

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

NEW WEI, INC.)	
)	CASE NO. 15-02741-TOM
)	CHAPTER 7
Debtor.)	

**INTERIM APPLICATION FOR COMPENSATION
BY ACCOUNTANT FOR THE TRUSTEE**

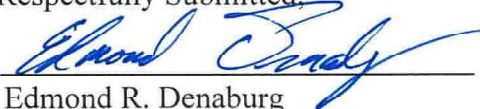
**To: The Honorable Tamara O. Mitchell
United States Bankruptcy Judge**

PART I. COVER SHEET

- 1) Name of Applicant: Edmond R. Denaburg
- 2) Date Application for Employment was Filed: February 22, 2017
- 3) Date of Order Authorizing Employment: February 24, 2017
- 4) Professional Services Provided to: Chapter 7 Trustee
- 5) Period for Which Compensation is Sought: January 1, 2023 Through December 31, 2023
- 6) (a) Amount of Fees Sought: \$12,645.00 (b) Amount of Expenses Sought: \$290.13
- 7) This is an X Interim Application Final Application
- 8) Disclosure of All Prior Application for Compensation:

<u>Date Filed</u>	<u>Period Covered</u>	<u>Fees Requested</u>	<u>Expenses Requested</u>	<u>Total Allowed</u>
November 15, 2017	February 15, 2017-November 1, 2017	<u>\$65,726.80</u>	<u>\$ 1,210.96</u>	<u>\$66,937.76</u>
January 9, 2019	November 2, 2017-December 31, 2018	<u>\$73,593.60</u>	<u>\$ 2,135.35</u>	<u>\$75,728.95</u>
November 25, 2019	January 1, 2019-November 15, 2019	<u>\$26,276.70</u>	<u>\$ 439.05</u>	<u>\$26,593.65</u>
November 25, 2020	November 16, 2019-October 31, 2020	<u>\$28,427.00</u>	<u>\$ 343.90</u>	<u>\$28,770.90</u>
January 18, 2022	November 6, 2020-December 31, 2021	<u>\$12,459.00</u>	<u>\$ 239.70</u>	<u>\$12,698.70</u>
January 11, 2023	January 1, 2022-December 31, 2022	<u>\$15,015.00</u>	<u>\$ 156.95</u>	<u>\$15,171.95</u>

- 9) Aggregate Amount of Fees and Expenses Allowed to Date: \$225,901.91
- 10) Aggregate Amount of Fees and Expenses Paid to Date: \$225,901.91

Respectfully Submitted,

 Edmond R. Denaburg



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**To: The Honorable Tamara O. Mitchell
United States Bankruptcy Judge**


COMES NOW Edmond R. Denaburg as accountant for the Chapter 7 Trustee, and prays that the Court award him accountant's fees and authorize payment thereof in the amount of \$12,935.13 consisting of fees in the amount of \$12,645.00 and expenses in the amount of \$290.13. This request is for Accounting services rendered from January 1, 2023 through December 31, 2023.

In support of this application, Edmond R. Denaburg attaches hereto and makes a part hereof by reference Appendices A through F as follows:

- Appendix A Applicable Legal Principles in Support of Fees
- Appendix B Project Summaries
- Appendix C Summarized Time Entries by Project for this Fee Application
- Appendix D Inception to date summarized time entries by project 2/15/17-12/31/23
- Appendix E Detailed Time Entries for Services Rendered 1/1/23-12/31/23
- Appendix F Summary of Expenses

Edmond R. Denaburg prays that he will be allowed compensation and reimbursement of expenses as hereinabove set forth, and that he will have such other further relief as is just and proper.

DATED this the 25th day of January, 2024.



Edmond R. Denaburg
Federal ID No. XXX-XX-7083
Accountant

APPENDIX A

APPLICABLE LEGAL PRINCIPLES IN SUPPORT OF FEES

Compensation for professional person is expressly authorized by 11 U.S.C. Section 330. Using the procedure set out in Bankruptcy Rule 2016, professional persons may receive reasonable compensation for

. . . actual, necessary services rendered by such. . .

professional person . . . based on the nature, the extent and the value of such services, the time spent on such services, and the cost of comparable services other than in a case under this title (11 U.S.C. Section 1, et seq.);

11 U.S.C. Section 330 (a) (1).

In determining the amount of any such award of accounting fees, the Court should consider the principles and factors enunciated in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 5th Cir. 1974) as made applicable in the bankruptcy context in re *First Colonial Corporation of America*, 554 F.2d 1291 (5th Cir. 1977). In *Matter of U. S. Golf Corporation*, 639 F.2d 1197 (5th Cir. 1977), the bankruptcy factors were modified to comport to statutory provisions of the Bankruptcy Reform Act of 1978. The “former Fifth” Circuit decisions are “binding as precedent in the Eleventh Circuit, for this court, the district courts, and the bankruptcy courts in the circuit.” *Bonner v. City of Prichard, Alabama*, 661 F.2d 1206, 1207 (11th Cir. 1981). The relevance and significance of each factor in this case is discussed hereinafter.

1) Persons Who Performed the Services Covered by This Application

<u>Name</u>	<u>Position</u>	<u>Bkrtcy Rate</u>	<u>Non-Bkrtcy Rate</u>	<u>Time</u>	<u>Bkrtcy Total</u>
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* * *See Attached* * *

<u>40.6</u>	<u>\$ 12,645.00</u>
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Attachment to Appendix A, Question # 1 - Persons Who Performed the Services Covered by this Application

Name	Position	Bankruptcy Rate	Non Bankruptcy Rate	Time	Total
Edmond R. Denaburg	Accountant	400	400	9.9	3,960.00
Edmond R. Denaburg	Accountant	430	430	9.1	3,913.00
Edmond R. Denaburg	Accountant	430	430	0.6	Not Charged
Nick D. Parsons	Accountant	265	265	3.6	954.00
Samantha Dale	Accountant	235	235	0.8	188.00
Samantha Dale	Accountant	250	250	12.7	3,175.00
Jordan A Hurd	Accountant	140	140	0.5	70.00
Angela C. Craig	Bookkeeper	120	120	0.2	24.00
Angela C. Craig	Bookkeeper	130	130	0.1	13.00
Pamela G. Murray	Clerical	120	120	0.3	36.00
Pamela G. Murray	Clerical	130	130	2.4	312.00
Pamela G. Murray	Clerical	130	130	0.4	Not Charged
				40.6	12,645.00
				====	=====

2) Skill Requisites to Perform the Accounting Services and Experience, Reputation and Ability of the Accountant

Edmond R. Denaburg has been a shareholder in the accounting firm of Christian & Denaburg, P.C. (Denaburg) for approximately thirty-seven years. Denaburg is an accounting firm whose members have been involved in bankruptcy practice for some time. Edmond R. Denaburg, CPA, CFF, CFE, CIRA, devotes a substantial portion of his practice to the bankruptcy area. Mr. Denaburg has been a practicing accountant since 1981. Nick D. Parson, CPA was an accountant with Denaburg who has been a practicing accountant for 10 years. Samantha Dale is an accountant with Denaburg who has been a practicing accountant for more than 20 years. Angela L. Craig is a bookkeeper for Denaburg with over 20 years of experience. Jordan A. Hurd is an accountant with Denaburg. Pamela G. Murray is a clerical worker for Denaburg.

3) Amounts Involved and Results Achieved

The Firm of Christian & Denaburg, P.C. incurred a total of 40.6 hours or \$12,645.00 relating to:

- a) Preparation of the Company's corporate consolidated federal income tax returns for the year ended December 31, 2022, Alabama corporate income tax returns for the year ended December 31, 2022 and Delaware income tax return for the year December 31, 2022. Preparation of federal and Alabama liquidating trust income tax returns for the year ended December 31, 2022.
- b) Assist Trustee in administering the agreement with Warrior Met Coal.
- c) Additional assistance provided to the trustee or attorney for the trustee not identified above including but not limited to handling responding to tax notices, assisted the trustee in matters relating to analyzing and searching for potential recoveries for the estate, prepared cash projections, inception to date cash activity analysis, meetings and conversations with Porterfield, Humphries and/or Trustee to discuss various issues, testified in court at the request of Mike Hall, conversations with various individuals involved with Cardem and complied with this courts employment and fee application requirements.

4) Time and Labor Involved

From January 1, 2023 through December 31, 2023, Denaburg devoted 40.6 hours of time as accountant for the Trustee.

It has frequently been held “that there can be no fee awarded on the basis of unrecorded or estimated time”. *In re Garland Corp.*, 9 B.R. 826, 829-830 (Bankr. D. Mass. 1981). At the same time this Court, based on its knowledge and experience, is aware that despite the diligent efforts of the accountant to keep complete time records, there are inevitably some hours that do not get recorded.

In its discussion of this factor, the Court in *Johnson V. Georgia Highway Express* stated:

Although hours claimed or spent on a case should not be the sole basis for determining a fee, *Electronics Capital Corp. v. Sheperd*, 439 F.2d 692 (5th Cir. 1971), they are a necessary ingredient to be considered. *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717 (5th Cir. 1974)

Because of its experience and expertise, your Applicant submits that less time was devoted to this case than would have been expended by accountants of lesser experience and expertise. In considering time spent as an element of fee awards, *Garland* stated “the Court should not penalize and, in fact, should reward diligence, experience, skill and results”. *In re Garland Corporation, supra*, 830.

5) Novelty and Complexity of the Issues Involved

Your Applicant submits that this factor is inapplicable to this case.

6) Preclusion of Other Employment

Your Applicant submits that this factor is inapplicable to this case.

7) Prior Government Investigation, Indictment, Criminal Prosecution and Related Civil Actions

Your Applicant submits that this factor is inapplicable to this case.

8) Time Limitations and Urgency of Litigation

Your Applicant submits that this factor is inapplicable to this case.

9) Nature and Length of Relationship Between Client and Accountants

Your Applicant submits that this factor is inapplicable to this case.

10) Undesirability of This Case

Your Applicant submits that this factor is inapplicable to this case.

11) Nature of the Fee and Awards in Similar Litigation

By statute, a professional employed to assist the Trustee is entitled to “reasonable compensation”; 11 U.S.C. Section 330. In making this analysis “(T)he reasonableness of a fee may also be considered in the light of awards made in similar litigation within and without the court’s circuit”. *Johnson v. Georgia Highway Express, ibid.* It is inconsistent with, and contrary to, Johnson for fees to be “set in accordance with maximum limits of the district court rather than as a result of a balance of all the Johnson factors”. *In the Matter of U. S. Golf Corporation*, 639 F.2d 1197, 1206 (5th Cir. 1981).

As with the fifth Johnson factor, “customary fees”, this Court is familiar with fees awarded in other bankruptcy cases.

12) Customary Fees

By statute, fees are to be considered based on “the cost of comparable services other than in a case under this title”. 11 U.S.C Section 330. “The scope of the inquiry as to comparable costs . . . take into consideration the billing practice in the entire legal community.” *In re City Planner & Developers, Inc.*, 5 B.R. 217, 219 (Bankr. D. Puerto Rico). “Because judges are themselves familiar with legal fees, expert testimony is not required, although it may, of course, be taken.” *In the Matter of U. S. Golf Corporation, ibid.* Your Applicant submits that customary accounting fees would be considered in the same light as legal fees.

13) Fixed or Contingent Fee

Your Applicant submits that this factor is inapplicable to this case.

APPENDIX B

PROJECT SUMMARIES

In its capacity as accountant for the Trustee, your Applicant was involved in representing and assisting the Trustee in numerous matters. Your Applicant's efforts on behalf of the Trustee have been broken down into the following categories:

I) Tax Return Preparation - \$6,586.00

Your Applicant submits that a total of 24.3 hours were spent related to the preparation of the debtors 2022 corporate consolidated federal income tax return, Alabama 2022 income tax return and the Delaware 2022 income tax return. Your applicant also prepared 2022 federal and Alabama income tax returns for the liquidating trust and responded to tax compliance notices.

Your Applicant is currently requesting fees in connection with assistance to the Trustee, as described as above, in the amount of \$6,586.00. Attached hereto in Appendix C are your Applicant's summarized time entries related to services rendered to the Trustee related to tax return preparation services rendered to the estate.

Professionals performing services covered by this application are detailed on Appendix E.

II) Warrior Met Coal Settlement Agreement - \$200.00

Your Applicant submits that a total of 0.5 hours were spent assisting the Trustee and the attorney for the Trustee in administering the agreement with Warrior Met Coal which benefitted the estate and its creditors.

Your applicant is currently requesting fees in connection with its assistance to the Trustee, as described above, in the amount of \$200.00. Attached hereto in Appendix C are your Applicant's summarized time entries related to services rendered to the Trustee related to the Warrior Met Coal Settlement Agreement.

Professionals performing services covered by this application are detailed on Appendix E.

III) General Bankruptcy Matters - \$5,859.00

Your Applicant submits that a total of 15.8 hours were spent while performing general bankruptcy matters. In general representation of the Trustee in this case, your Applicant included services in this fee application, not covered elsewhere, including the following: general meetings and conversations with the Trustee and attorney for the Trustee, assisted the trustee in matters relating to analyzing and searching for potential recoveries for the estate, prepared cash projections, prepared inception to date cash activity analysis, testified in court at the request of Mike Hall, participated in conference calls, assistance in matters involving Cardem Insurance, responding to tax notices and complying with the court's requirements of filing fee applications.

Your Applicant is currently requesting fees in connection with its representation of the Trustee in general bankruptcy matters, as described above, in the amount of \$5,859.00. Attached hereto in Appendix C are your Applicant's summarized time entries relating to services rendered to the Trustee for general bankruptcy matters.

Professionals performing services covered by this application are detailed on Appendix E.

APPENDIX C

New WEI, Inc. - Summarized time entries by project January 1, 2023 - December 31, 2023

	Name	Position	Rate	Time	Total
	-----	-----	-----	-----	-----
General matters					
	Edmond R. Denaburg	Accountant	400	7.7	3,080.00
	Edmond R. Denaburg	Accountant	430	6.1	2,623.00
	Edmond R. Denaburg	Accountant	430	0.6	Not Charged
	Pamela G. Murray	Clerical	130	1.2	156.00
	Pamela G. Murray	Clerical	130	0.2	Not Charged
				-----	-----
				15.8	5,859.00
				=====	=====
Warrior Met settlement agreement					
	Edmond R. Denaburg	Accountant	400	0.5	200.00
				-----	-----
				0.5	200.00
				=====	=====
Tax return preparation and tax return issues					
	Edmond R. Denaburg	Accountant	400	1.7	680.00
	Edmond R. Denaburg	Accountant	430	3.0	1,290.00
	Nick D. Parsons	Accountant	265	3.6	954.00
	Samantha Dale	Accountant	235	0.8	188.00
	Samantha Dale	Accountant	250	12.7	3,175.00
	Jordan A Hurd	Accountant	140	0.5	70.00
	Angela C. Craig	Bookkeeper	120	0.2	24.00
	Angela C. Craig	Bookkeeper	130	0.1	13.00
	Pamela G. Murray	Clerical	120	0.3	36.00
	Pamela G. Murray	Clerical	130	1.2	156.00
	Pamela G. Murray	Clerical	130	0.2	Not Charged
				-----	-----
				24.3	6,586.00
				=====	=====
				40.6	12,645.00
				=====	=====

Appendix D

New WEI, Inc. - Inception to date summarized time entries by Project February 15, 2017 - December 31, 2023

Period of Time	Time	Total
General matters		
February 15, 2017 - November 1, 2017	40.8	7,857.0
November 2, 2017 - December 31, 2018	23.0	5,201.8
January 1, 2019 - November 15, 2019	32.8	7,151.0
November 16, 2019 - October 31, 2020	63.6	20,398.0
November 1, 2020 - December 31, 2021	19.2	5,962.5
January 1, 2022 - December 31, 2022	27.1	9,173.0
January 1, 2023 - December 31, 2023	15.8	5,859.0
	222.3	61,602.30
	=====	=====
Preparation of 1099's		
February 15, 2017 - November 1, 2017	30.2	4,250.2
	=====	=====
Warrior Met settlement agreement		
February 15, 2017 - November 1, 2017	66.0	22,987.5
November 2, 2017 - December 31, 2018	16.6	5,810.0
January 1, 2019 - November 15, 2019	4.4	1,584.0
November 1, 2020 - December 31, 2021	4.2	1,597.5
January 1, 2022 - December 31, 2022	2.5	987.0
January 1, 2023 - December 31, 2023	0.5	200.0
	94.2	33,166.00
	=====	=====
Retirement plan related		
February 15, 2017 - November 1, 2017	19.0	6,042.1
	=====	=====
Tax return preparation and tax return issues		
February 15, 2017 - November 1, 2017	103.3	24,590.0
November 2, 2017 - December 31, 2018	139.2	38,474.2
January 1, 2019 - November 15, 2019	33.7	9,621.2
November 16, 2019 - October 31, 2020	29.2	7,691.5
November 1, 2020 - December 31, 2021	19.6	4,899.0
January 1, 2022 - December 31, 2022	17.3	4,855.0
January 1, 2023 - December 31, 2023	24.3	6,586.0
	366.6	96,716.90
	=====	=====
503 (B)(9) claim/Ch 11 claim analysis		
November 2, 2017 - December 31, 2018	85.7	24,107.6
January 1, 2019 - November 15, 2019	24.1	7,920.5
November 16, 2019 - October 31, 2020	0.9	337.5
	110.7	32,365.60
	=====	=====
	843.0	234,143.10
	=====	=====
February 15, 2017 - November 1, 2017	259.3	65,726.8
November 2, 2017 - December 31, 2018	264.5	73,593.6
January 1, 2019 - November 15, 2019	95.0	26,276.7
November 16, 2019 - October 31, 2020	93.7	28,427.0
November 1, 2020 - December 31, 2021	43.0	12,459.0
January 1, 2022 - December 31, 2022	46.9	15,015.0
January 1, 2023 - December 31, 2023	40.6	12,645.0
	843	234,143.10
	=====	=====

<u>NAME</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>TIME</u>	<u>RATE</u>	<u>AMOUNT</u>
ERD	1/2/2023	SEND KENDALL EMAIL OF INFORMATION NEEDED FOR INCEPTION TO DATE ANALYSIS (.1) UPDATE ACCRUED INTEREST FOR HALL LITIGATION TO NEW TRIAL DATE AND EMAIL TO HALL (.2)	0.3	400	120.00
ERD	1/3/2023	REVIEW EMAILS FROM TOFFEL AND PORTERFIELD RE: PAYMENT RECEIVED AND NEED TO CALCULATE BALANCE DUE WMC (.1) CONVERSATION WITH TRUSTEE RE: QUESTIONS ON CALCULATION AND APPROACH (.1) CALCULATE AMOUNT DUE WMC, INCLUDING SILVER SCRIPT PAYMENTS AND EMAIL SAME TO HALL, PORTERFIELD AND TOFFEL (.2)	0.4	400	160.00
ERD	1/5/2023	READ AND REPLY TO EMAIL FROM TRUSTEE ON INFORMATION REQUESTED FOR INCEPTION TO DATE SCHEDULE	0.1	400	40.00
ERD	1/10/2023	REVIEW EMAIL FROM MANTH RE: STATUS OF AMENDED TAX RETURN FILED, SAVE TO PDF AND ALSO FORWARD EMAIL TO PORTERFIELD AND TOFFEL WITH MY COMMENTS	0.2	400	80.00
ERD	1/13/2023	REVIEW DECEMBER BANK STATEMENTS, UPDATE LIQUID ASSET REPORT, SUMMARIZE YEAR TO DATE ACTIVITY, QUANTIFY TAXABLE INCOME, MEET WITH STAFF TO GO OVER TAXABLE INCOME AND TAX RETURN APPROACH FOR TRUST	0.6	400	240.00
ERD	1/16/2023	READ AND RESPOND TO TOFFEL QUESTION ON ABANDONED DEBT AND TAX RELATED CONSEQUENCES	0.2	400	80.00
ERD	1/19/2023	REVIEW EMAIL FROM DON OLIVER RE: INFORMATION NEEDED FOR HIS REVIEW, LOCATE AND OBTAIN SAME AND EMAIL TO DON	0.1	400	40.00
NDP	1/19/2023	MEET WITH ERD TO REVIEW FILE, PREPARE FEDERAL AND STATE TRUST RETURNS	2.6	265	689.00

<u>NAME</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>TIME</u>	<u>RATE</u>	<u>AMOUNT</u>
ERD	1/24/2023	REVIEW NEW WEI TRUST TAX RETURNS (.2) REVIEW PRELIMINARY REPORT AND ATTACHMENT RECEIVED FROM DIRECT FEE WITH QUESTIONS ON TRAVEL THEN RESPOND TO EMAIL (.2) CONVERSATION WITH TOFFEL RE: TIME SCHEDULE TO FILE DELAWARE TAX RETURN, NEW WEI TRUST RETURNS AND NEXT WEEK'S TRIAL (.1) SEND EMAIL TO MIKE HALL INQUIRING ABOUT WHETHER I WAS STILL NEEDED FOR NEXT WEEK'S TRIAL AND WHETHER HE HAD REVIEWED MY CALCULATIONS OF THE BALANCE DUE WMC (.1) REVIEW REVISED TAX RETURNS (.1) REVIEW REVISED DIRECT FEE REPORT AND RESPOND TO SAME RE: INCONSISTANCY WITH FEE APPLICATION FILED (.1)	0.8	400	320.00
NDP	1/24/2023	PREPARE NEW WEI TRUST TAX RETURNS	1.0	265	265.00
PGM	1/24/2023	PROCESS TRUST TAX RETURNS	0.3	120	36.00
ERD	1/25/2023	REVIEW AND SIGN PROCESSED TAX RETURNS, SCAN COPY TO PDF AND EMAIL SAME TO TRUSTEE FOR HIS FILES (.2) REVIEW EMAIL FROM TRUSTEE ON DELAWARE PAYMENTS, PRINT SAME TO PDF AND STORE (.1) REVIEW EMAILS FROM TOFFEL ON NEEDING INCEPTION TO DATE INFORMATION, FINISH SPREADSHEET, SEND TO TRUSTEE AND PORTERFIELD WITH ONE OPEN QUESTION ON MAY 2018 \$30,000 DEPOSIT (.7) READ AND REPLY TO EMAIL FROM HALL ON NEXT WEEK'S TRIAL WITH QUESTIONS ON EXHIBIT HE WANTS (.1) READ AND REPLY TO EMAIL FROM HALL ON MY INTEREST CALCULATION, PREPARE EXHIBIT AND EMAIL TO HALL (.2)	1.3	400	520.00
SAD	1/25/2023	PREPARE DELAWARE TAX RETURN	0.8	235	188.00
ERD	1/26/2023	READ AND REPLY TO EMAIL FROM HALL RE: DIFFERENCE BETWEEN MY INTEREST CALCULATION AND HIS, THEN REVIEW HIS RESPONSE TO SAME (.1) REVIEW EMAIL FROM TRUSTEE ON INCEPTION TO DATE REPORT BANK FEES, REVIEW BUILD AND RECLASS \$10K OF FEES TO TAXES AND EXPLAIN WHY REMAINING BALANCE IS SO HIGH IN EMAIL TO TRUSTEE (.2) REVIEW DIRECT FEE REPORT FILED WITH THE COURT ON MY FEE APPLICATION (.1) REVIEW EMAIL FROM PORTERFIELD ON OPEN QUESTIONS, SOURCE OF \$30K FOR RETAINER, MAKE CHANGES TO INCEPTION TO DATE SCHEDULE AND EMAIL REVISED SCHEDULE TO TRUSTEE AND PORTERFIELD (.2)	0.6	400	240.00

NAME	DATE	DESCRIPTION	TIME	RATE	AMOUNT
ERD	1/27/2023	CONVERSATION WITH TRUSTEE RE: YESTERDAY'S MEETING, NEXT WEEK'S TRIAL, ESTATE CLOSURE ISSUES AND ASSISTANCE NEEDED (.2) REVIEW CORRESPONDENCE FROM BILL GRAY (503)(B) (CREDITOR) RE: CASE STATUS AND THEN TRUSTEE'S RESPONSE TO SAME (.1)	0.3	400	120.00
ALC	1/28/2023	FILE TRUST TAX RETURNS	0.1	120	12.00
ERD	1/30/2023	EXCHANGE EMAILS WITH MIKE HALL THEN CONVERSATION WITH HALL RE: TOMORROW'S TRIAL AND EXPECTATIONS (.2) REVIEW BALANCE DUE CALCULATIONS AND PREPARE 2ND VERSION OF EXHIBIT FOR TOMORROW'S TRIAL (.2)	0.4	400	160.00
ERD	1/31/2023	REVIEW RESUME AND PREPARE TO TESTIFY (.2) GO TO COURT TO ATTEND TRIAL AND TESTIFY AS REQUESTED BY MIKE HALL (1/2 OF TRAVEL .3 NOT CHARGED) (1.1) CONVERSATION WITH TRUSTEE AFTER TRIAL TO DISCUSS STATUS AND OPEN ITEMS TO BE WORKED ON (.2)	1.5	400	600.00
PGM	2/15/2023	TYPE AND EMAIL ORDER TO JUDGE MITCHELL	0.2	NOT	CHARGED
ERD	2/15/2023	ATTEND COURT HEARING ON FEE APPLICATION AND DRAFT ORDER APPROVING SAME	0.4	400	160.00
NDP	2/15/2023	REVIEW JANUARY BANK STATEMENT, CONVERSATION WITH TRUSTEE RE: ESTATE EFFECTIVELY EARNING NO INTEREST AND ALTERNATIVES	0.1	400	40.00
ERD	2/16/2023	CONVERSATION WITH TRUSTEE RE: OPTIONS FOR STAYING WITH REGIONS, INCREASE IN ANALYSIS FEES, POTENTIAL NET SAVINGS OF MORE THAN \$8K BY MOVING FUNDS KEPT IN BANK TO SCHWAB	0.2	400	80.00
ERD	3/8/2023	READ AND REPLY TO EMAILS FROM PORTERFIELD AND TOFFEL RE: POSSIBLE ASSET RECOVERY AND CONTINGENCY FEE	0.1	400	40.00
ERD	3/9/2023	REVIEW EMAIL AND PROPOSED CONTINGENT FEE AGREEMENT TO FOUND ASSETS	0.2	400	80.00
ERD	3/15/2023	REVIEW APPLICATION TO EMPLOY AND CONTRACT WITH HIDDEN ASSETS FROM PORTERFIELD (.1) READ AND REPLY TO EMAIL FROM TRUSTEE ON ENGAGING SOMEONE TO TRY AND LOCATE PREVIOUSLY UNKNOWN ASSETS (.1)	0.2	400	80.00

NAME	DATE	DESCRIPTION	TIME	RATE	AMOUNT
ERD	3/22/2023	MEET WITH TRUSTEE TO DISCUSS CASE STATUS, POTENTIAL PAYMENTS TO 503(B)(9) CREDITORS, POSSIBLE HIDDEN ASSET RECOVER, CARDEM LITIGATION, COAL ACT LITIGATION AND POSSIBLE TAX ISSUES	0.2	400	80.00
ERD	4/4/2023	REVIEW CORRESPONDENCE RECEIVED FROM REGIONS RE: NEEDING A GRANTOR AND RESPOND TO EMAIL	0.2	400	80.00
ERD	4/12/2023	REVIEW MARCH BANK STATEMENT AND SAVE TO PDF, SEND KENDALL AN EMAIL RE: NEEDING FEBRUARY BANK STATEMENT	0.1	400	40.00
ALC	4/16/2023	EXTEND CORPORATE INCOME TAX RETURNS	0.1	120	12.00
ERD	4/17/2023	READ AND REPLY TO EMAIL FROM TRUSTEE ON MOVING BANK ACCOUNTS	0.1	400	40.00
ERD	4/29/2023	READ AND REPLY TO EMAIL FROM TRUSTEE RE: INFORMATION NEEDED TO OPEN SCHWAB ACCOUNT	0.1	400	40.00
ERD	5/10/2023	READ AND REPLY TO PORTERFIELD AND EMAILS ON PROBLEMS OPENING SCHWAB ACCOUNT AND WHY I DON'T THINK WMC'S EI# IS NEEDED (.2) CONVERSATION WITH TRUSTEE RE: PROBLEMS AND SCHWAB CONTACT PERSON AND HER CONTACT INFORMATION (.1) CALL AND LEAVE VOICE MAIL FOR KATE AMDALL TO CALL ME ON TRUST SET UP ISSUE (.1) CONVERSATION WITH KATE AMDALL RE: TAX ISSUES SETTING UP THE TRUST ACCOUNT, EXPLAIN THE TRUST AGREEMENT AND ASK SOMEONE AT SCHWAB TO CALL ME IF THERE IS STILL A PROBLEM WITH NEEDING WMC EI# (.1)	0.5	400	200.00
ERD	5/18/2023	SEND FIRST 2 PAGES OF NEW WEI TRUST TAX RETURN TO HANNAH SNELL RE: 1ST HORIZON PER TRUSTEE REQUEST (.1) READ AND REPLY TO EMAIL FROM HANNAH SNELL ON QUESTION SHE HAD ON THE EI# (.1)	0.2	400	80.00
ERD	5/25/2023	REVIEW EMAIL FROM HANNAH SNELL THEN CONVERSATION WITH HER RE: QUESTIONS SHE HAD ON THE RELATED ENTITIES	0.1	400	40.00
ERD	5/26/2023	CONVERSATION WITH TOFFEL RE: QUESTION HE HAD ON THE EI# TO BE USED TO OPEN THE NEW BANK ACCOUNT (.1) 2ND CONVERSATION WITH TOFFEL RE: UNCLAIMED PROPERTY BEING RECEIVED AND TAX ISSUES (.1)	0.2	400	80.00

NEW WEI, INC.
BILLING DETAILS
1/1/23-12/31/23

APPENDIX E

<u>NAME</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>TIME</u>	<u>RATE</u>	<u>AMOUNT</u>
ERD	6/27/2023	REVIEW MAIL AND ATTACHMENTS FROM TRUSTEE RE: NEW ACCOUNT	0.1	400	40.00
ERD	6/29/2023	REVIEW GENERAL LEDGER DETAIL RECEIVED FROM KENDALL AND SAVE TO PDF	0.1	400	40.00
ERD	7/10/2023	REVIEW AND SAVE BANK STATEMENTS RECEIVED, SET UP SPREADSHEET FOR JAH TO ENTER CURRENT YEAR DATA INTO	0.2	430	86.00
JAH	7/10/2023	INPUT DATA INTO SPREADSHEET FOR ERD	0.3	140	42.00
ERD	7/14/2023	REVIEW EMAIL THREADS BETWEEN PORTERFIELD AND TOFFEL RE: POSSIBLY SELLING RR LITIGATION CLAIMS	0.1	430	43.00
ERD	7/19/2023	REVIEW EMAIL FROM TRUSTEE RE: TODAY'S HEARING AND NEED TO MEET THEN RESPOND TO SAME	0.1	430	43.00
ERD	7/24/2023	REVIEW AND REPLY TO EMAIL FROM TRUSTEE ON POSSIBLY SELLING LITIGATION CLAIM	0.1	430	43.00
ERD	8/2/2023	MEET WITH TRUSTEE, DISCUSS COAL ACT LITIGATION, POSSIBLE SETTLEMENT STRATEGY, CORPORATE TAX RETURNS TO BE FILED, MY NEED TO GET CARDEM FINANCIALS AND HOW TO PROCEED (.2) SEND KIRK BARNETT AN EMAIL ASKING FOR CARDEM INFORMATION NEEDED FOR TAX RETURN PREPARATION (.1)	0.3	430	129.00
SAD	8/7/2023	MEET WITH ERD TO GO OVER TAX RETURN APPROACH THEN PREPARE SAME	4.9	250	1,225.00
ERD	8/7/2023	REVIEW EMAIL AND ATTACHMENT RECEIVED FROM KIRBY RE: CARDEM'S ACTIVITY, PRINT OFF PRIOR YEAR TAX RETURNS AND TRIAL BALANCES, REVIEW SAME TO DETERMINE TAX RETURN APPROACH (.4) MEET WITH SAD RE: TAX RETURNS TO BE PREPARED AND APPROACH TO BE USED (.1)	0.5	430	215.00
ERD	8/8/2023	REVIEW LITIGATION SETTLEMENT INFORMATION RECEIVED FROM THOMAS HUMPHRIES	0.2	430	86.00
SAD	8/8/2023	FINISH PREPARATION OF 2022 CORPORATE TAX RETURNS	6.3	250	1,575.00
ERD	8/9/2023	REVIEW TAX RETURNS AND DRAFT PROMPT DETERMINATION REQUESTS	0.3	430	129.00
PGM	8/9/2023	TYPE PROMPT DETERMINATION REQUESTS	0.2	NOT	CHARGED

NAME	DATE	DESCRIPTION	TIME	RATE	AMOUNT
PGM	8/9/2023	PROCESS INCOME TAX RETURNS	1.0	130	130.00
ERD	8/21/2023	REVIEW EMAILS FROM PORTERFIELD AND MY TIME RELATED TO COAL ACT AND RELATED TAX QUESTIONS, REVIEW RECORDS AND RESPOND TO EMAILS	0.5	430	215.00
ERD	8/29/2023	MEET WITH TRUSTEE TO GO OVER TAX RETURNS AND GET SAME SIGNED (.2) ASSEMBLE ALABAMA TAX RETURN PACKAGE FOR MAILING, FAX FEDERAL RETURN AND PROMPT DETERMINATION REQUEST TO SPEICAL PROCEDURES (DUE TO SIZE, FAX HAD TO BE SLOWLY HAND FED) (.2)	0.4	430	172.00
ALC	8/29/2023	FILE TAX RETURNS	0.1	130	13.00
ERD	8/31/2023	REVIEW EMAIL EXCHANGES ON SETTLEMENT DISCUSSION WITH COAL ACT	0.1	430	43.00
ERD	9/11/2023	CONVERSATION WITH PORTERFIELD RE: COAL ACT SETTLEMENT DISCUSSION, HOW IT DOMINOES INTO WHAT IS AVAILABLE FOR 503(B)(9) CREDITORS AND NEXT WEEK'S HEARING	0.2	430	86.00
ERD	9/12/2023	CONFERENCE CALL WITH PORTERFIELD AND TOFFEL RE: REDIRECT REFUND AND ALLOCATION OF SAME	0.1	430	43.00
SAD	9/18/2023	DEAL WITH E-FILING REJECTION OF TAX RETURN FILING	1.5	250	375.00
PGM	9/18/2023	RE-PROCESS US TAX RETURN TO BE PAPER FILED, SCAN REJECTION NOTICE TO ENGAGEMENT	0.2	130	26.00
ERD	9/19/2023	REVIEW AND SIGN PROCESSED PAPER FILED CORPORATE RETURN (EFILE WAS REJECTED) AND PREPARE FOR TRUSTEE TO SIGN (.1) MEET WITH TRUSTEE PRIOR TO MEETING TO GO OVER TAX RETURN AND GET SAME SIGNED (.1) MEET WITH TOFFEL, PORTERFIELD AND HUMPHRIES RE: STATUS UPDATE ON ALL OPEN ISSUES, DISCUSS POSSIBLE APPROACH TO GET CASE WRAPPED UP SO IT CAN CLOSE OUT AND MY NEED TO FOLLOW UP ON POTENTIAL TAX REFUND (1.0)	1.2	430	516.00
ERD	9/26/2023	CONFERENCE CALL WITH TOFFEL AND PORTERFIELD RE: CARDEM ORDER, COAL ACT ISSUES, THEN CONVERSATION WITH PORTERFIELD ON SAME, STRUCTURE POSSIBILITIES TO TRY AND GET MEANINGFUL DISTRIBUTION TO 503(B)(9) CREDITORS	0.4	430	172.00

NAME	DATE	DESCRIPTION	TIME	RATE	AMOUNT
ERD	10/10/2023	DOWNLOAD AND SAVE TO PDF DENTON FEE APPLICATION AND PRELIMINARY REVIEW OF SAME	0.2	430	86.00
ERD	10/11/2023	REVIEW BANK STATEMENT FOR JULY-SEPTEMBER THEN SEND EMAIL TO KENDALL RE: NEEDING INFORMATION ON CHECKS PAID	0.1	430	43.00
ERD	10/17/2023	REVIEW ORDER RECEIVED IN EMAIL FROM ARCH INSURANCE	0.1	430	43.00
ERD	10/23/2023	REVIEW AND SAVE FEE APPLICATION FILED BY HIDDEN ASSETS, LLC	0.1	430	43.00
ERD	10/25/2023	CONFERENCE CALL WITH TOFFEL AND PORTERFIELD RE: POTENTIAL SETTLEMENT OF COAL ACT CASE, STRUCTURE ISSUES AND APPROACH TO USE TO TRY AND GET AS MUCH AS POSSIBLE FOR 503(B)(9) CREDITORS	0.4	430	172.00
ERD	10/26/2023	REVIEW EMAIL FROM PORTERFIELD RE: POTENTIAL UNKNOWN ASSETS AND HALL TO INVESTIGATE	0.1	430	43.00
ERD	11/3/2023	REVIEW IRS NOTICES RECEIVED FROM PORTERFIELD AND SEND EMAIL RE: INITIAL THOUGHTS AND TO WAIT AND SEE WHAT ADDITIONAL NOTICES ARE RECEIVED	0.2	430	86.00
ERD	11/6/2023	READ AND REPLY TO EMAIL FROM PORTERFIELD RE: IRS TAX NOTICES AND MY PLAN ON HOW TO HANDLE	0.1	430	43.00
ERD	11/13/2023	REVIEW CREDIT INVOICE RECEIVED FROM SILVER SCRIPT, PRINT TO PDF AND SAVE, RESPOND TO TOFFEL THAT CREDIT INVOICES HAPPEN	0.1	430	43.00
ERD	11/29/2023	REVIEW RESPONSE TO PROMPT DETERMINATION REQUEST, PRINT TO PDF AND SAVE	0.1	430	43.00
ERD	12/13/2023	CONVERSATION WITH TOFFEL RE: PROPOSED COAL ACT SETTLEMENT, INTERIM PAYMENTS TO 503(B)(9) CREDITORS AND BANKRUPTCY CASE CLOSE OUT	0.2	430	86.00
ERD	12/15/2023	READ EMAIL FROM TOFFEL AND PORTERFIELD, LOCATED W-9 NEEDED AND EMAIL TO BOTH	0.2	430	86.00
ERD	12/18/2023	CONFERENCE CALL WITH PORTERFIELD AND TOFFEL RE: STATUS OF COAL ACT SETTLEMENT, EXPECTED TIMELINE AND LOGISTICS	0.1	430	43.00

<u>NAME</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>TIME</u>	<u>RATE</u>	<u>AMOUNT</u>
ERD	12/23/2023	REVIEW TAX CORRESPONDENCE RECEIVED SHOWING NEW BALANCE DUE FOR TAX YEARS 1990-1992, LOGON TO IRS WEBSITE, PRINT OFF TRANSCRIPTS AND REVIEW SAME, LOOK UP AMENDED RETURN FILED IN MARCH 2021, ATTEMPT TO LOGIN BUT MY POA HAD NEVER BEEN SENT TO CAF UNIT, PRINT OFF INFO JAH WOULD NEED TO PREPARE A NEW POA, SEND TO HER TO PREPARE	0.6	430	258.00
JAH	12/27/2023	PREPARE POA FOR ERD	0.2	140	28.00
ERD	12/27/2023	REVIEW AND SIGN POA RELATING TO DECEMBER 2007 TAX FORM 1120, SCAN TO PDF AND EMAIL TO TOFFEL TO SIGN	0.1	430	43.00
ERD	12/30/2023	MEET WITH TOFFEL TO DISCUSS COAL ACT/CARDEM SETTLEMENT, AMENDED CORPORATE TAX RETURN, PROBLEMS WITH TRYING TO CLOSE BANKRUPTCY CASE AND INTERIM DISTRIBUTION TO 503(B)(9) CREDITORS	0.2	430	86.00
ERD	VARIOUS	REVIEW AND REVISE TIME ENTRIES, PREPARATION OF FEE APPLICATION AND FILING SAME	1.5	430	645.00
ERD	VARIOUS	REVIEW AND REVISE TIME ENTRIES, PREPARATION OF FEE APPLICATION AND FILING SAME	0.6	NOT	CHARGED
PGM	VARIOUS	ASSIST ERD IN PREPARATION OF FEE APPLICATION	1.2	130	156.00
TOTAL TIME			<u>40.6</u>		<u>12,645.00</u>

APPENDIX F

NEW WEI, Inc.

FEE APPLICATION (1/1/23-12/31/23)

<u>EXPENSES</u>	<u>AMOUNT</u>
SUMMARY OF EXPENSES	
COMPUTER TAX FILING CHARGES	75.90
793 COPIES MADE AT 25 CENTS PER PAGE RELATED TO TAX RETURN PREPARATION	198.25
POSTAGE	<u>15.98</u>
TOTAL EXPENSES	<u>\$ 290.13</u>

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE:)
NEW WEI, INC.) **BANKRUPTCY NO. 15-02741-TOM**
)
)
DEBTOR)

STATEMENT REQUIRED BY BANKRUPTCY RULE 2016

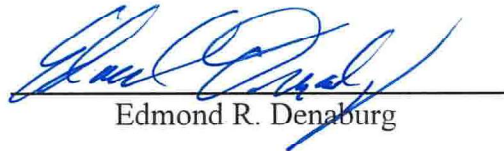
COMES NOW Edmond R. Denaburg, who files this statement in support of the Application for Fees by Accountant in the above-styled case.

Applicant has not received any payments for services rendered in this case for the period from January 1, 2023 through December 31, 2023.

Applicant has been promised payment for services to be rendered in this case only in such amount as may be allowed by this Court upon application submitted by Applicant.

The source of the compensation, which has been promised, was to be from funds of the bankruptcy estate as an administrative expense. No previously received compensation has been shared with any other person or entity, nor does any agreement exist between Applicant and any other person or entity for the sharing of compensation to be received for services rendered in connection with this case.

DATED this the 25th day of January, 2024.


Edmond R. Denaburg

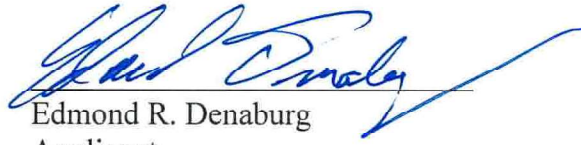
PRINCIPAL:

CHRISTIAN & DENABURG, PC
CERTIFIED PUBLIC ACCOUNTANTS
2649 ROCKY RIDGE LANE
BIRMINGHAM, ALABAMA 35216
(205) 967-8901

VERIFICATION

I have read the above and forgoing Application. As required by Federal Bankruptcy Rule of Procedure 2014(a) and in accordance with Federal Bankruptcy Rule of Procedure 9011(b) and Title 28 U.S.C. § 1746, I declare under penalty of perjury that the statements there made with reference to me and my professional associates are true and correct.

Dated this the 25th day of January, 2024.


Edmond R. Denaburg
Applicant

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the following by US mail, email or electronically through CM/ECF system on or before January 25, 2024.

Served Via US mail:

The Honorable Tamara O. Mitchell
Robert S. Vance Federal Building
1800 Fifth Avenue North
Birmingham, AL 35203

Email or Electronically Through CM/ECF:

Jon A. Dudeck, Esquire
jon_dudeck@alnb.uscourts.gov
Attorney for the Bankruptcy Administrator
Robert S. Vance Federal Building
1800 Fifth Avenue North
Birmingham, AL 35203

Andre' M. Toffel

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New WEI, LLC

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Edmond R. Denaburg
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