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LETTER, DECISION AND ORDER

The Court has reviewed the Fifth Application For Allowance of Interim Compensation and Reimbursement of Expenses (“Fifth Application”). The Fifth Application covers the period January 16, 1998 through August 14, 1998 and seeks \$442,079 in fees and reimbursement of \$42,646.07 in expenses. A hearing was held on the Fifth Application on October 22, 1998, at which time the Court made a provisional award to your firm in the sum of \$395,000 in fees and \$35,000 in expense reimbursement.

The Court has now undertaken a final review of the Fifth Application together with the Report filed by Stuart, Maue, Mitchell & James Ltd. (“SMMJ”), Fee Auditors appointed pursuant to an Amended Order of the Court dated December 2, 1996 (“Fee Auditor’s Report”). No objections to the Fifth Application were filed.

On October 16, 1998, your firm filed a Response to the Fee Auditor’s Report which challenges certain findings of the Fee Auditor. With regard to the category identified in the Fee Auditor’s Report as “Double Billing,” you have agreed to reduce your fee request by \$40. With regard to several other categories referred to in the Fee Auditor’s Report, specifically, “Multiple Attendance at Events,” “Administrative and Clerical Tasks,” “Intra Office Conferences,” “Conferences With Nonfirm Personnel,” the Court has reviewed same as contained in the various

exhibits submitted in support of the Fee Auditor's Report and concludes that they do not require adjustment of the Fifth Application. The Court will, however, in keeping with its practice of limiting compensation for fee application services, reduce the amount sought by your firm as set out in Exhibit R1 to the Fee Auditor's Report by \$2,500 allowing the sum of \$1,106.

Turning to the expense reimbursement, the Fee Auditor's Report identifies \$1,491.32 in unreceipted expenses for which you have provided no supporting documentation to date. Accordingly, the Court will disallow that amount pending submission of receipts.

In summary, the Court will approve a total fee on the Fifth Application of \$439,539. Crediting the firm with receipt of the provisional award, it may recover the further sum of \$44,539 in fees. With regard to expenses, the Court will approve total reimbursement of \$41,154.75. Crediting the firm with receipt of the provisional award, it may recover the further sum of \$6,151.75.

Dated at Utica, New York

this 2nd day of July 1999

STEPHEN D. GERLING
Chief U.S. Bankruptcy Judge