

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

)	
In re:)	
)	
ROBERT N. LUPO)	CASE NO. 09-21945-JNF
)	
Debtor.)	
)	

**FIRST AND FINAL APPLICATION OF
MARK G. DEGIACOMO FOR ALLOWANCE OF
FEES AND EXPENSES INCURRED AS EXAMINER**

Pursuant to Sections 330 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et. seq.* (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure and MLBR 2016-1, Mark G. DeGiacomo (the “Applicant”) hereby submits his first and final application for allowance of compensation for services rendered and reimbursement of expenses incurred by him as the Examiner of the above-captioned bankruptcy estate (the “Trustee”), during the period of June 29, 2010 through August 19, 2010. The Applicant seeks the allowance of compensation in the amount of \$55,062.50 and reimbursement of its reasonable costs and expenses in the amount of \$448.90.

In support of this Application, the Applicant respectfully represents as follows:

1. On December 10, 2009 Robert N. Lupo (the “Debtor”) filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code.
2. On June 29, 2010, this Court entered an Order requiring the appointment of an examiner.
3. On June 30, 2010, the Applicant was appointed as the examiner.

4. The following documents are attached to this Application:

- Exhibit A:** Order of Employment of Applicant
- Exhibit B:** Narrative of Services
- Exhibit C:** Daily Itemization of Services Rendered
- Exhibit D:** Summary of Time Spent by Timekeeper
- Exhibit E:** Itemization of Expenses
- Exhibit F:** Biographies of Attorneys and Paralegals

5. The fees and expenses applied for in this Application will not be divided, shared or pooled, directly or indirectly, with any other person or firm except with members of the Applicant's law firm.

6. The Applicant submits that the hourly rates sought herein are appropriate given the experience of the professionals involved and the work performed.

7. The result of the Applicant's efforts was a detailed thirty-two page report which was filed and served on all parties-in-interest on August 16, 2010, less than two months after the Applicant's appointment.

WHEREFORE, Mark G. DeGiacomo requests that it be allowed fees in the amount of \$55,062.50 and expenses in the amount of \$448.90.

Respectfully submitted,

/s/ Mark G. DeGiacomo
Mark G. DeGiacomo (BBO# 118170)
Murtha Cullina LLP
99 High Street
Boston, MA 02110
617-457-4000 Telephone
617-482-3868 Facsimile
mdegiacomo@murthalaw.com

Dated: December 21, 2010

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

ROBERT N. LUPO,

Chapter 11
Case No. 09-21945-WCH

**APPLICATION FOR AND CERTIFICATE OF
APPOINTMENT OF CHAPTER 11 EXAMINER**

Pursuant to 11 U.S.C. § 1104(a), Fed. R. Bank. P. 2007.1, the Acting United States Trustee (“UST”): i) moves the Court to approve Mark G. DeGiacomo, Esq. (“DeGiacomo”) to serve as examiner (“Examiner”) for Robert N. Lupo (“Debtor”); and ii) subject to Court approval, certifies DeGiacomo’s appointment as Examiner. In support, the United States Trustee says:

1. On June 29, 2010, at a hearing on the UST’s motion to convert case to Chapter 7 or, in the alternative, to appoint a Chapter 11 trustee, the Court entered an order directing the UST to appoint an examiner and ordering the examiner to file a report as soon as possible per 11 U.S.C. 1106(a)(3) and (4).

2. The United States Trustee has consulted with the Debtor’s counsel, Stewart Grossman, counsel to the creditors’ committee, Herbert Weinberg, counsel to Rockland Trust Company, David Reier, counsel to BAC Home Loans Servicing, L.P. and SunTrust Mortgage, Inc., Richard Mulligan and counsel to RTN Federal Credit Union, Alexander Cataldo, regarding DeGiacomo’s appointment as Examiner.

3. To the best of his knowledge, the UST is not aware that DeGiacomo has any connections with the Debtor, creditors, any other parties in interest, their respective

attorneys and accountants, the UST or any persons employed in the Office of the United States Trustee, except as set forth in the verified statement that DeGiacomo will forthwith file with the Court.

WHEREFORE, the UST prays that the Court indicate its approval of the appointment of Mark G. DeGiacomo, Esq. as Examiner by executing this Application in the space below.

Respectfully submitted,

John P. Fitzgerald, III
Acting United States Trustee .

By: /s/ Paula R. C. Bachtell
Paula R. C. Bachtell, BBO# 564155
U.S. Department of Justice
Office of the U.S. Trustee
J.W. McCormack Post Office & Courthouse
5 Post Office Square, Suite 1000
Boston, MA 02109-3934
TEL: (617) 788-0406
FAX: (617) 565-6368
E-MAIL: paula.bachtell@usdoj.gov

Dated: June 30, 2010

DeGiacomo is directed: i) to forthwith file a verified statement per Fed. R. Bankr. P. 2007.1; and ii) to file an written report as soon as possible per 11 U.S.C. 1106(a)(3) and (4) and serve same on the Court, the United States Trustee and all parties who have filed a notice of appearance.

APPROVED:

HON. WILLIAM C. HILLMAN
United States Bankruptcy Judge

Dated:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

ROBERT N. LUPO,

Chapter 11
Case No. 09-21945-WCH

EXAMINER'S ACCEPTANCE

Mark G. DeGiacomo, Esq. of Murtha, Cullina LLP, 99 High Street, 20th Floor, Boston, MA 02110, accepts the foregoing appointment as Examiner and the duties and responsibilities of Examiner as set forth in the Application.



Mark G. DeGiacomo, Esq.
Murtha, Cullina LLP
99 High Street, 20th Floor
Boston, MA 02110
(617) 451-9300
(617) 482-3868

Dated: 6/29/10

CERTIFICATE OF SERVICE

The undersigned certifies that on June 30, 2010, true and correct copies of the foregoing Application/Certificate were served via the U.S. Bankruptcy Court's CM/ECF filing system.

IRS

PO Box 9112
Attn: Special Procedures, Room 800
Boston, MA 02203

MDOR

PO Box 9564 (Bankr. Unit)
100 Cambridge Street
Boston, MA 02114

MDET

Attn: Chuck Hurst
19 Staniford Street
Boston, MA 02114

/s/ Paula R. C. Bachtell
Paula R. C. Bachtell

EXHIBIT B

[LUPO – EXHIBIT B]

On June 29, 2010, this Court entered an Order requiring that the Office of the United States Trustee appoint an examiner to report as soon as possible concerning matters referenced in Section 1106(a)(3) and (4) of the Bankruptcy Code. Section 1106(a)(3) and (4) require an examiner to:

“(3) . . . investigate the acts, conduct, assets, liabilities and financial condition of the debtor, the operation of the debtor’s business and the desirability of the continuance of such business, and any other matter relevant to the case or to the formation of a plan. . . and

(4)(a) file a statement of any investigation conducted under paragraph (3) of this subsection including an investigation of any allegations of fraud, dishonesty, incompetence, misconduct, mismanagement, or irregularity in the management of the affairs of the debtor, or to a cause of action available to the estate”.

Although the Court did not set a deadline for the filing of a report, after consulting with the Office of the United States Trustee, it was determined that it would be very helpful to the Court and the parties-in-interest if the Applicant could complete and file his report prior to August 18, 2010, a date on which several hearings concerning this case were scheduled.

The time spent by the Applicant in connection with his investigation of the Debtor included the conducting of lengthy interviews of the Debtor on July 14, 2010 and August 11, 2010, the conducting of a lengthy interview of Lisa Jacobs on July 7, 2010, conducting a site visit on August 9, 2010 of several of the Debtor’s real properties, inspecting several of the Debtor’s motor vehicles, reviewing hundreds of pages of pleadings and documents filed in this case and in other cases that were filed in various State Courts, telephone calls with several city and town officials concerning the Debtor’s real estate holdings, meeting with and telephone calls with several of the Debtor’s tenants, reviewing documents at several Registries of Deeds,

the Registry of Motor Vehicles, the Office of the Massachusetts Secretary of State and the Office of the Massachusetts Attorney General, reviewing real estate appraisals, conducting fact research on the internet concerning several issues, numerous telephone calls and e-mail exchanges with several attorneys who represent parties in this case including Adam Ruttenberg (counsel for the Debtor), Andrew Lizotte (former counsel to the Debtor), David Reier (counsel to Rockland Trust Company), Herbert Weinberg (counsel to the Official Unsecured Creditors Committee), and reviewing material provided by Verdolino & Lowey, the Debtor's accountants.

Once the Applicant's investigation was completed a substantial amount of time was spent drafting the thirty-two page report which was filed and served on all parties-in-interest on August 16, 2010, less than two months after the Applicant's appointment. Following his review of the Report, this Court immediately entered an Order requiring the appointment of a Chapter 11 Trustee.

After completing his Report, the Applicant spent time preparing this Fee Application.

EXHIBIT C

Matter Name: Lupo, Robert N. - Trustee

DATE	TKID	TIME	DESCRIPTION	VALUE
06/29/10	DeGiacomo	0.40	Call with Paula Bachtell re Examiner Appointment	180.00
06/29/10	DeGiacomo	0.30	Call with BR re real estate research	135.00
06/29/10	DeGiacomo	0.50	Call with Attorney Ruttenberg	225.00
06/29/10	DeGiacomo	2.20	Review documents and pleadings	990.00
06/30/10	DeGiacomo	0.30	Prepare Verified Statement	135.00
06/30/10	DeGiacomo	2.70	Continue review of pleadings	1,215.00
06/30/10	Bratko	0.10	Meet with MGD regarding Verified Statement	19.00
06/30/10	Bratko	0.20	Draft Verified Statement	38.00
06/30/10	Bratko	0.20	Finalize Verified Statement	38.00
07/01/10	DeGiacomo	0.50	Call to Lisa Jacobs regarding meeting	225.00
07/01/10	DeGiacomo	0.40	Call to Craig Jalbert regarding cash flow from real estate	180.00
07/01/10	DeGiacomo	2.40	Review pleadings and documents provided by Lisa Jacobs	1,080.00
07/01/10	DeGiacomo	0.30	Call to Attorney Ruttenberg regarding meeting with Debtor	135.00
07/01/10	Bratko	0.10	Meet with MGD regarding meetings with Debtor	19.00
07/02/10	DeGiacomo	0.70	Review numerous documents provided by Lisa Jacobs	315.00
07/02/10	DeGiacomo	0.30	Call with Attorney Ruttenberg regarding meeting with Debtor	135.00

Matter Name: Lupo, Robert N. - Trustee

07/06/10	DeGiacomo	0.20	Call from Attorney Ruttenberg re meeting with Debtor	90.00
07/07/10	DeGiacomo	5.20	Prepare for meeting and meet with Lisa Jacobs	2,340.00
07/07/10	DeGiacomo	2.10	Continue review of e-mails, documents and pleadings	945.00
07/07/10	Bratko	3.80	Meet with Lisa Jacobs and MGD regarding Debtor and Debtor's property issues	722.00
07/08/10	Bratko	0.30	Pull and review BBO decision re suspension of Debtor's legal practice	57.00
07/08/10	Bratko	0.10	Telephone call to Penny Bley at Verdolino & Lowey regarding spreadsheet	19.00
07/09/10	DeGiacomo	0.30	Conference with Attorney Lizotte re real estate and related issues	135.00
07/09/10	DeGiacomo	0.30	Conference with Attorney Ruttenberg re meeting with Debtor and production of rent rolls prepared by Verdolino & Lowey	135.00
07/12/10	DeGiacomo	0.40	Call from Attorney Herbert Weinberg (counsel to Creditor's Committee)	180.00
07/12/10	Bratko	0.10	Meet with MGD regarding meeting with Debtor	19.00
07/13/10	DeGiacomo	0.40	Conference with K. Bratko regarding calls to city officials regarding building code violations	180.00
07/13/10	Bratko	0.20	Review email from Lisa Jacobs	38.00
07/13/10	Bratko	0.10	Telephone call to Waltham Housing Authority regarding status of Section 8 rentals	19.00

Matter Name: Lupo, Robert N. - Trustee

07/13/10	Bratko	0.10	Telephone call to Massachusetts Attorney General's Office regarding status of investigation	19.00
07/13/10	Bratko	0.20	Meet with MGD regarding investigation	38.00
07/14/10	DeGiacomo	0.30	Review and respond to e-mails sent by Lisa Jacobs	135.00
07/14/10	DeGiacomo	0.30	Conference with KB re comments made by Waltham Section 8 Housing Chairman	135.00
07/14/10	DeGiacomo	0.30	E-mail exchange with Attorney Weinberg re Debtor's failure to pay real estate taxes	135.00
07/14/10	DeGiacomo	6.20	Prepare for meeting and meet with Debtor and Attorney Ruttenberg	2,790.00
07/14/10	Bratko	0.20	Telephone call with John Gollinger from Waltham Housing Authority regarding status of Section 8 properties	38.00
07/14/10	Bratko	0.20	Telephone call with Ed Minchello from the Massachusetts Attorney General's Office regarding status of investigation	38.00
07/14/10	Bratko	0.20	Email to John Gollinger confirming telephone conversation	38.00
07/14/10	Bratko	0.20	Meet with MGD regarding telephone calls with Gollinger and Minchello	38.00
07/14/10	Bratko	0.10	Review emails from Attorney Weinberg regarding Debtor	19.00
07/14/10	Bratko	0.40	Meet with MGD in preparation of meeting with Debtor	76.00
07/14/10	Bratko	4.20	Meet with Debtor and Attorney Ruttenberg regarding assets	798.00

Matter Name: Lupo, Robert N. - Trustee

07/15/10	DeGiacomo	0.40	Conference with K. Bratko regarding work needed to be done in connection with preparation of Report	180.00
07/15/10	DeGiacomo	0.40	Review e-mail from Attorney Reier and respond to it	180.00
07/15/10	Bratko	0.30	Meet with MGD in follow up to meeting with Debtor	57.00
07/15/10	Bratko	0.20	Telephone call with Court Clerk regarding obtaining transcript of June 29 hearing	38.00
07/16/10	DeGiacomo	0.50	Review SJC decision regarding Debtor's indefinite suspension from practice of law	225.00
07/16/10	DeGiacomo	0.90	Listen to CD of hearing regarding appointment of Examiner	405.00
07/16/10	DeGiacomo	0.20	Call with Attorney Ruttenberg regarding Rule 2004 Examination	90.00
07/16/10	Bratko	0.20	Research status of Debtor's broker's license	38.00
07/16/10	Bratko	0.10	Perform UCC search under Debtor's name	19.00
07/16/10	Bratko	0.20	Email to John Gollinger regarding Section 8 housing	38.00
07/18/10	DeGiacomo	2.20	Review documents provided by Lisa Jacobs	990.00
07/19/10	DeGiacomo	0.40	Call with Paula Bachtell regarding progress with investigation	180.00
07/19/10	DeGiacomo	0.70	Review documents provided by Debtor regarding his criminal complaint against Lisa Jacobs and his Objection to her claim	315.00

Matter Name: Lupo, Robert N. - Trustee

07/28/10	DeGiacomo	0.40	Call with Attorney Ruttenberg re failure of Debtor to provide documents	180.00
07/28/10	DeGiacomo	1.20	Meet with KB re steps to be taken in connection with drafting of Report	540.00
07/28/10	DeGiacomo	0.40	E-mail exchange with Attorney Follansbee	180.00
07/28/10	Bratko	0.70	Review documents received from Debtor	133.00
07/28/10	Bratko	0.80	Meet with MGD regarding preparation of Examiner's Report	152.00
07/28/10	Bratko	0.10	Telephone call to Michael Saperstein regarding vehicles	19.00
07/28/10	Bratko	0.30	Perform UCC search for The Piano Man	57.00
07/28/10	Bratko	0.20	Telephone call with Michael Saperstein regarding vehicles, furniture and pianos	38.00
07/29/10	Bratko	0.20	Telephone call from MGD regarding vehicles	38.00
07/29/10	Bratko	0.40	Research NADA values for collectible cars owned by Debtor	76.00
07/30/10	Bratko	0.10	Telephone call to Penny Bley regarding property value chart	19.00
07/30/10	Bratko	0.30	Telephone call from Penny Bley regarding parameters for real estate chart	57.00
07/30/10	Bratko	0.10	Telephone call from MGD regarding properties	19.00
08/02/10	Bratko	0.10	Telephone call with Attorney Adam Ruttenburg regarding Prius and Suburban	19.00

Matter Name: Lupo, Robert N. - Trustee

08/02/10	Bratko	0.70	Research blue book values for Debtor's vehicles	133.00
08/03/10	DeGiacomo	0.40	Exchange email correspondence with Attorney Ruttenberg re Debtor's wife's cars	180.00
08/03/10	DeGiacomo	3.20	Begin writing Examiner's Report	1,440.00
08/03/10	DeGiacomo	0.60	Call to Debtor's Special Counsel re Rockland Trust litigation	270.00
08/03/10	DeGiacomo	0.20	Call to Attorney Reier re Rockland Trust litigation	90.00
08/03/10	Bratko	1.30	Conduct Zillow property value searches of Debtor's real estate	247.00
08/03/10	Bratko	0.20	Review RTN Bank statements sent by Debtor	38.00
08/03/10	Bratko	0.80	Conduct Lexis Nexis search of Registry of Motor Vehicles for title information	152.00
08/03/10	Bratko	0.40	Meet with MGD regarding status of day's research	76.00
08/04/10	DeGiacomo	0.40	Call to Attorney Ruttenberg re meetings and outstanding documents	180.00
08/04/10	DeGiacomo	0.90	Long call with Attorney David Reier	405.00
08/04/10	DeGiacomo	0.60	Conference with KB re real estate	270.00
08/04/10	DeGiacomo	1.60	Prepare Report	720.00
08/04/10	Bratko	0.10	Email to Attorney Adam Ruttenburg forwarding financial statement	19.00
08/04/10	Bratko	0.20	Telephone call from MGD regarding meetings with Crystal Pirozzi (Debtor's employee), Debtor and Lisa Jacobs	38.00

Matter Name: Lupo, Robert N. - Trustee

08/04/10	Bratko	0.20	Telephone call with John Millian at Waltham Housing Inspector regarding Stop Work Order at 45 South Street	38.00
08/04/10	Bratko	0.20	Email to John Millian regarding Stop Work Order	38.00
08/04/10	Bratko	0.30	Letter to Attorney General's Office requesting investigation files	57.00
08/04/10	Bratko	0.10	Emails with Lisa Jacobs regarding second meeting with MGD	19.00
08/04/10	Bratko	0.10	Telephone call to Arlington Housing Authority regarding Debtor's standing	19.00
08/04/10	Bratko	0.20	Telephone call to Boston Housing Authority regarding Debtor's standing	38.00
08/04/10	Bratko	0.10	Telephone call to Newton Housing Authority regarding Debtor's standing	19.00
08/04/10	Bratko	0.20	Telephone call and emails with Penny Bley regarding chart	38.00
08/04/10	Bratko	0.50	Research Section 8 Housing Program	95.00
08/04/10	Bratko	0.30	Meet with MGD regarding site visits	57.00
08/04/10	Bratko	0.10	Email to Attorney Adam Ruttenburg regarding site visits	19.00
08/04/10	Bratko	0.40	Meet with MGD regarding various Housing Authorities	76.00
08/05/10	Bratko	0.30	Telephone call with Robert Grimes, former employee of Debtor, regarding Debtor	57.00
08/05/10	Bratko	0.30	Draft email to Attorney Adam Ruttenburg regarding outstanding items to be produced by Debtor	57.00

Matter Name: Lupo, Robert N. - Trustee

08/05/10	Bratko	0.20	Meet with MGD regarding telephone call with Robert Grimes	38.00
08/05/10	Bratko	0.60	Create tracking chart of vehicles and vehicle values	114.00
08/05/10	Bratko	0.60	Meet with MGD regarding vehicles, vehicle values and discrepancies	114.00
08/06/10	DeGiacomo	5.10	Prepare Report including conference with KB and review of documents and pleadings	2,295.00
08/06/10	DeGiacomo	0.30	Call from Attorney Ruttenberg	135.00
08/06/10	Bratko	0.50	Update vehicle chart with new vehicle information	95.00
08/06/10	Bratko	0.40	Meet with MGD regarding vehicles	76.00
08/06/10	Bratko	0.40	Edit Examiner's Report with vehicle information	76.00
08/06/10	Bratko	0.10	Email from and to Attorney Adam Ruttenburg regarding Prius	19.00
08/06/10	Bratko	0.10	Email from Attorney Adam Ruttenburg forwarding Ameritrade statements	19.00
08/06/10	Bratko	0.60	Review Ameritrade statements	114.00
08/06/10	Bratko	0.30	Emails with Attorney Adam Ruttenburg regarding trust documents	57.00
08/06/10	Bratko	0.10	Emails with Lisa Jacobs to set up meeting with MGD	19.00
08/06/10	Bratko	0.70	Meetings with MGD in preparation for site visits on August 9th	133.00
08/06/10	Bratko	0.40	Compile list of questions to ask Crystal Pirozzi and Debtor during site visit	76.00

Matter Name: Lupo, Robert N. - Trustee

08/06/10	Bratko	0.20	Emails with Attorney Adam Ruttenburg regarding Piano Man vehicles and Debtor's wife's vehicles	38.00
08/06/10	Bratko	0.10	Email from MGD regarding Piano Man's rents paid to Debtor	19.00
08/06/10	Bratko	0.60	Review notes on phone calls with housing authorities and Lisa Jacobs' meeting in preparation for site visits	114.00
08/08/10	DeGiacomo	1.60	Revise draft of Rockland Trust Claim portion of Report and prepare real estate portion	720.00
08/09/10	DeGiacomo	5.40	Meet with Debtor and Crystal Pirozzi and conduct site visits at several properties	2,430.00
08/09/10	DeGiacomo	0.60	Review Debtor's proposed Plan of Reorganization	270.00
08/09/10	DeGiacomo	1.40	Prepare Report	630.00
08/09/10	Bratko	0.90	Interview Crystal Pirozzi regarding business procedures for Lupo & Associates and The Piano Man	171.00
08/09/10	Bratko	4.20	Conduct site visits of Debtor's properties in Waltham and Weston	798.00
08/10/10	Bratko	0.40	Telephone call with Adrian Wilkins, tenant of Debtor, regarding property	76.00
08/10/10	Bratko	0.40	Review photos of properties taken during site visits	76.00
08/10/10	Bratko	0.70	Meetings with MGD regarding properties and motor vehicles	133.00
08/10/10	Bratko	0.80	Review family trust documents from eight family trusts	152.00

Matter Name: Lupo, Robert N. - Trustee

08/10/10	Bratko	0.50	Review bank statements and checks from Debtor's RTN account	95.00
08/10/10	Bratko	0.70	Obtain Zillow estimates for all Debtor-owned properties	133.00
08/10/10	Bratko	0.40	Prepare list of questions and topics of discussion for second meeting with Debtor	76.00
08/11/10	DeGiacomo	5.20	Prepare for meeting and meet with the Debtor and Attorney Ruttenberg	2,340.00
08/11/10	DeGiacomo	0.40	Review internet research re Christopher Lewis	180.00
08/11/10	DeGiacomo	2.80	Work on Examiner's Report	1,260.00
08/11/10	Bratko	0.80	Meet with MGD in preparation for second meeting with Debtor	152.00
08/11/10	Bratko	3.60	Attend second meeting between MGD and Debtor	684.00
08/11/10	Bratko	0.10	Emails with Lisa Jacobs regarding cancellation of second meeting with MGD	19.00
08/11/10	Bratko	0.30	Telephone call with Penny and Jane at Verdolino & Lowey regarding Debtor's tax returns and properties	57.00
08/11/10	Bratko	0.40	Conduct an internet search of Christopher Lewis, employee of Debtor	76.00
08/11/10	Bratko	0.30	Telephone call to Ann Chan at the MDOR regarding Debtor's tax liability	57.00
08/11/10	Bratko	0.10	Voicemail to Dennis McCarthy at the IRS regarding Debtor's tax liability	19.00
08/12/10	DeGiacomo	0.30	Call from Attorney Reier re South Street construction	135.00

Matter Name: Lupo, Robert N. - Trustee

08/12/10	DeGiacomo	0.60	Calls with Attorney Ruttenberg re outstanding questions re Stop Work Order and Piano Man sales taxes	270.00
08/12/10	DeGiacomo	5.30	Continue investigation and drafting of Report	2,385.00
08/12/10	MacDonald	0.20	Review docket for MGD	59.00
08/12/10	Bratko	0.20	Emails with Jane Morris regarding sales tax liability for The Piano Man	38.00
08/12/10	Bratko	0.30	Emails with Lisa Jacobs regarding Debtor's vehicles	57.00
08/12/10	Bratko	0.30	Emails with Attorney Herbert Weinberg and MGD regarding Debtor's tax liability	57.00
08/12/10	Bratko	0.20	Telephone call from Dennis McCarthy at the IRS regarding Debtor's tax liability	38.00
08/12/10	Bratko	0.40	Telephone call with Penny Bly at Verdolino & Lowey regarding property chart values	76.00
08/12/10	Bratko	0.10	Telephone call from MGD regarding building permit at 45 South Street	19.00
08/12/10	Bratko	0.30	Telephone call to Waltham Permit Department regarding status of building permit at 45 South Street	57.00
08/12/10	Bratko	0.20	Meet with MGD regarding building permit issue at 45 South Street	38.00
08/12/10	Bratko	0.20	Emails with Attorney Ruttenberg regarding outstanding items	38.00
08/12/10	Bratko	1.20	Review and edit draft of Examiner's Report	228.00

Matter Name: Lupo, Robert N. - Trustee

08/12/10	Bratko	1.40	Multiple meetings with MGD regarding Debtor's vehicles, properties, tax liability and Christopher Lewis	266.00
08/12/10	Bratko	0.20	Telephone call to Massachusetts Attorney General's Office regarding status of Public Records Request	38.00
08/12/10	Bratko	0.20	Update vehicle chart	38.00
08/12/10	Bratko	0.40	Conduct research into security deposit procedures of Debtor	76.00
08/12/10	Bratko	0.20	Emails with Pat Hogan regarding review of Debtor's Monthly Operating Reports	38.00
08/13/10	DeGiacomo	0.70	Meet with KB re MOR's	315.00
08/13/10	DeGiacomo	2.70	Prepare Report	1,215.00
08/13/10	DeGiacomo	0.30	Calls with Attorney Ruttenberg re questions	135.00
08/13/10	Baronoff	0.40	Assist K. Bratko re: gathering information about BBO and SJC proceedings against R. Lupo, leading to his suspension from practice of law	172.00
08/13/10	Bratko	0.90	Compile Monthly Operating Reports at the Office of the U.S. Trustee	171.00
08/13/10	Bratko	1.10	Review Monthly Operating Reports	209.00
08/13/10	Bratko	0.30	Meet with MGD regarding suspicious distributions in the Monthly Operating Reports	57.00
08/13/10	Bratko	0.20	Telephone call to Newton Housing Authority regarding status of Debtor's Section 8 contract	38.00

Matter Name: Lupo, Robert N. - Trustee

08/13/10	Bratko	0.30	Telephone call with Arlington Housing Authority regarding status of Debtor's Section 8 contract	57.00
08/13/10	Bratko	0.10	Telephone call to Angela at the Boston Housing Authority regarding status of request for Debtor's standing with the Housing Authority	19.00
08/13/10	Bratko	0.20	Emails from Attorney Ruttenberg regarding building permit approval for 45 South Street	38.00
08/13/10	Bratko	0.40	Emails with Lisa Jacobs regarding Debtor's real estate broker's license	76.00
08/13/10	Bratko	2.30	Review and edit drafts of Examiner's Report	437.00
08/13/10	Bratko	0.80	Meet with MGD regarding vehicles, Debtor's standing with housing authorities, trusts and properties	152.00
08/14/10	DeGiacomo	6.80	Prepare and research Report	3,060.00
08/15/10	DeGiacomo	1.40	Prepare Litigation and Habitability sections of Report	630.00
08/16/10	DeGiacomo	7.20	Calls with Attorney Ruttenberg and complete Report	3,240.00
08/16/10	MacDonald	0.30	Research regarding Comm. vs. Christopher Lewis Appeals Court case (Debtor's employee)	88.50
08/16/10	Bratko	1.60	Multiple meetings with MGD regarding comments and content edits to Examiner's Report	304.00
08/16/10	Bratko	0.30	Telephone call and email from Angela at the Boston Housing Authority regarding Debtor's standing	57.00

Matter Name: Lupo, Robert N. - Trustee

08/16/10	Bratko	0.30	Telephone calls to Penny Bly regarding Monthly Operating Reports	57.00
08/16/10	Bratko	0.20	Meet with MGD regarding Debtor's failed inspection with the Boston Housing Authority	38.00
08/16/10	Bratko	0.40	Telephone call with the Massachusetts Attorney General's Office regarding its investigation into Debtor	76.00
08/16/10	Bratko	0.30	Meet with MGD regarding investigation by the Attorney General's Office	57.00
08/16/10	Bratko	0.20	Telephone conferences with MGD and Attorney Ruttenberg regarding rents paid by Piano Man	38.00
08/16/10	Bratko	0.50	Prepare Certificate of Service for Examiner's Report	95.00
08/16/10	Bratko	0.30	Telephone call with Newton Housing Authority regarding cancellation of Debtor's contract	57.00
08/16/10	Bratko	0.50	Prepare exhibits to Examiner's Report	95.00
08/16/10	Bratko	0.30	Emails and telephone calls regarding causes of action	57.00
08/16/10	Bratko	0.40	Finalize Examiner's Report	76.00
08/17/10	DeGiacomo	0.40	Call with Paula Bachtell re hearing and Report	180.00
08/17/10	Bratko	0.10	Email to Lisa Jacobs forwarding Examiner's Report	19.00
08/18/10	DeGiacomo	1.40	Attend hearing re Rockland Trust Company, Motion to Appoint Trustee	630.00

Matter Name: Lupo, Robert N. - Trustee

08/19/10	DeGiacomo	0.50	Call from Attorney Joe Collins re his appointment as trustee	225.00
08/19/10	Bratko	0.10	Telephone call from MGD regarding preparation of Fee Application	19.00
09/13/10	DeGiacomo	0.60	Begin work on Final Fee Application	270.00
09/20/10	DeGiacomo	0.90	Prepare Fee Application	405.00
10/18/10	DeGiacomo	0.70	Prepare Fee Application	315.00
12/16/10	DeGiacomo	0.40	Complete Fee Application	180.00
12/16/10	Bratko	1.00	Prepare fee application of Chapter 11 Examiner	190.00
TOTAL HOURS		----- 158.20 =====		-----
TOTAL FEES				\$55,062.50 =====

EXHIBIT D

[LUPO- CHAPTER 11 EXAMINER]

SUMMARY OF TIME SPENT BY TIMEKEEPER

I. GENERAL LEGAL SERVICES

Timekeeper:	Rate:	Hours:	Fees:
Mark G. DeGiacomo (MGD)	\$450 per hour (2010)	95.6	\$43,020.00
Susan J. Baronoff (SJB)	\$430 per hour (2010)	0.4	\$172.00
Ryan M. MacDonald (RMM)	\$295 per hour (2010)	0.5	\$147.50
Kristen L. Bratko (KLB)	\$190 per hour (2010)	61.7	\$11,723.00
TOTAL:		158.2	\$55,062.50

EXHIBIT E

Matter Name: Lupo, Robert N. - Trustee

DATE	COST DESCRIPTION	AMOUNT
07/15/10	CD copies of hearing on 6/29/10 - Clerk, U.S. Bankruptcy Court	26.00
07/15/10	Courier Services - Fly Over the City Courier Service	22.00
08/30/10	Lexis Expenses on 8/3/10 - Maureen Mahoney.	15.90
09/01/10	Miscellaneous Expense, Typing several drafts of Examiner's report. (6 hours on 08/14/10)	270.00
09/01/10	Miscellaneous Expense, More drafts of Examiner's report. (1 hour on 8/16/10)	45.00
09/27/10	Travel Expenses - DeGiacomo, Mark G., mileage Boston to Waltham to Lincoln to Boston, meet with debtors and tour properties (8/11/10)	30.00
09/27/10	Parking Expenses - DeGiacomo, Mark G., meet with debtor and tour properties (8/11/10)	40.00
TOTAL		448.90

EXHIBIT F

Mark G. DeGiacomo

Mr. DeGiacomo is a partner in the firm of Murtha Cullina LLP and is co-chair of the firm's Bankruptcy and Creditors' Rights Department. Mr. DeGiacomo has been working primarily in the area of bankruptcy and creditors rights since his admission to the bar in 1981. Mr. DeGiacomo received a B.S. in political science from Boston College in 1978 and his J.D. from Suffolk University Law School in 1981. Mr. DeGiacomo has been a panel Trustee in bankruptcy in Boston since 1995. Mr. DeGiacomo's practice has included representation of corporate and individual debtors as well as bankruptcy trustees, secured creditors, unsecured creditors and creditors committees. Mr. DeGiacomo has written and lectured extensively on bankruptcy issues.

Kristen L. Bratko

Kristen L. Bratko, Bankruptcy Paralegal, received her Bachelors of Science in History, at Northeastern University in 2004. She has several years experience in the legal field including prior work in business litigation, patent prosecution and personal injury.

Ryan MacDonald

Mr. MacDonald is a partner in the firm's Litigation Department. Mr. MacDonald represents clients in the areas of bankruptcy, creditors' rights and business litigation. In his bankruptcy practice, Mr. MacDonald represents Chapter 7 and 11 Trustees, examiners, secured and unsecured creditors, landlords and creditor committees. Mr. MacDonald also has successfully represented several corporate and individual clients in defending preference claims. Mr. MacDonald also has experience representing parties in other types of litigation matters including: business disputes, construction, residential zoning matters involving special permits, landlord/tenant and commercial evictions. Mr. MacDonald is a graduate of Bates College and University of Connecticut Law School, cum laude, (2002). Mr. MacDonald has been with the firm since 2002.

Susan J. Baronoff

Ms. Baronoff is a partner in the firm's Labor and Employment Practice Group. In state and federal courts and administrative agencies, Ms. Baronoff defends businesses, institutions, and individuals charged with a myriad of employment-related claims, including discrimination, violation of wage and hour laws, breach of employment agreements, non-payment of commissions, and failure to provide employee benefits. She engages in mediation and arbitration of employment-related disputes, reviews handbooks and employment policies, and negotiates severance agreements. Ms. Baronoff represents clients in professional liability matters involving legal malpractice claims. She defends lawyers in cases arising from real estate transactions, business negotiations, and disputes between partners. She addresses professional responsibility, bar discipline, and loss prevention issues for clients and within the firm and the legal community.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

_____)	
In re)	
)	
ROBERT N. LUPO,)	CHAPTER 11
)	CASE NO. 09-21945-WCH
Debtor.)	
_____)	

CERTIFICATE OF SERVICE

I, Mark G. DeGiacomo, hereby certify that on the 21st day of December, 2010, I served a copy of the *First and Final Fee Application of Mark G. DeGiacomo for Allowance of Fees and Expenses Incurred as Examiner* by first-class mail, postage prepaid or by electronic transmission via ECF on the parties listed below:

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Moultonborough, NH 03254

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Providence, RI 02940

Total Formal Oil Company
PO Box 541165
Waltham, MA 02454

Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649

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c/o Jantzen & Associates, P.C.
4 Liberty Square
Boston, MA 02109

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One Tower Square
Hartford, CT 06183

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BUSINESS TRUST
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