#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff.

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.

SIXTH INTERIM PETITION FOR FEES AND COSTS OF THE GARDEN CITY GROUP, INC. AS CLAIMS ADMINISTRATOR FOR THE RECEIVER AND MEMORANDUM IN SUPPORT

(January 1, 2006 – December 31, 2006)

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

The Garden City Group, Inc. (GCG) hereby requests this Court to enter an order authorizing the Receiver to pay the reasonable fees and costs incurred by the class administrator, GCG, from January 1, 2006 through December 31, 2006 (the "Application Period"), and in support of this application states:

- 1. Attached as Exhibit 1 is a summary of GCG fees and expenses. Exhibit 2 consists of: the following invoices: No. 03204 dated April 25, 2006; No. 03391 dated July 12, 2006; No. 03697 dated October 25, 2006, and No. 04023 dated January 29, 2007, which invoices detail the claims administration services that GCG has provided to the Receivership and expenses incurred from January 1, 2006 through December 31, 2006.
- 2. GCG continues to assist the Receiver in responding to investor/customer inquiries both via email and telephone. GCG, during this time period, maintained an automated phone system to address investor/customer questions, and had a Senior Project Manager address individual telephonic and emailed inquiries. GCG is also assisting in the processing of change of address requests sent by investors as well as other investor correspondence; printed and disseminated the Preference Forms, and has designed and implemented all required technology to carry out the administration process.
- 3. For the Application Period, GCG seeks reimbursement for total project fees in the amount of \$492,811.69, representing total fees of \$355,084.76 and total expenses in the amount of \$137,726.93. The services rendered to Receiver fall under the following categories and the fees breakdown as follows:

- a. <u>Document Management</u> \$82,690.00 Document Management includes handling of correspondence and other administrative mail.
- b. <u>Telephone and E-Mail Support</u> \$11,522.18 These charges pertain to the management and support of the telephone hotline and automated e-mail responses.
- c. <u>Systems Support</u> \$53,797.50 Systems Support charges pertain to the design and implementation of all required programs to carry out the administration process as well as preparation of the initial and second mailing of the Investor Notice and Preference form, and Policy Disposition Analysis.
- d. <u>Project Management/Consulting Charges</u> \$125,987.00 The Project Management and Consulting Charges, include, but are not limited to, management of the case; overseeing the systems and database maintenance; interfacing with Receiver's counsel and staff; receiving and responding to approximately 6,295 emails from investors and agents; receiving, reviewing and responding to voluminous investor correspondence; handling the change of address forms; and supervising the processing of investor Preference Forms.
- e. <u>Dissemination</u> \$81,088.08 The Dissemination Charge is for the printing of Preference Forms in English and Spanish, as well as the Letter to Policyholder, which includes supplies, as well as the sorting and preparation of two separate mailings.
- 5. I have carefully reviewed the attached exhibits and I am responsible for supervising all GCG personnel on the case. I certify that the hours expended and the costs incurred were necessary and reasonable to provide services to the Receiver during the Application Period. GCG has charged

its normal rates for the services rendered in matters of this kind. GCG rates charged in this matter are described in Exhibit 3 attached hereto.

#### MEMORANDUM OF LAW

This Court entered an Order authorizing the Receiver to retain GCG as claims administrator for the MBC matter. See Order Approving Receiver's Notice of Intention to Retain The Garden City Group as Claims Administrators dated June 3, 2004. This Court has the power to award the Receiver fees for his services and for expenses incurred by the Receiver in performance of his duties. See Donovan v. Robbins, 588 F.Supp. 1268, 1272 (N.D. III. 1984). The Receiver has incurred GCG's claims administration expenses in furtherance of his duties. GCG has provided services to the Receiver to assist in stabilizing MBC's operations and effectively managing the communications with the large number of MBC's investors and setting up the process to deal with investor claims in the future. GCG respectfully submits that it is entitled to compensation for its services.

WHEREFORE, The Garden City Group, Inc., by and through the undersigned, respectfully requests that this Court enter an Order Authorizing the Payment of \$355,084.76 in fees and reimbursement of \$137,726.93 in costs, or a total of \$492,811.69 for this Application Period.

Dated: February\_\_\_\_, 2007.

Respectfully submitted,

THE GARDEN CITY GROUP, INC.

Claims Administrator 105 Maxess Road Melville, NY 11747-3836

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20th day of March, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel of parties who are not authorized to receive electronically Notices of Electronic Filing.

s/CURTIS B. MINER
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### SERVICE LIST OF RECEIVER

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## **EXHIBIT 1**

SUMMARY OF SIXTH INTERIM APPLICATION FOR COMPENSATION OF FEES AND COSTS OF THE GARDEN CITY GROUP, INC.,
a Delaware corporation,
as Class Administrator

12	Total fees and expenses requested	\$492,811.69
11	Total expenses requested for this period	\$137,726.93
8	Total fees requested for this period	\$355,084.76
7	Dates of services rendered	January 1, 2006 Through December 31, 2006
6	Date of order approving employment	June 3, 2004
5	Date of application for employment	May 26, 2004
4	Date receiver appointed	May 4, 2004
3	Name of certifying professional	Jeffrey S. Stein
2	Role of applicant	Claims Administrator
1	Name of Applicant	The Garden City Group

# HISTORY OF FEE APPLICATIONS

(See Attached Chart)

·	Amount Paid	\$50,945.00	\$32,000.00	\$64,000.00	\$24,058.49	\$82,614.00	\$26,472.00		\$280,089,49
	Date Paid	11/5/2004	9/7/2005	9/7/2005	10/28/05	1/5/06	5/26/06		
٠	Total Amt. Awarded	\$50,945.00	\$40,000.00	\$80,058.49		\$82,614.00	\$26,472.00		\$280,089,49
	Date Awarded	10/25/2004	7/12/2005	8/18/2005		12/22/2005	5/25/06		
	Costs	\$750.00	\$0.00	\$909,14		\$2,614.00	\$1,472.00		\$5,745.14
Y GROUP, INC. APPLICATIONS	Fees Awarded	\$50,195.00	\$40,000.00	\$79,149.35		\$80,000.00	\$25,000.00		\$274,344.35
THE GARDEN CITY GROUP, INC. HISTORY OF FEE APPLICATIONS	Amount Requested	\$50,945.54	\$49,058.20	\$80,058.49		\$88,374.53	\$27,305.30	\$492,811.69	\$788,553.75
니티	Costs Requested	\$750.00	\$566.26	\$909.14		\$2,614.62	\$1,472,13	\$137,726.93	\$144,039.08
	Fees Requested	\$50,195.54	\$48,491.94	\$79,149.35		\$85,759.91	\$25,833.17	\$355,084.76	\$644,514,67
	Date Submitted	7/2/2004	12/27/2004	3/24/2005		11/4/2005	3/10/06		
	Application Period	5/11/04 – 6/18/04	6/19/04 - 9/30/04	10/1/04 1/31/05		2/1/05 - 9/30/05	10/1/05 - 12-31/005	1/1/06 - 12/31/06	TOTALS
 	Арр. #	-	2	m		4	ς,	9	}

**EXHIBIT 2** 



April 25, 2006

In connection with the Mutual Benefits Corporation Administration [04-60473-CIV-MORENO] for the threemonth period: January 1, 2006 through March 31, 2006

#### **Administration Fees**

#### Document Management and Claims Processing

Document management, includes mailroom, sorting and processing of investor correspondence.

753.1 hrs.

\$52,351.00

#### Telephone and E-Mail Support

Automated telephone response (IVR), 10,037.57 mins. @ \$0.42 per min.	4,215.78
Automated e-mail response, 3,608 @ \$0.20 each	721.60
Monthly telephone service charge, 3 mos. @ \$100.00 per mo.	300.00

#### Systems Support

Design & implement all required programs to carry out administration process, with particular attention to the initial and second mailing of the Investor Notice and Preference form, and Policy Disposition Analysis.

Senior Programmers – 197.3 hrs.

39,910.00

Programmers -3.1 hrs.

387.50

#### Project Management / Consulting Charges

Managing all aspects of case, including extensive supervision of the processing of investor Preference Forms; managing receipt and response to numerous e-mail inquiries (including translation of and response to numerous Spanish inquiries); supervising call center; responding to numerous telephone investor inquiries; overseeing systems and database maintenance; coordination and supervision of reporting; reading, researching and sorting of numerous pieces of investor correspondence; handling numerous changes of address; emails and conference calls; and interfacing with Receiver's counsel, GCG staff and other interested parties.

Managing Director – 22.7 hrs.	£ 210.00
Vice President – 3.7 hrs.	6,810.00
AVP/Director – 109.8 hrs.	832.50
	20,373.00
Senior Project Managers – 168.6 hrs.	25,290.00
Project Managers – 120.1 hrs.	15,012.50
Supervisors – 210.2 hrs.	19,969.00
Quality Assurance $-6.0$ hrs.	465.00
Total fees	· · · · · ·
- <del> </del>	\$186,637.88
Project Expenses (see exhibit A)	82,061.48
nocateur in the control of the contr	\$268.699.36

## MUTUAL BENEFITS CORPORATION ADMINISTRATION

#### **Project Expenses**

For the three-month period: January 1, 2006 through March 31, 2006

OCASA	\$80,669.18
Federal Express	146.00
Long distance telephone charges	12.61
Transportation (including Quality Assurance travel	
to and from printer)	1,173.87
Stationery and supplies	59.82
Total	<u>\$82,061.48</u>

PLEASE REMIT TO: The Garden City Group, Inc. 105 Maxess Road Melville, NY 11747 – 3836



July 12, 2006

In connection with the Mutual Benefits Corporation Administration [04-60473-CIV-MORENO] for the two-month period: April 1, 2006 through May 31, 2006

#### **Administration Fees**

#### Document Management and Claims Processing

Document management, includes mailroom, sorting and processing of investor correspondence.

401.0 hrs. \$27,991.50

#### Telephone and E-Mail Support

Automated telephone response (IVR), 2,495.30 mins. @ \$0.42 per min.	1,048.03
Automated e-mail response, 889 @ \$0.20 each	177.80
Monthly telephone service charge, 2 mos. @ \$100.00 per mo.	200.00

#### Systems Support

Design & implement all required programs to carry out administration process, with particular attention to the initial and second mailing of the Investor Notice and Preference form, and Policy Disposition Analysis.

Senior Programmers – 45.7 hrs.

9,140.00

### Project Management / Consulting Charges

Managing all aspects of case, including extensive supervision of the processing of investor Preference Forms; managing receipt and response to numerous e-mail inquiries (including translation of and response to numerous Spanish inquiries); supervising call center; responding to numerous telephone investor inquiries; overseeing systems and database maintenance; coordination and supervision of reporting; reading, researching and sorting of numerous pieces of investor correspondence; handling numerous changes of address; emails and conference calls; and interfacing with Receiver's counsel, GCG staff and other interested parties.

Vice President – 0.1 hrs.	22.50
AVP/Director – 25.7 hrs.	4,582.00
Senior Project Managers – 27.5 hrs.	4,125.00
Project Managers – 78.6 hrs.	9,825.00
Supervisors – 73.0 hrs.	6,935.00
Quality Assurance – 14.0 hrs.	980.00
Total fees	\$ 65,026.83
Project Expenses (see exhibit A)	<u>3,28</u> 4.51
Sub total	68,311.34
Outstanding balance on Invoice:	
02955	15,651.81
03204	268,699,36
Total due:	\$352,662,51

# MUTUAL BENEFITS CORPORATION ADMINISTRATION

## Project Expenses

For the two-month period: April 1, 2006 through May 31, 2006

Federal Express	\$2,091.76
NCOA search	95.00
Miscellaneous copies charges	852.75
Stationery and supplies	245.00
Total	<u>\$3,284,51</u>

PLEASE REMIT TO: The Garden City Group, Inc. 105 Maxess Road Melville, NY 11747 – 3836



October 25, 2006

In connection with the Mutual Benefits Corporation Administration [04-60473-CIV-MORENO] for the four-month period: June 1, 2006 through September 30, 2006

### **Administration Fees**

Dissemination	
Printing of Preference Forms (English) (Ist mailing)	
57,848 packets @ \$0.76/packet	43,964.48
Printing of Preference Forms (English and Spanish) (1 <sup>st</sup> mailing) 8,062 packets @ \$1.52/packet	12,254.24
Printing of Letter to Policyholders (rush basis) 19,000 copies @ \$0.50 each	9,500.00
Remails of Preference Forms 2,866 @ \$0.76/packet	2,178.16
Printing of Preference Forms (English) (2 <sup>nd</sup> mailing) 9,078 packets @ \$0.76/packet	6,889.28
Printing of Preference Forms (English and Spanish) (2 <sup>nd</sup> mailing) 4,146 packets @ \$1.52/packet	6,301.92
(Includes labels, envelopes, folding, insertion, sealing, mail sorting and pre	<b>:</b> р.)
Document Management and Claims Processing  Document management, includes mailroom, sorting and processing of investor correspondence.	
32.6 hrs.	2,235.50
Telephone and E-Mail Support	
Automated telephone response (IVR), 5,634.54 mins. @ \$0.42 per min.	2,366.51
Automated e-mail response, 1,194 @ \$0.20 each	238.80
Monthly telephone service charge, 4 mos. @ \$100.00 per mo.	400.00

#### Systems Support

Design & implement all required programs to carry out administration process, with particular attention to the initial and second mailing of the Investor Notice and Preference form, and Policy Disposition Analysis.

Senior Programmers – 13.4 hrs.

2,680.00

## Project Management / Consulting Charges

Managing all aspects of case, including supervision of the processing of investor Preference Forms; managing receipt and response to numerous e-mail inquiries (including translation of and response to numerous Spanish inquiries); supervising call center; responding to numerous telephone investor inquiries; overseeing systems and database maintenance; coordination and supervision of reporting; reading, researching and sorting of numerous pieces of investor correspondence; handling numerous changes of address; and interfacing with Receiver's counsel, GCG staff and other interested parties.

180.00
720.00
314.50
3,000.00
862.50
1,263.50
160.00
\$ 95,509.39
51,856.45

## MUTUAL BENEFITS CORPORATION ADMINISTRATION

#### **Project Expenses**

For the four-month period: June 1, 2006 through September 30, 2006

Postage (domestic and international charges)	\$35,282.24
OCASA	16,522.69
Federal Express	51.52
Total	\$51.856.45

PLEASE REMIT TO: The Garden City Group, Inc. 105 Maxess Road Melville, NY 11747 - 3836



January 29, 2007

In connection with the Mutual Benefits Corporation Administration [04-60473-CIV-MORENO] for the three-month period: October 1, 2006 through December 31, 2006

#### Administration Fees

Document Management	and Claim	e Progossina
Document Managethelif	and Claim	s Processing

Document management, includes mailroom, sorting and processing of investor correspondence.

1.6 hrs. \$ 112.00

#### Telephone and E-Mail Support

Automated telephone response (IVR), 3,411.58 mins. @ \$0.42 per min.	1,432.86
Automated e-mail response, 604 @ \$0.20 each	120.80
Monthly telephone service charge, 3 mos. @ \$100.00 per mo.	300.00

#### Systems Support

Design & implement all required programs to carry out administration process.

Senior Programmers – 8.4 hrs. 1,680,00

#### Project Management / Consulting Charges

Managing all aspects of case, including supervision of the processing of investor Preference Forms; managing receipt and response to numerous e-mail inquiries (including translation of and response to numerous Spanish inquiries); supervising call center; responding to numerous telephone investor inquiries; overseeing systems and database maintenance; coordination and supervision of reporting; reading, researching and sorting of numerous pieces of investor correspondence; handling numerous changes of address; and interfacing with Receiver's counsel, GCG staff and other interested parties.

Directors – 0.4 hr.	
Directors – 0.4 nr.	90.00
Senior Project Managers – 17.8 hrs.	2,670.00
Project Managers – 5.2 hrs.	650.00
Supervisor – 9.0 hrs.	<u>855.00</u>
Total fees	\$7,910.66
Project Expenses (see exhibit A)	_ 524.49

Total due: 38 435 15

## MUTUAL BENEFITS CORPORATION ADMINISTRATION

#### **Project Expenses**

For the three-month period: October 1, 2006 through December 31, 2006

P. O. box rental	\$425.00
Federal Express	59.01
Miscellaneous copy charges	13.30
Postage	22.44
Long distance telephone charges	4.74
Total	<u>\$524,49</u>

PLEASE REMIT TO: The Garden City Group, Inc. 105 Maxess Road Melville, NY 11747 - 3836

## **EXHIBIT 3**

# THE GARDEN CITY GROUP, INC. Hourly Project Management Billing Rates Estimated Average Blended Rate of \$125

Timekeeper	Amount
Senior Management	\$300 - \$395
Assistant Vice President and Directors	<b>\$175 - \$275</b>
Department Managers	\$150
System and Technology Staff	\$100 - \$225
Quality Assurance Staff	\$80 ~ \$225
Project Managers	\$125
Project Supervisors	\$95
Project Administrators	\$70
Data Entry Processors	\$55
Customer Service Representatives	\$80
Graphic Support	\$125
Mailroom and Claims Control	\$40 - \$55
Administrative	\$45 - \$100