

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE:

MEGAN-RACINE ASSOCIATES, INC.

CASE NO. 92-00860

Debtor

Chapter 11

APPEARANCES;

MENTER, RUDIN & TRIVELPIECE, P.C.
Attorneys for Debtor
500 South Salina Street
Syracuse, New York 13202

DALE JOHNSON, ESQ.
Of Counsel

HINMAN, HOWARD & KATTELL, ESQS.
Attorneys for Examiner
700 Security Mutual Building
80 Exchange Street
Binghamton, New York 13901-3490

M. ELIZABETH BRADLEY, ESQ.
Of Counsel

RICHARD CROAK, ESQ.
Office of U.S. Trustee
10 Broad Street
Utica, New York 13501

STEPHEN D. GERLING, U.S. Bankruptcy Judge

MEMORANDUM-DECISION, FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

The Court has considered the Sixth Fee Application of Robert E. Barton, P.E. and Bibb & Associates ("Bibb" collectively), as Examiner in this Chapter 11 case.

The Court held a hearing on the Sixth Fee Application on June 15, 1993 and the Court assumes familiarity with its prior decisions regarding fee applications of Bibb, particularly its Memorandum-Decision, Findings of Fact, Conclusions of Law and Order ("Order") of May 20, 1993.

Upon review of the hours expended by Robert E. Barton during February and March 1993, the Court again notes 19.9 hours devoted to conferences with Bibb's representative on site, Jeffrey Leinbach ("Leinbach"). As previously indicated in the May 20, 1993 Order, the Court will not compensate Bibb for the passive hours expended by Barton in line with the rationale of In re Adventist Living Centers, Inc., 137 B.R. 692, 697 (Bankr. N.D.Ill. 1991) and thus the Court disallows 19.9 hours @ \$110.00 per hour or \$2,189.00.

With regard to hours expended by Leinbach, the Court notes a

mathematical error in the computation for the month of February, 1993. The correct computation should be \$60.00 per hour x 168.50 hours = \$10,110.00.

Finally, the Sixth Fee application seeks a fee of \$760.00 for services performed by "N. Francoviglia", however, there are no time records for that individual.

Having made the foregoing adjustments the Court will approve a fee of \$42,561. The Court will also approve reimbursement of expenses in the sum of \$6,234.00.

IT IS SO ORDERED.

Dated at Utica, New York

this day of July, 1993

STEPHEN D. GERLING
U.S. Bankruptcy Judge