

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

NIGHT BOX  
FILED

JUL 02 2004

CLARENCE MADDOX  
CLERK, USDC / SDFL / MIA

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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**ALLEN NORTON & BLUE, P.A.'s FIRST REQUEST FOR INTERIM  
COMPENSATION TO PAY ATTORNEYS' FEES AND COSTS AND  
MEMORANDUM IN SUPPORT  
(May 6, 2004 through June 18, 2004)**

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

Rodolfo Gomez, a Shareholder of Allen Norton & Blue, P.A. ("AN&B") moves this  
Court to award interim attorneys' fees and costs incurred by AN&B as labor and employment

attorneys to the Receiver, Roberto Martínez (the "Receiver"), 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 June 18, 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 through June 18, 2004 (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 44.05 hours of attorney time. The total amount of fees sought during the application period is \$10,493.75. Total expenses sought by AN&B for the application period are \$ 51.53. No prior applications for compensation have been filed and no compensation has been paid to AN&B.

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 and the

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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*.

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), including (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; (3) the financial risk involved; (4) the complexity and novelty of the issues involved; and (5) the beneficial results obtained.

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 \$10,493.75. in fees and reimbursement of \$53.15 in costs for the Application Period. A proposed form of Order is attached.

Dated: July 2, 2004

CASE NO. 04-60573 CIV-MORENO/Garber

Respectfully submitted,

**ALLEN NORTON & BLUE**

*Labor Counsel to the Receiver – Robert Martínez*

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 2<sup>nd</sup> day of July, 2004 to all parties on the attached Service List.

By:

Detra Shaw-Wilder

**EXHIBIT "1"**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No.: 04-60573-CIV-MORENO/Garber

IN RE:

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

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

Defendants,

and

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

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- |    |                                 |                               |
|----|---------------------------------|-------------------------------|
| 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                   |
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5. Date of application for employment: June 2, 2004
6. Date of order approving employment: June 4, 2004
7. Dates of services rendered: May 6, 2004 through June 18, 2004
- Fees...**
8. **Total fee requested for this period** \$ 10,493.75
- Expenses...**
10. **Total expense reimbursement requested for this period** \$ 51.53
11. **Total fee and expense award requested** \$ 10,545.28

EXHIBIT 2

TIMEKEEPER BILLING SCHEDULE

<u>Timekeeper</u>	<u>Hrs. Worked</u>	<u>Rate</u>	<u>Amount</u>
Shareholder, Peter L. Sampo	6.50	275.00	\$1,787.50
Shareholder, Rodolfo Gomez	0.60	0.00	\$0.00
Shareholder, Rodolfo Gomez	13.00	275.00	\$3,575.00
Partner, York Flik	0.60	275.00	\$165.00
Partner, Brian Koji	7.75	275.00	\$2,131.25
Associate, Sharonda Mills	16.20	175.00	\$2,835.00

TOTAL FEES

\$10,493.75

EXHIBIT 3  
EXPENSE SCHEDULE

05/27/04	US LEC, Long Distance Phone Service	\$4.00
05/31/04	Fax Expense	\$32.00
05/31/04	Photocopies	\$14.70
05/31/04	Postage	\$0.83
		=====
	TOTAL EXPENSES	\$51.53



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SOUTHERN DISTRICT OF FLORIDA

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SECURITIES AND EXCHANGE COMMISSION,

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Relief Defendants.

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**ORDER**

**THIS CAUSE** came before the Court on Allen Norton & Blue, P.A.'s First Request for Interim Compensation to Pay Attorneys' Fees and Costs. The Court has heard comments by interested parties, carefully reviewed the Application 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 Application, AN& B seeks to have the Court authorize the Receiver to compensate AN& B for services rendered for the period from May 6, 2004 through June 18, 2004. In total, the Application seeks approval of the payment of \$ \_\_\_\_\_ consisting of \$ \_\_\_\_\_ in fees and \$ \_\_\_\_\_ in costs.

Accordingly, after due consideration, it is

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

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

\_\_\_\_\_  
HONORABLE FEDERICO MORENO  
United States District Court Judge

Copies furnished to:

All parties on the attached service list.

SERVICE LIST

SEC V. MBC, et al.

Case No. 04-60573-CIV-MORENO/Garber

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