

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.

**KOZYAK TROPIN & THROCKMORTON, P.A.'S SECOND
REQUEST FOR INTERIM COMPENSATION TO PAY ATTORNEYS'
FEES AND COSTS AND MEMORANDUM IN SUPPORT
(June 19, 2004 - September 30, 2004)**

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

David P. Milian, a Shareholder of Kozyak Tropin & Throckmorton, P.A. ("KTT") submits this Second Application for an award of interim attorney's fees and costs incurred by KTT as counsel to the Receiver, Roberto Martínez (the "Receiver") for the period June 19, 2004 through September 30, 2004 (the "Application Period").¹

KTT submits this Second Application at the request of the Receiver. This reflects KTT's agreement to reduce its fees by \$24,242.35 based on the reduction of KTT's billing rates from the firm's normal hourly rates (which reductions were reflected in the original fee application). This reduction is without prejudice to KTT making a future application to recover the reduction based on results obtained and the success of the Receivership.

In support of this Second Application, the undersigned submits the following:

1. Attached as **Exhibit "1"** is a Summary of the Fees incurred by KTT in its representation of the Receiver for the Application Period. Costs are posted through September 30, 2004.²
2. Attached as **Exhibit "1-A"** is a summary of all KTT timekeepers, their billing rates and the total hours that were charged by each timekeeper. **Exhibit "1-B"** is a summary of each timekeeper broken down by category. All time has been billed at the reduced agreed upon rate.³ All

¹There are three time entries pre-June 18, 2004 that were inadvertently omitted from the Amended Application filed July 8, 2004. KTT has included these time entries in this Second Application.

²As indicated in the Amended Application, KTT has included costs incurred after June 13, 2004 in this Second Application.

³KTT maintains detailed time records that are kept contemporaneously with the services performed. KTT will file, within 10 days, these detailed time records under seal with the Court for review *in camera* and *ex-parte*.

partners other than Detra Shaw-Wilder are billed at \$350.00/hour. Ms. Shaw-Wilder is billed at her current hourly rate of \$310.00. All non-partner timekeepers are billed at 15% below their regular hourly billing rate. As set forth above, savings to the receivership reflected in these negotiated discounts for this time period is approximately \$24,242.35. In certain instances, time billed to one category could have been appropriately billed to a different category or several different categories, however, in some instances it was very difficult, if not impossible, to divide the time between categories.

3. Attached as **Exhibit "2"** is the summary of costs. Total costs for which KTT seeks reimbursement are \$29,051.41. This reflects a voluntary write-off of out-of-pocket costs advanced by KTT of \$514.44.

4. The services rendered in each major category can be summarized as follows:

a. Asset Analysis and Recovery. [**\$1,505.00**]. Time included in this category reflects the efforts of KTT professionals to continue to identify and locate assets and maintain the status quo. KTT professionals continued the identification, review and analysis of pertinent documents and law, and, where appropriate, issued demand letters for return of funds or assets.

b. Business Operations. [**\$80,921.45**]. The efforts of KTT personnel in this area focused on continuing the understanding and stabilization of the operations of the Receivership Entities, meeting with banks, resolving account issues and, most significantly, continuing to understand and assure the uninterrupted payment of premiums for the policies.

KTT timekeepers worked on every aspect of business operations and operational logistics at MBC and VSI, including interface with, and coordination of, employees, bonding issues,

continued banking issues, collection of death benefits, dealing with IRA transfer and rollover issues, interfacing with insurance companies on a variety of issues and review payment of administrative expenses. At the Receiver's request, KTT attorney Carmen Contreras-Martinez has been on site at MBC at least two days a week and has been available "on call" to MBC personnel every day.

c. Investor and Agent Communications. [\$8,383.15]. KTT continues to assist the Receiver with investor communications, including preparing responses to investor inquiries, assisting the Receiver in preparing form responses for Garden City, speaking to investors or their counsel, and assisting with the preparation or editing of material to be included on the website.

d. Case Administration. [\$7,673.55]. Time billed to this category includes the efforts associated with the administration of the receivership including leasing, case staffing and general database issues, as well as preparing, or assisting in the preparation of motions to modify the Receiver's authority as necessary and appropriate. Time in this category also includes the actual website construction and maintenance which work is done by KTT paraprofessionals.

e. Employee Matters. [\$749.00]. KTT professionals have assisted the Receiver as requested in addressing the appropriate treatment of employees under the circumstances of the Receivership, including matters relating to continuation or termination of benefits.

f. Fee/Employment Applications (Professionals). [\$23,779.40]. KTT professionals prepared retention applications and proposed orders for Receivership professionals, including KTT, Rachlin Cohen & Holtz, and others. Time in this category includes preparation of KTT's First Interim Application.

g. General Litigation. [\$17,986.30]. To the extent possible, KTT has divided litigation efforts into specific categories as illustrated below. However, some litigation efforts relate to all litigation including set up for discovery responses, which time is generally included here.

h. Litigation SEC. [\$48,411.45]. All time associated directly to the pending SEC litigation is included in this category including review and modification of the freeze order, review of pleadings, preparation of receiver reports and attendance at hearings when requested by the Receiver.

i. Litigation Third-Party. [\$6,133.35]. Timekeepers at KTT have assisted the Receiver and co-counsel at Colson Hicks Eidson in coordinating outside litigation, including analysis and review of third party interpleader actions, and intervention requests.

j. Litigation - Administrative. [\$874.00]. KTT timekeepers have assisted, as requested, in efforts to abate regulatory actions during the Receivership, as well as assist in responding to requests for information from administrative agencies.

5. For the Application Period, KTT seeks reimbursement for 798.30 hours of attorney and paraprofessional time. The total amount of fees sought during the application period is \$196,416.65, reflecting the negotiated discounts totaling approximately \$24,242.35. Total expenses sought by KTT for the application period are \$29,051.41.

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

MEMORANDUM OF LAW

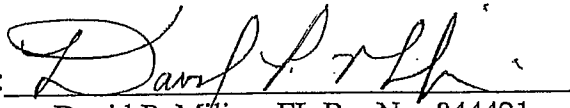
When determining the award of attorneys' fees, the Court should give consideration to the factors for compensation that the 11th Circuit articulated in *In re Norman v. Housing Authority of City of Montgomery*, 836 F.2d 1292 (11th Cir. 1988) - (1) the time and labor properly employed by the attorneys 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 (6) the degree to which, if any, effort were supported by prior governmental action. KTT respectfully suggests that its application meets all of the criteria for this interim request for compensation. The Receiver, with the assistance of KTT, has stabilized operations, secured assets, and, to the extent possible, maintained the status quo, while communicating regularly with all parties in interest, especially investors.

WHEREFORE, KOZYAK, TROPIN & THROCKMORTON, by and through the undersigned counsel, respectfully requests that this Court enter an Order Authorizing the Payment of \$196,416.65 in fees and reimbursement of \$29,051.41 in costs for the Application Period. A proposed form of Order is attached.

Dated: December 7th, 2004

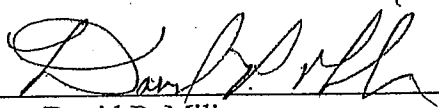
Respectfully submitted,

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Coral Gables, Florida 33134
Tel. (305) 372-1800/Fax. (305) 372-2508
E-mail: counselmbc@kttlaw.com

By: 
David P. Milian, FL Bar No. 844421
Laurel M. Isicoff, FL Bar No. 350923
Carmen Contreras-Martinez, FL Bar No. 0093475

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
facsimile & U.S. Mail this 7th day of December, 2004 to all parties on the attached Service List.

By: 
David P. Milian

3298/101/246487.1

SERVICE LIST

SEC v. Mutual Benefits Corp. et al.
Case No. 04-60573-CIV-MORENO/Garber

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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.

SUMMARY OF SECOND REQUEST FOR INTERIM
COMPENSATION TO PAY ATTORNEY'S FEES AND COSTS OF
KOZYAK TROPIN & THROCKMORTON, P.A. AS COUNSEL FOR RECEIVER

1. Name of applicant: Kozyak Tropin & Throckmorton , P.A.
2. Role of Applicant: Counsel for Receiver

3.	Name of certifying professional	David P. Milian
4.	Date receiver appointed:	May 4, 2004
5.	Date of application for employment:	May 26, 2004
6.	Date of order approving employment:	June 3, 2004
7.	Dates of services rendered	June 19, 2004 through September 30, 2004

Fees...

8.	Total fee requested for this period	<u>\$ 196,416.65</u>
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Expenses...

10.	Total expense reimbursement requested for this period	\$ 29,051.41
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11.	Total fee and expense award requested	<u>\$ 225,468.06</u>
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EXHIBIT 1-A

Summary of Professionals And Paraprofessional Time

Attorney Name		Licensed	Hours	Rate	Fee
AVELLO, ALEX	Paralegal		24.00	110.50	2,652.00
CONTRERAS-MARTINEZ, CARMEN	Associate	1996	305.60	170.00	51,952.00
MILIAN, DAVID P.	Senior Partner	1990	114.20	350.00	39,970.00
MILIAN, DAVID P.	Senior Partner	1990	4.00	N/C	0.00
SHAW-WILDER, DETRA P	Partner	1994	46.00	310.00	14,260.00
HARTMANN, KENNETH R.	Senior Partner	1987	153.20	350.00	53,620.00
ALMESTICA, LIZA	Paralegal	n/a	21.90	110.50	2,419.95
ISICOFF, LAUREL M.	Senior Partner	1982	72.00	350.00	25,200.00
MENDEZ, MARIA C.	Paralegal	n/a	50.30	110.50	5,558.15
PAZ, YAMILE C.	Paralegal	n/a	7.10	110.50	784.55
Total Hours by Professionals and Paraprofessionals:					798.30
"Blended" Hourly Rate:					246.04
Total Professionals and Paraprofessionals Fees:					196,416.65

* Indicate any changes in hourly rates during this Application and the date of such change

** Indicate "blended" hourly rate.

EXHIBIT 1-B

Summary of Professional And Paraprofessional Time by Activity Code Category

Attorney Name	Licensed	Hours	Rate	Fee
MILIAN, DAVID P.	1990	0.30	350.00	105.00
ISICOFF, LAUREL M.	1982	4.00	350.00	1,400.00
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Total for Category		4.30	350.00	1,505.00
ASSET ANALYSIS AND RECOVERY				
CONTRERAS-MARTINEZ, CARMEN	1996	230.20	170.00	39,134.00
MILIAN, DAVID P.	1990	12.10	350.00	4,235.00
SHAW-WILDER, DETRA P	1994	4.30	310.00	1,333.00
HARTMANN, KENNETH R.	1987	84.60	350.00	29,610.00
ISICOFF, LAUREL M.	1982	18.60	350.00	6,510.00
RODRIGUEZ, MARIA C.	n/a	0.90	110.50	99.45
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Total for Category		350.70	230.74	80,921.45
BUSINESS OPERATIONS				
CONTRERAS-MARTINEZ, CARMEN	1996	17.00	170.00	2,890.00
MILIAN, DAVID P.	1990	10.30	350.00	3,605.00
HARTMANN, KENNETH R.	1987	1.80	350.00	630.00
ALMESTICA, LIZA	n/a	0.20	110.50	22.10
ISICOFF, LAUREL M.	1982	3.50	350.00	1,225.00
PAZ, YAMILE C.	n/a	0.10	110.50	11.05
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Total for Category		32.90	254.81	8,383.15
INVESTOR AND AGENT COMMUNICATIONS				

AVELLO, ALEX	n/a	24.00	110.50	2,652.00
MILIAN, DAVID P.	1990	4.60	350.00	1,610.00
HARTMANN, KENNETH R.	1987	0.80	350.00	280.00
ALMESTICA, LIZA	n/a	0.50	110.50	55.25
ISICOFF, LAUREL M.	1982	8.60	350.00	3,010.00
PAZ, YAMILE C.	n/a	0.60	110.50	66.30

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Total for Category		39.10	196.25	7,673.55
CASE ADMINISTRATION				

CONTRERAS-MARTINEZ, CARMEN	1996	4.20	170.00	714.00
MILIAN, DAVID P.	1990	0.10	350.00	35.00

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Total for Category		4.30	174.19	749.00
EMPLOYEE MATTERS/PENSION				

CONTRERAS-MARTINEZ, CARMEN	1996	2.00	170.00	340.00
MILIAN, DAVID P.	1990	19.50	350.00	6,825.00
SHAW-WILDER, DETRA P	1994	32.30	310.00	10,013.00
HARTMANN, KENNETH R.	1987	0.70	350.00	245.00
ALMESTICA, LIZA	n/a	21.20	110.50	2,342.60
ISICOFF, LAUREL M.	1982	9.70	350.00	3,395.00
PAZ, YAMILE C.	n/a	5.60	110.50	618.80

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Total for Category		91.00	261.31	23,779.40
FEE/EMPLOYMENT APPLICATIONS (PROFESSIONALS)				

CONTRERAS-MARTINEZ, CARMEN	1996	3.60	170.00	612.00
MILIAN, DAVID P.	1990	1.80	350.00	630.00
SHAW-WILDER, DETRA P	1994	2.70	310.00	837.00

HARTMANN, KENNETH R.	1987	31.80	350.00	11,130.00
ISICOFF, LAUREL M.	1982	0.20	350.00	70.00
MENDEZ, MARIA C.	n/a	42.60	110.50	4,707.30
		-----	-----	-----
Total for Category LITIGATION		82.70	217.49	17,986.30

CONTRERAS-MARTINEZ, CARMEN	1996	38.00	170.00	6,460.00
MILIAN, DAVID P.	1990	54.60	350.00	19,110.00
MILIAN, DAVID P.	1990	4.00	N/C	0.00
SHAW-WILDER, DETRA P	1994	6.60	310.00	2,046.00
HARTMANN, KENNETH R.	1987	31.40	350.00	10,990.00
ISICOFF, LAUREL M.	1982	27.10	350.00	9,485.00
MENDEZ, MARIA C.	n/a	2.10	110.50	232.05
PAZ, YAMILE C.	n/a	0.80	110.50	88.40
		-----	-----	-----
Total for Category LITIGATION - SEC		164.60	294.12	48,411.45

CONTRERAS-MARTINEZ, CARMEN	1996	10.40	170.00	1,768.00
MILIAN, DAVID P.	1990	8.50	350.00	2,975.00
SHAW-WILDER, DETRA P	1994	0.10	310.00	31.00
HARTMANN, KENNETH R.	1987	2.10	350.00	735.00
ISICOFF, LAUREL M.	1982	0.30	350.00	105.00
MENDEZ, MARIA C.	n/a	4.70	110.50	519.35
		-----	-----	-----
Total for Category LITIGATION - THIRD PARTY		26.10	234.99	6,133.35

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CONTRERAS-MARTINEZ, CARMEN	1996	0.20	170.00	34.00
MULLIAN, DAVID P.	1990	2.40	350.00	840.00
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Total for Category		2.60	336.15	874.00
LITIGATION - ADMINISTRATIVE				

-				
Grand Total		798.30	246.04	196,416.65

EXHIBIT 2

**Summary of Requested Reimbursement Of Expenses
for this Time Period Only**

1.	Filing Fees	0.00
2.	Process Service Fees	\$400.00
3.	Witness Fees	\$(45.00)
4.	Court Reporter & Transcripts	\$3,434.75
5.	Lien and Title Searches	\$0.00
6.	Photocopies	\$8,167.34
	(a) In-house copies (21,227 @ \$.15)	
	(b) Outside copies - actual costs (\$4,983.29)	
7.	Postage	\$402.44
8.	Overnight Delivery Charges	\$4,556.24
9.	Outside Courier/Messenger Service	\$939.32
10.	Long Distance Telephone Charges	\$835.23
11.	Fax Transmissions ..	\$3,254.00
12.	Computerized Research	\$5,244.31
	Westlaw - \$4,721.68	
	Pacer - \$63.63	
	ChoicePoint Search Engine - \$459.00 (locate viators)	
13.	Travel Expenses	\$806.95
	(a) Parking/Tolls (\$263.25)	
	(b) Airfare to Atlanta, GA to visit VBLLC premises (\$511.70)	
	(c) Cab (\$32.00)	
14.	Other	\$1,055.83
	(a) Mileage (\$574.24)	
	(b) MBC Receiver Website (\$123.90)	
	(c) Security Services for initial shutdown of MBC - 5/3/04 (\$350.00)	
	(d) Replacement lock at Space Plus storage facility (\$7.69)	
	TOTAL EXPENSE REIMBURSEMENT REQUESTED	\$29,051.41

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

SECURITIES AND EXCHANGE COMMISSION,

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RAINY CONSULTING CORP.
TWIN GROVES INVESTMENTS, INC.,
P.J.L. CONSULTING, INC.,
SKS CONSULTING, INC., and
CAMDEN CONSULTING, INC.,

Relief Defendants.

ORDER

THIS CAUSE came before the Court on Kozyak Tropin and Throckmorton, P.A.'s Second Interim Application for 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 Kozyak Tropin and Throckmorton, P.A. (“KTT”) as Receiver’s counsel in this action. In the instant Application, KTT seeks to have the Court authorize the Receiver to compensate KTT for services rendered for the period from June 19, 2004 through September 30, 2004. In total, the Application seeks approval of the payment of \$225,468.06 consisting of \$196,416.65 in fees and \$29,051.41 in costs, which reflect negotiated reductions totaling \$24,242.35.

Accordingly, after due consideration, it is

ORDERED and **ADJUDGED** that Kozyak Tropin and Throckmorton P.A.’s Second Interim Application for Fees and Costs is hereby **GRANTED** and Receiver, Roberto Martínez is hereby authorized to pay Kozyak Tropin & Throckmorton, 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.

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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SERVICE LIST

SEC V. MBC, et al.

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

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