

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:) In Proceedings Under Chapter 11
)
MIDWEST CHRISTIAN VILLAGES, INC.,) Case No. 24-42473-659
et al.,¹) Jointly Administered
Debtors.) Honorable Kathy Surratt-States
)
) SECOND INTERIM APPLICATION OF
) SUMMERS COMPTON WELLS LLC
) FOR APPROVAL OF PAYMENT OF
) FEES AND EXPENSES AS COUNSEL
) FOR DEBTORS FOR THE TIME
) PERIOD NOVEMBER 1, 2024
) THROUGH FEBRUARY 28, 2024
)
) Hearing Date: April 22, 2025
) Hearing Time: 11:00 a.m. (CDT)
) Objection Deadline: April 8, 2025

COMES NOW Summers Compton Wells LLC (“Applicant”), by David A. Sosne, and respectfully states to the Court as follows:

1. The above-captioned debtors (the “Debtors”), (which are being jointly administered) filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1550 (the “Bankruptcy Code”) on July 16, 2024 (the “Petition Date”).

2. Since the Petition Date, Debtors have operated as debtors and debtors-in-possession.

¹ The address of the Debtors headquarters is 2 Cityplace Dr, Suite 200, Saint Louis, MO 63141-7390. The last four digits of the Debtors’ federal tax identification numbers are: (i) Midwest Christian Villages, Inc. [5009], (ii) Hickory Point Christian Village, Inc. [7659], (iii) Lewis Memorial Christian Village [3104], (iv) Senior Care Pharmacy Services, LLC [1176], (v) New Horizons PACE MO, LLC [4745], (vi) Risen Son Christian Village [9738], (vii) Spring River Christian Village, Inc. [1462], (viii) Christian Homes, Inc. [1562], (ix) Crown Point Christian Village, Inc. [4614], (x) Hoosier Christian Village, Inc. [3749], (xi) Johnson Christian Village Care Center, LLC [8262], (xii) River Birch Christian Village, LLC [7232], (xiii) Washington Village Estates, LLC [9088], (xiv) Christian Horizons Living, LLC [4871], (xv) Wabash Christian Therapy and Medical Clinic, LLC [2894], (xvi) Wabash Christian Village Apartments, LLC [8352], (xvii) Wabash Estates, LLC [8743], (xviii) Safe Haven Hospice, LLC [6886], (xix) Heartland Christian Village, LLC [0196], (xx) Midwest Senior Ministries, Inc. [3401]; (xxi) Shawnee Christian Nursing Center, LLC [0068]; and (xxii) Safe Haven Hospice, LLC [6886].



3. Pursuant to an Order entered by this Bankruptcy Court, Applicant was employed as local counsel for the Debtors. Services of Applicant as attorney for the Debtors commenced on the Petition Date. In addition, in the rare instances where potential conflicts arose by virtue of a creditor or interested party having claims or interests that might create a conflict of interest with lead counsel, Applicant has served as conflicts counsel to address these issues.

4. David A. Sosne, an attorney duly licensed to practice in the United States Bankruptcy Court for the Eastern District of Missouri, and other individuals associated with Applicant, have performed services on behalf of Debtors during the time period covered by this Application. The hourly rates for each of the professionals and paraprofessionals for whom compensation is requested for the period of November 1, 2024 through February 28, 2025, are:

David A. Sosne (Attorney/Principal)	\$490.00
Brian J. LaFlamme (Attorney/Principal)	\$450.00
Christy L. Hauck (Paralegal)	\$225.00

5. From November 1, 2024 through February 28, 2025, approximately 103.1 hours were devoted by Applicant in rendering services to the Debtors, all as more particularly summarized and itemized on Exhibit “A”, attached hereto.

6. Applicant believes that the legal services rendered by it have been valuable and beneficial to this estate. Applicant further states that considering the time and effort expended by Applicant, the skill, reputation and experience of Applicant in bankruptcy matters, the reasonableness of the fees sought by Applicant, and the results obtained by Applicant, the services are reasonably worth \$47,635.00.

7. The legal services performed by Applicant are summarized by project categories. A summary of each of the project categories, together with a general description of the services rendered, follows. Applicant has attempted to itemize the services rendered by category; however, as some entries may fall within more than one category and as the categories overlap

with respect to certain matters, Applicant has used its best judgment to allocate entries between the various categories.²

A. **General Case Administration.** This category relates to all proceedings concerning the general administrative matters of the estate, assisting and consulting with lead counsel with regard to local practice and procedures, addressing issues with the Clerk of the Court, serving as liaison to the Court, reviewing, drafting and finalizing pleadings and orders and attending multiple hearings. In addition, Applicant has taken the lead on dealing with the liquidation of a Section 457 Deferred Compensation Claim and in connection therewith, has engaged with Corebridge Financial to address the logistics of the liquidation and the filing of a Motion seeking approval of a Stipulation and Agreed Order. The number of hours and the compensation requested for this project category are 30.5 hours and \$13,974.00, respectively.

B. **Claims.** This entry relates to general claim inquiries, working with lead counsel in preparing pleadings and orders for filing of claims, setting bar dates, and attending hearings. It also included taking the lead on resolving the claim of Aetna as well as addressing issues involving Wells Fargo, which is a lessor of various equipment leases. In addition, Applicant negotiated and resolved all issues relating to AmerisourceBergen and Smart-Fill, which provided the pharmaceuticals to the Debtors. The number of hours and compensation requested for this project category are 33.3 hours and \$15,570.00, respectively.

D. **Professionals.** This category relates to the employment of professionals, the preparation of monthly fee statements, the preparation of fee applications for professionals and the evaluation of fees, and assisting lead counsel with regard to fee issues and employment

² Copies of the statements are available upon request to David A. Sosne.

of professionals. The number of hours and the compensation requested for this project category are 8.5 hours and \$2,999.00 respectively.

E. **Plan and Disclosure Statement.** This category relates to assisting lead counsel with regard to any Plan issues. The number of hours and the compensation requested for this project category are 1.0 hours and \$490.00 respectively.

F. **Sale of Assets.** This category relates to the sale of Debtors' assets, including, without limitation, the negotiations relating to the sale, bid procedures, the agreements for sale of those assets, motions to obtain approval of the various sales and actions to assist in the closing of the various transactions. The number of hours and compensation requested for this project category are 29.8 hours and \$14,602.00, respectively, as more fully identified below.

8. Applicant has further incurred expenses for which it now seeks approval of payment. These expenses total \$599.66 and are actual, reasonable, economical, necessary and comparable to other expenses customarily charged to non-bankruptcy clients of Applicant. These expenses are set forth on Exhibit "B".

9. Prior to the filing of these cases, the Debtors paid what has been traditionally called a retainer of (a) \$30,000.00 on or about June 20, 2024, plus (b) \$9,000.00 on July 15, 2024. Applicant applied pre-petition \$9,888.50 towards fees for services and expenses rendered prior to the filing of these cases, leaving a retainer balance in trust of \$29,111.50 for post-petition fees and expenses. Since the filing of these cases, Applicant has drawn down fees and expenses from Applicant's trust account in accordance with this Court's guidelines and local rules permitting monthly payment of 80% of fees and 100% of expenses and Debtors have made additional payments once the funds in trust were drawn down. All funds in trust have been drawn down.

10. Previously, Applicant filed its First Interim Applications for Approval of Payment of Fees and Expenses as Counsel for the Debtors. The Court entered its order granting the First Interim Application and pursuant thereto and the local rules of this district, Applicant was paid in full for the amounts and time period listed below:

<u>Interim Application</u>	<u>Time Period</u>	<u>Fees</u>	<u>Expenses</u>
First	7/16/24 through 10/31/24	\$46,366.00	\$4,285.03

11. For the period from November 1, 2024 through February 28, 2025, Applicant has billed monthly for its services and expenses in accordance with the local rules and guidelines of this Court. Pursuant thereto, as of March 19, 2025, Debtors have paid 80% of the fees billed and 100% of the expenses incurred for the months for the period from November 1, 2024 through January 31, 2025. Applicant has billed Debtors for its services and expenses for the month of February of 2025, but as of March 19, 2025, had not received payment. The amounts billed and paid are summarized below:

Fees 11/1/2024-2/28/2025		Expenses 11/1/2024-2/28/2025		Totals
Owed	\$47,635.00	Owed	\$599.66	
Paid	<u>-\$31,232.00</u>	Paid	<u>-\$490.66</u>	
	\$16,442.20		\$109.00	Due: \$16,551.20

12. As of March 19, 2025, the unpaid fees and expenses for which Applicant will be seeking approval total \$16,551.20, representing the 20% holdback of the total fees for the period of November 1, 2024 through January 31, 2025 in the amount of \$7,665.20 plus the sum of \$8,777.00, representing 100% of the total fees for the month of February of 2025. Applicant will also be seeking reimbursement of all expenses for the month of February of 2025 in the amount of \$109.00.

13. By the time of the hearing, the amount of unpaid fees may be less due to possible additional payment by Debtors in accordance with the prevailing Cash Collateral Orders and DIP Financing.

14. The compensation sought by Applicant is consistent with and comparable to compensation charged by comparably skilled practitioners in cases other than cases under Title 11.

15. Upon information and belief, all quarterly fees have been paid to the United States Trustee and all monthly operating reports have been filed when due through the date of this Application.

16. Upon information and belief, Debtors have paid all of its administrative expenses as they accrued.

17. The Debtors have been provided with an opportunity to review this Application and have approved the amounts requested.

WHEREFORE, Applicant prays that this Court approve the allowance of its fees in the amount of \$47,635.00 for services rendered on behalf of Debtors from November 1, 2024 through February 28, 2025; that the Court approve an allowance of the expenses incurred by Applicant in the amount of \$599.66 for this time period, that the Court authorize the Debtors to pay the fees and expenses awarded pursuant to this interim application, that this Court authorize the Debtors to pay Applicant the unpaid balance claimed by Applicant for this time period (the sum of \$16,551.20 owed as of March 19, 2025, less any payments made thereafter), and that this Court grant such other and further relief as may be just and proper.

SUMMERS COMPTON WELLS LLC

Date: March 20, 2025

By: /s/ David A. Sosne

David A. Sosne, Esq. #28365MO

903 S. Lindbergh Blvd, Suite 200

St. Louis, MO 63131

Phone: 314-991-4999

Fax: 314-991-2413

Email: dsosne@summerscomptonwells.com

Local Counsel for Debtors

CERTIFICATION

The undersigned, certifies under penalty of perjury that the above and foregoing is true and correct to the best of his knowledge, information and belief, and that no agreement has been made and no understanding exists directly or indirectly for a division of fees between the Applicant, or any other person, except with the Applicant's law firm.

/s/ David A. Sosne

DAVID A. SOSNE

EXHIBIT A

**SUMMARY OF COMPENSATION OF SECOND INTERIM APPLICATION OF
SUMMERS COMPTON WELLS LLC FOR APPROVAL OF PAYMENT OF FEES AND
EXPENSES AS COUNSEL FOR THE DEBTORS FOR THE TIME
PERIOD NOVEMBER 1, 2024 THROUGH FEBRUARY 28, 2025**

PROFESSIONAL/ PARAPROFESSIONAL	HOURS BILLED THIS APPLICATION	RATE	TOTAL
David A. Sosne, Attorney	80.5	\$490.00	\$39,445.00
Brian J. LaFlamme, Attorney	13.8	\$450.00	\$6,210.00
Christina L. Hauck, Paralegal	8.8	\$225.00	\$1,980.00
TOTAL	103.1		\$47,635.00

EXHIBIT B

**SUMMARY OF EXPENSES OF SECOND INTERIM APPLICATION OF SUMMERS
COMPTON WELLS LLC FOR APPROVAL OF PAYMENT OF FEES AND EXPENSES
AS COUNSEL FOR THE DEBTORS FOR THE TIME PERIOD NOVEMBER 1, 2024
THROUGH FEBRUARY 28, 2025**

Court Fees-Certified Copies		\$430.00
Mileage		\$27.15
Westlaw		\$142.51
TOTAL EXPENSES		\$599.66