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CHAPTER 13 BANKRUPTCY TRUSTEE  
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5 UNITED STATES BANKRUPTCY COURT  
6 FOR THE DISTRICT OF NEVADA

7 In re: ) BK-S 12-23910 LED  
8 ) Chapter 13  
ROBERT ALLAN GATLIN, )  
9 Debtor(s). ) Date: September 4, 2014  
Time: 2:30 p.m.  
\_\_\_\_\_)

10 **TRUSTEE’S OPPOSITION TO APPLICATION FOR COMPENSATION AND**  
11 **REIMBURSEMENT OF EXPENSES NO. 1**

12 COMES NOW the Chapter 13 Bankruptcy Trustee, Kathleen A. Leavitt, by and through her counsel of record,  
13 Danielle N. Gueck-Townsend, Esq., and files herewith her **Trustee’s Opposition to Amended Application for**  
14 **Compensation and Reimbursement of Expenses No. 1** as follows:  
15

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 **STATEMENT OF FACTS**

18 On December 21, 2012, Robert Allan Gatlin (hereinafter “Debtor”) filed the instant bankruptcy case. Debtor’s  
19 Chapter 13 Plan #3 was confirmed on May 19, 2011. Amended Chapter 13 Plan #3 is set for confirmation hearing on  
20 August 21, 2014 and includes attorney fees and costs for pre-petition services in the amount of \$3,900.00 (\$5,119.00  
21 less Debtor payment of \$1,500.00). (See Docket 59). The Application for Compensation and Reimbursement of  
22 Expenses No. 1 (hereinafter “Fee Application”) was filed on July 23, 2014. In the Fee Application, Debtor(s)’ counsel  
23 seeks compensation in the amount of \$3,900.00; however, no breakdown of services performed is provided.  
24

25 **STATEMENT OF LAW**

26 An award of fees may only be based upon reasonable compensation for actual, necessary services. In re Ginji  
27 Corp., 117 B.R. 983, 988-989 (D. Nev. 1990) (citing Hensley v. Eckerhart, 461 U.S. 424, 76 L. Ed. 2d 40, 103 S. Ct.  
28

1 1933 (1983) (explaining hours that are excessive, redundant, or unnecessary should be excluded from fee applications).

2 Section 330(a)(3) of the Bankruptcy Code provides:

3 In determining the amount of reasonable compensation to be awarded, the court shall  
4 consider the nature, the extent, and the value of such services, taking into account all  
5 relevant factors, including –

6 (A) the time spent on such services;

7 (B) the rates charged for such services;

8 (C) whether the services were necessary to the administration of, or beneficial at  
9 the time at which the service was rendered toward the completion of, a case under  
10 this title;

11 (D) whether the services were performed within a reasonable amount of time  
12 commensurate with the complexity, importance, and nature of the problem, issue, or  
13 task addressed;

14 (E) whether the compensation is reasonable based on the customary  
15 compensation charged by comparably skilled practitioners in cases other than cases  
16 under this title.

17 11 U.S.C. § 330(a)(3).

18 **ARGUMENT**

19 While reviewing the services, the Court keeps in mind the requirements of 11 U.S.C. § 330(a)(3). A bare  
20 predicate for the Court to determine whether the fees requested are appropriate in the instant case would be a list of the  
21 tasks completed in the instant case. Moreover, “The Court and the estate has (sic) the same right to an edited  
22 intelligible billing statement as does the attorney’s non-bankruptcy client.” In Re Ginji Corp. at 989.

23 The Office of the United States Trustee has issued guidelines (hereinafter “Guidelines”) for the preparation and  
24 filing of fee applications. The Guidelines require, among other things, that the time detail include the names and hourly  
25 rates of all professionals and staff that rendered services, a breakdown of the time duration of the various services and  
26 corresponding dates. Additionally, the Guidelines require that the services are detailed individually and not simply  
27 lumped together.

28 The Fee Application does not list the dates and details of the services rendered pursuant to the Guidelines.  
Instead services are listed in Item #5, Narrative of Services, in the Fee Application. Debtor(s)’ counsel is required to

1 file a billing statement along with the Fee Application that details the services rendered in order to assist the Court in  
2 reviewing whether the services were necessary and valuable to the case and estate. In Re Ginji Corp. at 989. It is  
3 difficult for the Trustee to accurately review and assess the reasonable time expended when the time is not detailed and  
4 dates are not provided.

5 This “bankruptcy court has *sua sponte* authority to ‘award compensation that is less than the amount of  
6 compensation that is requested.’” In re Eliapo, 468 F.3d 592, 597 (9th Cir. 2006) (citing 11 U.S.C. § 330(a)(2)).

7  
8 **CONCLUSION**

9 WHEREFORE, the Trustee prays this Honorable Court for an Order:

- 10 1. Denying the Application for Compensation; or  
11 2. Requiring Debtor(s)’ counsel to file an affidavit detailing the services rendered pursuant to the United  
12 States Trustee Guidelines; or  
13 3. For such other further relief as this Honorable Court shall deem just.

14 DATED this 20<sup>th</sup> day of August, 2014.

15 /s/ Danielle N. Gueck-Townsend  
16 DANIELLE N. GUECK-TOWNSEND, ESQ.  
17 Nevada Bar No. 12164  
18 201 Las Vegas Blvd. South, Suite 200  
19 Las Vegas, Nevada 89101  
20 Attorney for the Trustee,  
21 KATHLEEN A. LEAVITT  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee; that I am over the age of 18 years; that on August 20, 2014, I served a copy of the foregoing **Trustee's Opposition** to each of the following by depositing a copy in the United States Mails at Las Vegas, Nevada, in sealed envelopes containing first class pre-paid postage, addressed as follows:

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/s/ Mickey J. Bell  
MICKEY J. BELL, An Employee of  
KATHLEEN A. LEAVITT  
CHAPTER 13 BANKRUPTCY TRUSTEE