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LETTER DECISION AND ORDER

On January 8, 1998, the Third Application For Allowance of Interim Compensation and Reimbursement of Expenses (“Third Interim Application”) of Stuart, Maue, Mitchell and James, Ltd. (“SMMJ”), appeared on this Court’s calendar at Utica, New York. SMMJ is the fee auditor appointed in the substantively consolidated case by Order of the Court dated October 15, 1996. There was no written opposition to the Third Interim Application and the Court heard no argument. The Court made a provisional award of fees in the sum of \$125,000 and a provisional award of expense reimbursement in the sum of \$5,000. The Third Application covers the period from May 30, 1997 through November 11, 1997 and seeks a total fee of \$155,520 and total reimbursement of expenses of \$6,602.66.

The Court has core jurisdiction of this contested matter pursuant to 28 U.S.C. §§ 1334(b) and 157(a)(b)(1) and (b)(2)(A) and (O). Familiarity with the Court’s Memorandum-Decision, Findings of Fact, Conclusions of Law and Order dated May 19, 1997 and Letter Decision and Order dated November 24, 1997, addressing SMMJ’s first two interim applications is presumed.

During the current reporting period SMMJ points out that it has audited six professional fee applications seeking a total of \$9,107,386.04 in fees and expenses. SMMJ asserts that as each reporting period passes it is able to review greater amounts in total fees at less expense to the estate.

In the current period, SMMJ's fees represented 1.71% of the total fees and expenses reviewed as compared to 2.01% during the period covered by its Second Interim Fee Application and 2.84% during the period covered by its First Interim Application. With regard to expenses, SMMJ asserts that in the current reporting period it reviewed \$4,059.91 of expenses per hour billed as opposed to \$1,671.11 of expenses per hour billed during the period covered by the First Interim Application. Finally, SMMJ points out that its composite hourly rate for all work performed during the period covered by the Third Interim Application was \$158.40.

The Court, after reviewing the Third Interim Application, concludes that fees sought are reasonable and were necessarily incurred by SMMJ in providing a valuable service to the Court in the administration of this substantively consolidated case. Thus, the Court will approve fees of \$155,520 crediting SMMJ with the provisional award already received. With regard to SMMJ's request for reimbursement of expenses, the Court will require an additional itemization or explanation for the expense of \$4,287.75 incurred in producing 28,585 "In House Photocopies". The Court will approve reimbursement for the remaining \$2,314.91 in expenses with credit being given for the provisional award already received.

IT IS SO ORDERED.

Dated at Utica, New York

this 9th day of April 1998

STEPHEN D. GERLING
Chief U.S. Bankruptcy Judge