

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**PETITION FOR AWARD OF SECOND INTERIM ATTORNEY'S  
FEES AND COSTS TO ALLEN NORTON & BLUE, P.A.  
AS COUNSEL TO THE RECEIVER AND MEMORANDUM IN SUPPORT**

(June 19, 2004 – September 30, 2004)

**Pursuant to Court Order, all objections to this Application  
must be filed and served within (10) days of this Application.**

Rodolfo Gomez, a Shareholder of Allen Norton & Blue, (AN&B) hereby requests this Court to enter an order authorizing the Receiver to pay the reasonable attorney's fees and costs incurred by AN&B as labor and employment attorneys to the Receiver, Roberto

Martínez (the Receiver), and in support of this application, the undersigned submits the following:

1. Attached as **Exhibit 1** is a summary of AN & B's fees and expenses incurred through September 30, 2004 (the Application Period). **Exhibit 2** is a summary of all AN&B timekeepers, their billing rates and the total hours that were charged by each timekeeper<sup>1</sup> in their representation of the Receiver during the Application Period.
2. Attached as **Exhibit 3** is a summary of all expenses incurred by AN&B during the Application period.
3. The Receiver hired AN & B to advise him on the appropriate treatment of employees in a Receivership situation. AN & B has advised the Receiver and his counsel regarding several issues relating to the employment of the over 100 employees working at the Receivership Entities, including issues relating to employee termination, treatment of independent agents, COBRA benefits, 401 K plan and health benefits.
4. For the Application Period, AN&B seeks reimbursement for 6.70 hours of attorney time. The total amount of fees sought during the application period is \$ **1,762.50**. Total expenses sought by AN & B for the application period are \$ **262.39**.
5. I have carefully reviewed the attached exhibits and I am responsible for supervising all of the attorneys in my firm on the case. I certify that the hours expended

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<sup>1</sup>AN&B maintains detailed time records that are kept contemporaneously with the services performed. Within 10 days, AN&B will file these detailed records under seal to the Court for review *in camera*.

and the costs incurred were necessary and reasonable to represent the Receiver during the Application Period.

**MEMORANDUM OF LAW**

When determining the award of attorneys fees, the Court should give consideration to the factors for compensation that the 11<sup>th</sup> Circuit articulated in *In re Norman v. Housing Authority of City of Montgomery*, 836 F.2d 1292 (11<sup>th</sup> Cir. 1988) - (1) the time and labor properly employed by the attorneys in processing the case; (2) the quality of services rendered; (3) the scope of the activity and conspiracy under attack; (4) the financial risk involved; (5) the magnitude, complexity and novelty of the issues involved; (6) the beneficial results obtained; and (7) the degree to which, if any, effort were supported by prior governmental action. AN&B respectfully suggests that its application meets all of the criteria for this interim request for compensation. The Receiver, with the assistance of AN&B, has stabilized operations, and effectively dealt with labor and employment issues and, to the extent possible, maintained the status quo, with respect to employee compensation and benefits.

**WHEREFORE**, ALLEN, NORTON & BLUE, P.A., by and through the undersigned counsel, respectfully requests that this Court enter an Order Authorizing the Payment of \$ **1,762.50**. in fees and reimbursement of \$ **262.39** in costs for the Application Period. A proposed form of Order is attached.

Dated: December 15, 2004

Respectfully submitted,

**ALLEN NORTON & BLUE**

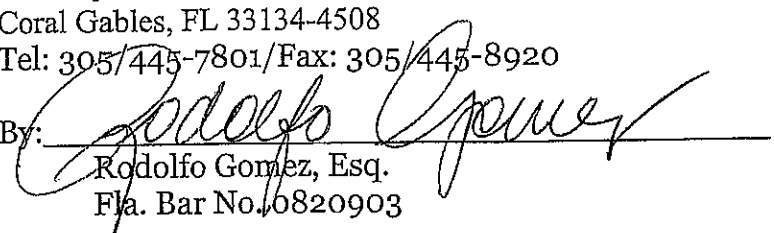
*Labor Counsel to the Receiver Robert Martinez*

121 Majorca Avenue, Suite 300

Coral Gables, FL 33134-4508

Tel: 305/445-7801/Fax: 305/445-8920

By: \_\_\_\_\_


  
Rodolfo Gomez, Esq.  
Fla. Bar No. 0820903

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served via facsimile and U.S. Mail this 17<sup>th</sup> day of December, 2004 to all parties on the attached Service List.

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Second Floor  
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(305) 476-7400

By \_\_\_\_\_

  
Curtis Miner  
Florida Bar No.

**SERVICE LIST OF RECEIVER**

December 10, 2004  
Case No.: 04-60573 CIV-Moreno

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EXHIBIT 1

EXHIBIT 1

SUMMARY OF INTERIM APPLICATION FOR  
COMPENSATION OF FEES AND COSTS OF  
ALLEN NORTON & BLUE, P. A.  
AS LABOR COUNSEL TO RECEIVER

1	Name of Applicant	Allen Norton & Blue, P. A.
2	Role of applicant	Labor Counsel to the Receiver
3	Name of certifying professional	Rodolfo Gomez
4	Date receiver appointed	May 4, 2004
5	Date of application for employment	June 2, 2004
6	Date of order approving employment	June 4, 2004
7	Dates of services rendered	June 19, 2004 through September 30, 2004
8	Total fees requested for this period	\$1,762.50
9	Total expenses requested for this period	\$262.39
10	Total fees and expenses award requested	\$2,024.02 (includes an 87¢ credit)

EXHIBIT 2



EXHIBIT 2

TIMEKEEPER BILLING SCHEDULE

<u>Timekeeper</u>	<u>Hours Worked</u>	<u>Rate</u>	<u>Amount</u>
Gomez, Rodolfo - Shareholder	4.1	\$275.00	\$1,127.50
Koji, Brian - Partner	1	\$275.00	\$275.00
Linda Noel - Associate	1.6	\$225.00	\$360.00
TOTAL FEES:			<u>\$1,762.50</u>

# EXHIBIT 3

EXHIBIT 3

EXPENSE SCHEDULE

<b>Date</b>	<b>Description</b>	<b>Cost</b>
7/1/04	US LEC, Long Distance Phone Charges	\$0.18
7/2/04	Electronic Research Charge, (LN)	\$106.98
7/2/04	Electronic Research Charge, (LN)	\$142.83
9/30/04	Fax Expense	\$9.00
9/30/04	Photocopies	\$2.80
9/30/04	Postage	\$0.60
	<b>TOTAL EXPENSES</b>	<b>\$262.39</b>

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MUTUAL BENEFITS CORP.,  
JOEL STEINGER a/k/a JOEL STEINER,  
LESLIE STEINGER a/k/a LESLIE STEINER,  
and PETER LOMBARDI,

Defendants,

**PROPOSED**

VIATICAL BENEFACTORS, LLC,  
VIATICAL SERVICES, INC.,  
KENSINGTON MANAGEMENT, INC.,  
RAINY CONSULTING CORP.  
TWIN GROVES INVESTMENTS, INC.,  
P.J.L. CONSULTING, INC.,  
SKS CONSULTING, INC., and  
CAMDEN CONSULTING, INC.,

Relief Defendants.

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**ORDER GRANTING  
ALLEN NORTON & BLUE, P. A.'s  
REQUEST FOR COMPENSATION**

**THIS CAUSE** came before the Court on Allen Norton & Blue, P.A.'s Petition for Fees and Costs. The Court has heard comments by interested parties, carefully reviewed the Petition and case file and is otherwise fully advised in the premises.

**THE COURT** notes that by prior Order this Court authorized the Receiver to "appoint one or more special agents, employ legal counsel, actuaries, accountants, claims administrators, clerks, consultants and assistants as the Receiver deems necessary and to fix and pay their reasonable compensation and expenses" subject to the approval by this Court at the time the Receiver accounts to the Court for such expenditures and compensation.

Pursuant to that provision, by prior Order the Court approved Receiver's application to employ Allen Norton & Blue, P. A ("AN &B") as Receiver's counsel in this action. In the instant Petition, AN&B seeks to have the Court authorize the Receiver to compensate AN &B for services rendered for the period from June 19, 2004 through September 30, 2004. In total, the Petition seeks approval of the payment of **\$2,024.02** consisting of \$1,762.50 in fees and \$262,38 in costs.

Accordingly, after due consideration, it is

**ORDERED** and **ADJUDGED** that Allen Norton & Blue, P. A.'s Second Interim Petition for Fees and Costs is hereby **GRANTED** and Receiver, Roberto Martínez is hereby authorized to pay to Allen Norton & Blue, P. A. the sum of \$ \_\_\_\_\_ which represents reasonable fees and costs incurred during this Application Period.

**DONE** and **ORDERED** in Chambers in the Southern District this \_\_\_\_ day of \_\_\_\_\_, 2004, in Miami, Florida.

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FEDERICO A. MORENO  
United States District Judge

Copies furnished to all counsel  
on the attached Service List.

SERVICE LIST OF RECEIVER

December 10, 2004

Case No.: 04-60573 CIV-Moreno

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