

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

Joan N. Feeney

In re)	Chapter 7, No. 09-21945-JNF
ROBERT N. LUPO)	
)	
)	
Debtor)	

**APPLICATION FOR ORDER AUTHORIZING TRUSTEE
TO EMPLOY COUNSEL TO THE TRUSTEE**

To the HONORABLE JOAN N. FEENEY, Bankruptcy Judge:

Now comes JOSEPH B. COLLINS, the duly appointed, qualified and acting Trustee in the above-captioned case, and he does hereby move this Honorable Court for an Order pursuant to §327(d) of the U.S. Bankruptcy Code ("Code") authorizing him to employ the law firm of Hendel & Collins, P.C. as Counsel to the Trustee. In support of said Application, the Trustee respectfully represents:

1. On December 10, 2009, the above-named Debtor filed a Voluntary Petition under the provisions of Chapter 11 of the Code. This case was converted to a case under Chapter 7 on September 18, 2010.

2. On or about September 18, 2010, JOSEPH B. COLLINS accepted the appointment as Chapter 7 Trustee for the above-entitled estate.

09/23/2010 Application granted.

3. That, as a result of information procured by the Trustee since his appointment, your Applicant believes that the appointment of counsel is necessary to effectuate the lawful rights and remedies available to the Trustee under the provisions of Title 11 and to fully and properly discharge his fiduciary duties.

4. That the services of counsel are required for, but not limited to, the following purposes:

- (a) to review and evaluate certain assets of the Debtor;
- (b) to pursue all lawful claims of the estate;
- (c) to liquidate assets of the estate;
- (d) to employ and supervise professionals employed by the estate; and
- (e) to maximize the recovery for creditors of the estate.

5. In order to avoid duplication of effort and to maximize the recovery for the benefit of the estate and the unsecured creditors, your Applicant believes it will be in the best interests of the estate to employ counsel to the Trustee.

6. Your Applicant avers that the law firm of HENDEL & COLLINS, P.C. is proficient in the knowledge and practice of bankruptcy law and has the experience required to adequately represent the Trustee in this case.

7. On information and belief, no member or associate of the law firm of HENDEL & COLLINS, P.C. has any other connection with the Debtor, his creditors or any other party in interest.

WHEREFORE, your Applicant prays for the allowance of this Application and for an Order pursuant to §327(d) of the Code authorizing him to employ the law firm of HENDEL & COLLINS, P.C. as Counsel to the Trustee in this case effective September 18, 2010.

JOSEPH B. COLLINS, TRUSTEE

Dated: September 22, 2010

By: /s/ Joseph B. Collins
JOSEPH B. COLLINS, ESQ.
(BBO No. 092660)
For HENDEL & COLLINS, P.C.
101 State Street
Springfield, MA 01103
Tel. (413) 734-6411
jcollins@hendelcollins.com

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

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ROBERT N. LUPO)	
)	
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Debtor)	

**ORDER AUTHORIZING TRUSTEE TO EMPLOY
COUNSEL TO THE TRUSTEE**

At Springfield, in said District, on this day of September,
2010.

Upon the Application of JOSEPH B. COLLINS, Trustee in the above-captioned case, seeking to employ the law firm of Hendel & Collins, P.C. to act as Counsel to the Trustee pursuant to 11 U.S.C. §327(d), for cause shown, proper notice having been given and no objections being filed, it is hereby

ORDERED that JOSEPH B. COLLINS, Trustee, is hereby authorized to employ the law firm of Hendel & Collins, P.C. as Counsel to the Trustee in the above-captioned case effective as of September 18, 2010, with all fees and expenses subject to further Order of this Court.

HONORABLE JOAN N. FEENEY
Bankruptcy Judge
UNITED STATES COURTHOUSE

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

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ROBERT N. LUPO)	
)	
)	
Debtor)	
)	

SIGNED STATEMENT OF PROFESSIONAL PERSON

I, JOSEPH B. COLLINS, having been first duly sworn, do hereby depose and say as follows:

1. I hereby represent that I do not hold or represent any interest adverse to the estate of the above-noted Debtor (11 U.S.C. Section 327). I further represent that no member of my firm holds or represents any interest adverse to the estate.

2. My, and my firm's connections with the Debtor, creditors, or other parties in interest, his respective attorneys and accountants (Federal Rule of Bankruptcy Procedure 2014(a)) are as follows: I was previously appointed as Chapter 11 Trustee in the bankruptcy case and my firm had been approved as my counsel.

3. I hereby represent that I am and each member of my firm is a "disinterested person" (11 U.S.C. Section 327) as that term is defined in 11 U.S.C. Section 101(14).

4. I hereby represent that neither I nor any member of my firm is disqualified by reason of being a relative of a Judge of the United States Bankruptcy Court for the District of Massachusetts, nor am I or any member of my firm disqualified by reason of being a relative of the United States Trustee for the Districts of Maine, Massachusetts, New Hampshire and Rhode Island (Federal Rule of Bankruptcy Procedure 5002).

5. I hereby represent that I have agreed not to share with any person the compensation to be paid for the services rendered in this case.

6. I have received no retainer in this case.

7. I shall amend this statement immediately upon any learning that: (a) any of the within representations are incorrect; or (b) there is any change of circumstances relating thereto.

8. I have reviewed the provisions of MBLR 2016-1.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 20TH DAY OF SEPTEMBER, 2010.

Dated: September 22, 2010

By: 

JOSEPH B. COLLINS, ESQ.
(BBO No. 092660)
For HENDEL & COLLINS, P.C.
101 State Street
Springfield, MA 01103
Tel. (413) 734-6411
jcollins@hendelcollins.com

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CERTIFICATE OF SERVICE

I, JOSEPH B. COLLINS, ESQ. of the law firm of HENDEL & COLLINS, P.C., 101 State Street, Springfield, Massachusetts, do hereby certify that on the 22nd day of September, 2010, I electronically filed the Application for Order Authorizing Trustee to Employ Counsel to the Trustee. I further hereby certify that upon receipt of the Notice of electronic service of this Motion, a copy of said Application will be served by first class mail, postage prepaid, to any of the parties listed below not noted as having received electronic service, said service being made on the 22nd day of September, 2010:

Paula R.C. Bachtell, Esq.
U.S. DEPARTMENT OF JUSTICE
Office of the United States Trustee
John W. McCormack Post Office & Courthouse
5 Post Office Square, 10th Floor, Suite 1000
Boston, MA 02109-3934

Adam J. Ruttenberg, Esq.
LOONEY & GROSSMAN, LLP
101 Arch Street
Boston, MA 02110

Stewart F. Grossman, Esq.
LOONEY & GROSSMAN
101 Arch Street
Boston, MA 02110

Herbert Weinberg, Esq.
ROSENBERG & WEINBERG
805 Turnpike Street, Suite 201
North Andover, MA 01845

ROBERT N. LUPO
89 Sudbury Road
Weston, MA 02493

YELLOW BOOK OF NEW YORK, INC.
c/o Brian K. Aylward, Esq.
Smith, Levenson, Cullen & Aylward, P.C.
5 Essex Green Drive
Peabody, MA 01960-2914

SOVEREIGN BANK
c/o Cohn & Dussi, LLC
25 Burlington Mall Road, 6th Floor
Burlington, MA 01803

MIDDLESEX MOVERS, INC.
c/o John George Neylon, Esq.
Neylon & O'Brien
101 Tremont Street, Suite 504
Boston, MA 02108

NEW ENGLAND PHOENIX COMPANY, INC.
337 Freeport Street
Boston, MA 02122

ALFORD & BERTRAND, LLC
60 Arsenal Street
P.O. Box 322
Watertown, MA 02471

AMERICAN'S SERVING COMPANY
c/o McCalla Raymer, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076

AMERICAN HOME MORTGAGE SERVICING, INC.
1525 S. Beltline Road
Suite 100 N
Coppell, TX 75019

E-Z OIL COMPANY
P.O. Box 541418
Waltham, MA 02451-1418

ROBERT T. GRIMES
98 Stromquist Avenue, #8
Lowell, MA 01852

LISA JACOBS
P.O. Box 488
Weston, MA 02493

LITTON LOAN SERVICING, LP
P.O. Box 829009
Dallas, TX 75382-9009

RECOVERY MANAGEMENT SYSTEMS CORP.
25 SE 2nd Avenue, Suite 1120
Miami, FL 33131

NICOLE STARCK, ESQ.
6 Lexington Street, 3rd Floor
Waltham, MA 02452

VERDOLINO & LOWEY, P.C.
124 Washington Street, Suite 301
Foxborough, MA 02035

TOWN OF WESTON TAX COLLECTOR
Towne House Road
P.O. Box 378
Weston, MA 02193

RTN FEDERAL CREDIT UNION
600 Main Street
Waltham, MA 02451

TOWN OF WALTHAM
Water & Sewer
P.O. Box 540190
Waltham, MA 02454

NSTAR
P.O. Box 45058
Woburn, MA 01888-4508

METRO SWIFT SPRINKLER CORP.
56 R. Pulaski Street
P.O. Box 3007
Peabody, MA 01960

SACCO & BIDDEFORD SAVINGS INSTITUTION
50 Industrial Park Road
Saco, ME 04072

GILLIS AND BIKOFSKY, PC
1150 Walnut Street
Newton Highlands, MA 02461

LOUIS L. COILFI
4 Marshall Street
Nutting Lake, MA 01865

JOHN WRIGHT
48 A Street
Framingham, MA 01701

GODINO & COMPANY, INC.
225 Riverview Avenue, Suite 101
Auburndale, MA 02466

SCANION TECH. COM.
101 Middlesex Turnpike, Suite 6
Burlington, MA 01803-4914

LEXINGTON ALARM COMPANY
9 Alfred Circle
Bedford, MA 01730-2347

CHAIYAREK KAMOISIRI
12 Lowell Court
Medford, MA 02155

/s/ Joseph B. Collins
JOSEPH B. COLLINS, ESQ.
(BBO No. 092660)
For HENDEL & COLLINS, P.C.
101 State Street
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jcollins@hendelcollins.com

PHILIP J. HENDEL, B.A., B.C.L., J.D.

Philip J. Hendel is a partner in the law firm of Hendel & Collins, P.C. He received his B.A., B.C.L. and J.D. degrees from The College of William and Mary in Virginia. Mr. Hendel is a co-editor of the eight volume treatise, Chapter 11 Theory and Practice: A Guide to Reorganization published in 1994 by LRP Publications, Inc. and co-editor and author of the 3rd and 4th editions of the Bankruptcy Reform Act Manual published by the Commercial Law League of America. He served for many years as a member of the Board of Editors of the Commercial Law Journal and presently serves as contributing editor of Bankruptcy Court Decisions. Mr. Hendel is a Fellow of the American College of Bankruptcy and is the Regent for the First Circuit. He is also a member of the Board of Directors of the College's Charitable Foundation. Mr. Hendel is a past chair of the Bankruptcy and Insolvency Section of the Commercial Law League of America and a past member of the Board of Directors of the American Bankruptcy Institute. He has testified on several occasions before the Senate and House Judiciary committees on proposed bankruptcy reform legislation and oversight of the U.S. Trustee program. Mr. Hendel was a member of the adjunct faculty at Boston College Law School during 2001-2002.

JOSEPH B. COLLINS, A.A., A.B., J.D.

Joseph B. Collins is a partner in the firm of Hendel & Collins, P.C. Mr. Collins received an Associate degree from Holyoke Community College in 1973 and a Bachelor of Arts degree (Cum Laude) from Boston College in 1975. Mr. Collins received his legal education from Suffolk University School of Law where he was awarded a Juris Doctor degree in 1978.

Mr. Collins is a Fellow of the American College of Bankruptcy. He holds an AV rating from Martindale-Hubbell Law Directory and is listed in the Best Lawyers in America published by Woodward/White. He has been given the designation "Super Lawyer" by Boston Magazine and in 2006 and 2008 he was named as one of the top 100 lawyers in Massachusetts by that publication.

Mr. Collins served as an Adjunct Professor of Bankruptcy Law at Western New England College School of Law in Springfield, Massachusetts for over ten years, and is regularly called upon to serve as a panelist and lecturer on bankruptcy and commercial law topics.

He is also a member of the American, and Hampden County Bar Associations, the American Bankruptcy Institute, National Association Bankruptcy Trustees and the Commercial Law League of America.

HENRY E. GEBERTH, JR., B.A., M.B.A., J.D.

Henry Geberth is a partner in the Springfield, Massachusetts, law firm of Hendel & Collins, P.C. He received his Bachelor of Arts degree from Wagner College, Staten Island, New York in 1968. After college, Mr. Geberth served in the United States Army as an infantry officer until his retirement in 1971. Mr. Geberth was awarded a Masters of Business Administration degree from the University of Connecticut in 1973. He received his legal education at Western New England College School of Law, where he was a member of the Law Review.

In addition to the practice of law, Mr. Geberth has several years of management experience in a manufacturing environment. He was admitted to the Bar in 1977, where his practice has been centered on commercial, bankruptcy and tax related matters. Mr. Geberth is a member of the Massachusetts and Hampden County Bar Associations, the American Bankruptcy Institute, the Commercial Law League of America and Turnaround Management Association. He is admitted to practice before the U.S. District Court, the United States Tax Court and the Courts of the Commonwealth of Massachusetts. He is listed in the Best Lawyers in America published by Woodward/White. Mr. Geberth is regularly called upon to speak on bankruptcy and insolvency tax matters at programs sponsored by the ABI, MCLE, Western New England College School of Law and the University of Connecticut School of Law.

GEORGE I. ROUMELIOTIS, B.Sc., J.D.

George I. Roumeliotis is a partner in the firm of Hendel & Collins, P.C., where he has been employed since February 1992. Mr. Roumeliotis was educated at McGill University, Montreal, Canada, where he received a Bachelor of Science degree with honors. He is a magna cum laude graduate of Western New England College School of Law, May 1993. During law school, Mr. Roumeliotis was an editor of the Western New England Law Review and concentrated his legal education in the areas of commercial, tax and real estate law. Since 1993, Mr. Roumeliotis has authored and contributed to several articles in connection with Commercial Law League of America (CLLA), American Bankruptcy Institute (ABI) and Massachusetts Continuing Legal Education (MCLE) seminars, and has participated as a panelist in seminars and conferences for the MCLE, CLLA and Massachusetts Bar Association. Furthermore, he has participated as a guest lecturer on bankruptcy issues at Western New England College School of Law.

Mr. Roumeliotis is listed in the Best Lawyers in America published by Woodward/White and has been given the designation "Super Lawyer" by Boston Magazine.

Since graduation, Mr. Roumeliotis has supplemented his formal education by attending a number of commercial and bankruptcy related seminars. He is a member of the American and Hampden County Bar Associations, ABI, Massachusetts Bar Association and the New England-Canada Business Council. He is admitted to practice in both the state and federal courts in Massachusetts and Connecticut.

SPENCER A. STONE, B.A., J.D.

Spencer A. Stone is an associate attorney at the law firm of Hendel & Collins, P.C. He served as a law clerk at the firm from March 2007 through April 2008 while attending law school, and he rejoined the firm in his current capacity in August 2009.

Mr. Stone received his Bachelor of Arts degree from the University of Massachusetts-Amherst in May 2003, having majored in Political Science. Before attending law school, he worked in the non-profit sector for two years in New York City.

Mr. Stone was award a Juris Doctor *magna cum laude* from Western New England College School of Law in May 2008, having graduated second in his class. During law school, he served as the Senior Note Editor of the Western New England Law Review and published a note in that journal. Between May 2008 and August 2009, he served as law clerk to the Honorable F. Herbert Gruendel on the Connecticut Appellate Court.

Mr. Stone is admitted to practice in Massachusetts, Connecticut, and New York. He is a member of the American, Massachusetts, Hampden County, and New York State Bar Associations and the American Bankruptcy Institute.

ANDREA M. MOMNIE, B.A., J.D.

Andrea M. Momnie is an associate attorney at the law firm of Hendel & Collins, P.C. She served as a law clerk at the firm from March 2009 through October 2010 while attending law school and awaiting admission to practice.

Ms. Momnie received her Bachelor of Arts degree *cum laude* from the University of Connecticut in May 2004, having majored in Political Science. Before attending law school, she worked in the land development industry for three years in Connecticut.

Ms. Momnie was awarded a Juris Doctor *magna cum laude* from Western New England College School of Law in May 2010, having graduated second in her class. During law school, she served as the Editor-in-Chief of the Western New England Law Review.

Ms. Momnie is admitted to practice law in Massachusetts and Connecticut.

SUSAN M. MELLO, A.A.

Susan M. Mello has been employed at Hendel & Collins, P.C. since August 1995. Ms. Mello was educated at Holyoke Community College where she received an Associate Degree with concentration in secretarial science in 1985. She obtained her Paralegal Certificate from Northeastern University in June of 2002. She is a member of the National Association of Bankruptcy Trustees.

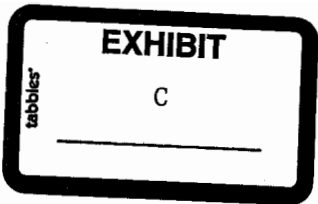
Ms. Mello's duties include overseeing all bankruptcy trustee cases, the preparation of interim and final reports and the maintenance for investments for the separate estates. Ms. Mello has attended seminars regarding the administration of trustee cases and the preparation of accounts. Ms. Mello is frequently called upon to respond to many inquiries of clients and creditors.

Ms. Mello's education and job experience are supplemented by regular attendance at seminars provided for legal assistants in the office. These seminars cover a broad range of subjects and are aimed at broadening the duties and responsibilities of participants.

MELISSA J. CONTE, B.S.

Melissa Conte has been employed at Hendel & Collins, P.C. since October of 2005. Ms. Conte received her education at Shippensburg University, Shippensburg, Pennsylvania, where she received a Bachelor of Science degree in Environmental Science in the Spring of 1997. Ms. Conte supplemented her education by taking Paralegal Courses at Burlington County College, Mount Laurel and Pemberton, New Jersey from September 2001 through May 2003.

Ms. Conte's duties involve preparation of Schedules, Statements, applications and Motions and responding to routine inquiries from clients, creditors and the Bankruptcy Court. Ms. Conte's duties also include the responsibility to monitor compliance with the operational guidelines and reporting requirements promulgated by the Office of the United States Trustee.



ATTORNEY TIME SUMMARY
ROBERT N. LUPO

<u>Attorney/Paralegal</u>	<u>Rate/Hour</u>	<u>Hours</u>	<u>Amount</u>
Period from September 18, 2010 to October 31, 2010			
Philip J. Hendel (PJH)	\$410.00	0.8	\$ 328.00
Joseph B. Collins (JBC)	\$385.00	113.3	\$43,620.50
Henry E. Geberth, Jr. (HEG)	\$360.00	74.0	\$26,640.00
George I. Roumeliotis (GIR)	\$330.00	25.7	\$ 8,481.00
Spencer A. Stone (SAS)	\$175.00	121.5	\$21,262.50
Andrea M. Momnie (AMM)	\$130.00	41.6	\$ 5,408.00
Susan M. Mello (SMM)	\$110.00	0.0	\$ 0.00
Melissa J. Conte (MJC)	\$110.00	<u>2.5</u>	<u>\$ 275.00</u>
	TOTAL	379.4	\$106,015.00

Average Hourly Rate - \$228.57

Period from November 1, 2010 to January 19, 2011

Philip J. Hendel (PJH)	\$435.00	1.2	\$ 522.00
Joseph B. Collins (JBC)	\$410.00	191.2	\$78,392.00
Henry E. Geberth, Jr. (HEG)	\$385.00	127.3	\$49,010.50
George I. Roumeliotis (GIR)	\$355.00	44.8	\$15,904.00
Spencer A. Stone (SAS)	\$200.00	216.1	\$43,220.00
Andrea M. Momnie (AMM)	\$150.00	177.2	\$26,580.00
Susan M. Mello (SMM)	\$110.00	0.6	\$ 66.00
Melissa J. Conte (MJC)	\$110.00	<u>2.5</u>	<u>\$ 275.00</u>
	TOTAL	760.9	\$213,969.50

Average Hourly Rate - \$245.71