

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

In re: \_\_\_\_\_ : Case No.:  
\_\_\_\_\_ : (Chapter 13)  
\_\_\_\_\_ : Judge  
\_\_\_\_\_ :  
Debtor (s) \_\_\_\_\_ :

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**APPLICATION TO EMPLOY SPECIAL COUNSEL  
FOR \_\_\_\_\_ CLAIM**

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Now comes \_\_\_\_\_, through counsel, and makes Application pursuant to 11 U.S.C. §327 and other applicable sections of the Code and L.B.R. 2014-1 for an order authorizing the employment of \_\_\_\_\_ to represent the Debtor(s) and the estate in a claim for \_\_\_\_\_.

1. This chapter 13 case was commenced on \_\_\_\_\_.
2. On or about \_\_\_\_\_ the Debtor(s) accrued a cause of action for a \_\_\_\_\_ claim arising out of a(n) \_\_\_\_\_.
3. The Debtor(s) have or may claim to have a cause of action against \_\_\_\_\_.
4. The Debtor(s) claim \_\_\_\_\_ and \_\_\_\_\_ as a result of a(n) \_\_\_\_\_.
5. \_\_\_\_\_ may claim an interest in proceeds arising from the cause of action by right of subrogation or assignment. These claims may be for payment of \_\_\_\_\_.
6. The Debtor(s) have received no proceeds from any individual or entity, including the Debtor(s)'(s) insurance, who may be liable the claims of the Debtor(s) .
7. The Debtor(s) have not commenced a lawsuit.
8. The Debtor(s) and \_\_\_\_\_ by making this application acknowledge:
  - a. The cause of action is property of the chapter 13 estate;
  - b. Compensation of the attorney and reimbursement of costs are subject to the provisions of 11 U.S.C. §§327, 328, 329 and 330, and other applicable sections of the Code, the Bankruptcy Rules and Local Rules of the Court and to the jurisdiction of the Bankruptcy Court.
  - c. No distributions shall be made of any proceeds without prior approval of the Court, after notice and opportunity for hearing.

9. The attorney has attached the affidavit or verified statement as required by L.B.R. 2014-01.
10. The formula used to determine the compensation will be on-third (1/3) of any award.
11. Within thirty (30) days proceeding commencement of the bankruptcy case and through the time of this application the amount, date paid and source of any fees paid to the attorney have been \_\_\_\_\_.
12. The amount, date paid and source of any retainer sought or received by the attorney within thirty (30) days preceding commencement of the bankruptcy case and through the time of this application have been \_\_\_\_\_.
13. The reasons for the selection of \_\_\_\_\_ are their expertise in \_\_\_\_\_ cases.
14. The professional services to be rendered by the attorney are representative in all areas, including negotiation and/or trial, of \_\_\_\_\_ case.
15. To the best of the applicant attorney's knowledge, the attorney's connections with the Debtor(s), creditors, any other party in interest, their respective attorney's and accountants, the United States Trustee, or any person employed in the office of the United States Trustee are \_\_\_\_\_, AND THEREFORE COUNSEL "DOES NOT HOLD OR REPRESENT AN INTEREST ADVESE TO THE ESTATE".
16. UNLESS A RESPONSE IS FILED TO THE APPLICATION WITHIN TWENTY (20) DAYS OF SERVICE HEREOF AN ORDER WILL BE SUBMITTED TO THE COURT GRANTING THIS APPLICATION.

\_\_\_\_\_

**PROOF OF SERVICE**

The undersigned hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, a copy of the foregoing document was electronically served on the U.S. Trustee, Jeffrey M. Kellner, Chapter 13 Trustee, and \_\_\_\_\_ Debtor('s)(s') Attorney, registered ECF participants, through the Court's transmission facilities, at their email addresses registered with the Court, and, that the following persons were mailed a copy of same by ordinary U.S. mail, postage prepaid, addressed to:

Debtor(s)

\_\_\_\_\_

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

In re: \_\_\_\_\_ : Case No.:  
: (Chapter 13)  
: Judge  
: \_\_\_\_\_  
Debtor (s) : \_\_\_\_\_

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**AFFIDAVIT OF  
OF**

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STATE OF OHIO,  
COUNTY OF MONTGOMERY, ss:

I, \_\_\_\_\_ being fully cautioned and sworn,  
depose and state as follows.

1. I am an adult over the age of eighteen and am competent to testify to the matters herein.
2. To the best of my knowledge, neither myself, my firm \_\_\_\_\_ nor any employee thereof, insofar as I have been able to ascertain, has a connection with the above-named Debtor(s) or creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, except that \_\_\_\_\_ may have previously been appointed special counsel in a case in which the Trustee herein was involved, and also except for his prior representation of this Debtor(s) in the matter which is the subject of this application.
3. To the best of my knowledge, neither myself, my firm \_\_\_\_\_ nor any employee thereof, insofar as I have been able to ascertain, has a known past or present relationship to the Debtor(s), the Trustee, or any creditor or equity security holder of the Debtor, except for the relationships as disclosed in Paragraph 2 above.
4. To the best of my knowledge, neither myself, my firm \_\_\_\_\_ nor any employee thereof, insofar as I have been able to ascertain, holds any interest adverse to the estate in the matters upon which I am or \_\_\_\_\_ is to be engaged nor has any business interest in the Debtor(s) and each is a disinterested person within the meaning of 11 U.S.C. §101(14).
5. To the best of my knowledge, the proposed employment of either myself, my firm \_\_\_\_\_ or any employee thereof, insofar as I have been able to ascertain, is not prohibited by or improper under Bankruptcy Rule 5002.
6. Attached is a written fee agreement entered into by Debtor(s) and the firm of \_\_\_\_\_.

7. \_\_\_\_\_ is not a relative of nor has he been so connected with any Judge making the appointment or approving the employment of the attorney for the Debtor(s) and that the appointment of \_\_\_\_\_ would not be prohibited by Rule 5002.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_

Sworn to and subscribed in my presence by \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

In re: \_\_\_\_\_ : Case No.:  
: (Chapter 13)  
: Judge  
: \_\_\_\_\_  
Debtor (s) \_\_\_\_\_ :

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**APPLICATION FOR APPROVAL OF SETTLEMENT OF  
\_\_\_\_\_ CLAIM  
AND COMPENSATION OF SPECIAL COUNSEL**

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1. Now comes \_\_\_\_\_ through counsel, and reports to the Court that the Debtor(s)'('s) claim for \_\_\_\_\_ dated \_\_\_\_\_ has been settled or otherwise resolved, subject to the Order of this Court, for \$\_\_\_\_\_ and makes application to the Court to authorize said settlement.
2. The terms of the settlement or resolution are: \_\_\_\_\_ in the amount of \$\_\_\_\_\_.
3. The period during which the legal services were performed was \_\_\_\_\_ to present.
4. A copy of any contract or other document reciting the terms and conditions of employment of special counsel, a copy of the order authorizing the employment, and an itemization of the actual necessary expenses of special counsel incurred are attached.
5. No retainer, partial payment or prior allowances have been made.
6. As this was a contingency fee case, records of services performed are not available.
7. No compensation has been previously received or shared.
8. No payments have heretofore been made or promised to the applicant for services rendered or to be rendered in any capacity whatsoever in connection with case, other than fees as provided for in the Retainer Agreement attached.
9. The applicant requests compensation of \$\_\_\_\_\_ and reimbursement of necessary expenses in the amount of \$\_\_\_\_\_ from the proceeds of the settlement funds.
10. The names and addresses of all potential claimants who have or may claim to have an interest in the proceeds by right of subrogation or assignment, or who were medical providers, the basis for the interest and the potential amount of the interest, are:
  - i. Subrogation
  - ii. Assign or
  - iii. Post-Petition

11. Movant respectfully moves that this Court approve the settlement as outlined herein, including provisions for fees and costs, payment of all claims noted in paragraph #10, payment to Debtor(s) in the amount of \$\_\_\_\_\_ as and for reasonable and necessary expenses, and the balance of \$\_\_\_\_\_ paid to the Chapter 13 Trustee as and for additional plan payments.
12. DEBTOR(S) BY APPROVING THIS APPLICATION, CONSENTS TO THE SETTLEMENT OF THIS CASE OF ACTION, AND AFFIRMS THAT HE/SHE HAS SIGNED OR WILL SIGN THE SETTLEMENT CHECK AND ALL NECESSARY RELEASES.

NOTICE IS HEREBY GIVEN THAT UNLESS A RESPONSE IS FILED AS PROVIDED BY LBR 9013(b) NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THE CERTIFICATE OF SERVICE, DEBTOR('S)(S') COUNSEL SHALL SUBMIT AN ORDER TO THE COURT SUSTAINING THIS MOTION AND ALLOWING OR DISALLOWING THE CLAIM AS HEREIN REQUESTED.

\_\_\_\_\_  
Special Counsel Attorney Firm

\_\_\_\_\_  
Attorney for Special Claim

\_\_\_\_\_  
Attorney for Debtor(s)

\_\_\_\_\_  
Debtor(s)

## PROOF OF SERVICE

The undersigned hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, a copy of the foregoing document was electronically served on the U.S. Trustee, Jeffrey M. Kellner, Chapter 13 Trustee, and \_\_\_\_\_ Debtor(s) Attorney, registered ECF participants, through the Court's transmission facilities, at their email addresses registered with the Court, and, that the following persons were mailed a copy by ordinary U.S. mail, postage prepaid, addressed to:

Debtor(s)

All parties listed on the attached mailing matrix.

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

In re: \_\_\_\_\_ : Case No.:  
\_\_\_\_\_ : (Chapter 13)  
\_\_\_\_\_ : Judge  
\_\_\_\_\_ :  
Debtor (s) \_\_\_\_\_ :  
\_\_\_\_\_ T6XXXX

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**ORDER APPROVING EMPLOYMENT OF SPECIAL COUNSEL**

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This matter is before the Court upon the Application of \_\_\_\_\_  
filed \_\_\_\_\_, 2007, to represent the Debtor and the  
estate in a \_\_\_\_\_ claim and no response having  
been filed thereto, and the Court having reviewed the Application and for cause shown,

**IT IS ORDERED** that the Application of \_\_\_\_\_  
filed \_\_\_\_\_, 2007, to represent the Debtor(s) and

the estate in a personal injury claim is approved. No final settlement or any disbursements shall be made from this matter without prior notice and approval of the Court.

**IT IS SO ORDERED.**

Certificate of Service

Case No:

U.S. Trustee  
Suite 200

170 North High Street  
Columbus, OH

43215-0000

Jeffrey M. Kellner, Trustee  
Suite 900

131 N. Ludlow St  
Dayton, OH

45402-1161

Attorney for Debtor(s)

Debtor(s)

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

In re: \_\_\_\_\_ : Case No.:  
: (Chapter 13)  
: Judge  
: \_\_\_\_\_  
Debtor (s) : \_\_\_\_\_  
: T6XX8X

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**ORDER GRANTING APPROVAL OF DISTRIBUTION OF SETTLEMENT  
PROCEEDS AND ATTORNEY FEES**

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This matter is before the Court upon Debtor('s)(s') Application for Approval of Settlement of \_\_\_\_\_ Claim and Compensation of Special Counsel filed herein on \_\_\_\_\_.

The Court finds that service has been made in accordance with L.B.R. 9013-1(a) and no objections or other responsive pleadings have been filed.

The Court hereby approves the distribution of the settlement proceeds as follows:

It is hereby ORDERED that the settlement in the amount of \$\_\_\_\_\_ is approved. The Debtor(s) shall pay their attorneys, \_\_\_\_\_ \$\_\_\_\_\_ for attorney fees. The Debtor shall pay \_\_\_\_\_, \$\_\_\_\_\_ to cover advanced expenses. The sum of \$\_\_\_\_\_ shall be paid to \_\_\_\_\_-for the subrogation claim. The sum of \$\_\_\_\_\_ shall be paid to the Debtor(s) as and for reasonable and necessary expenses. The balance of \$\_\_\_\_\_ shall be paid to the Chapter 13 Trustee as and for additional plan payments.

**IT IS SO ORDERED.**

\_\_\_\_\_

Certificate of Service

Case No:

U.S. Trustee  
Suite 200

170 North High Street  
Columbus, OH

43215-0000

Jeffrey M. Kellner, Trustee  
Suite 900

131 N. Ludlow St  
Dayton, OH

45402-1161

Attorney for Debtor(s)

Debtor(s)

All parties listed on the attached mailing matrix.

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