

This order is **SIGNED**.

Dated: March 21, 2019



R. KIMBALL MOSIER
U.S. Bankruptcy Judge



Prepared and Submitted By:

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

THE FALLS EVENT CENTER LLC,

Debtor.

Bankr. Case No. 18-25116

Chapter 11

The Honorable R. Kimball Mosier

**ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR AN ORDER
(I) ESTABLISHING PROCEDURES FOR INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES FOR RETAINED PROFESSIONALS, AND
(II) GRANTING RELATED RELIEF**

The matter before the Court is the *Motion for an Order (I) Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals, and*

(II) *Granting Related Relief* [Docket No. 316] (the “Motion”), filed by Michael F. Thomson, duly appointed Chapter 11 Trustee (“Trustee”) in the above-captioned bankruptcy case, seeking, pursuant to sections 105(a), 330, and 331 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”), Rule 2016(a) of the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court, entry of an Order (i) authorizing and establishing procedures for the interim compensation and reimbursement of expenses of Retained Professionals, as defined in the Motion, and (ii) granting such further relief as requested herein or as is otherwise necessary or appropriate. The Motion was served through the Court’s CM/ECF system upon all parties who receive electronic notice in this case, and upon those parties who have requested notice via U.S. Mail. A *Notice of Motion for an Order (I) Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals, and (II) Granting Related Relief and Notice of Hearing* [Docket No. 317], which provided notice of an objection deadline of February 25, 2019, and notice of the hearing scheduled for March 5, 2019 at 3:00 p.m., was served through the Court’s CM/ECF system upon all parties who receive electronic notice in this case on February 7, 2019, and upon those parties who have requested notice and on all parties listed on the Court’s mailing matrix in this case on February 8, 2019. *See Certificate of Service* [Docket No. 319]. No objections to the Motion were filed with the Court or served on the Trustee.

A hearing on the Motion was held on March 5, 2019, at 3:00 p.m. (the “Hearing”), at which Peggy Hunt of Dorsey & Whitney LLP appeared on behalf of the Trustee, who was also present. No other parties appeared at the Hearing, and statements were made on the record at the Hearing. The Court, having reviewed the Motion, the statements made on the record at the

Hearing, and applicable law; having jurisdiction to consider the Motion and the relief requested therein; venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); no objections having been filed to the Motion; it appearing that proper and adequate notice of the Motion has been given, and that no other or further notice is necessary; upon the record herein, after due deliberation thereon, and good and sufficient cause appearing therefor, it is hereby **ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is **GRANTED** in part and **DENIED** in part.
2. The Retained Professionals may file applications for interim or final Court approval and allowance, pursuant to Sections 330 and 331 of the Bankruptcy Code (as the case may be), of the compensation and reimbursement of expenses requested (collectively, "Applications") every ninety (90) days.
3. Such Applications must be filed no later than fifteen (15) days after the close of each calendar quarter.
4. Each Application must be served by electronic mail, hand delivery, or by first class mail on the Notice Parties, as defined in the Motion.
5. No notice of hearing should be filed by Retained Professionals in connection with any Application, as the Trustee will schedule a hearing at which all Applications will be heard. After the deadline for filing Applications set forth in paragraph 3 of this Order, the Trustee shall file and serve a notice of hearing, setting forth the amount of the fees and expenses requested by each of the Retained Professionals and providing an opportunity for objection and hearing ("Hearing Notice").

6. Service of the Hearing Notice for all interim Applications shall be limited as follows: (a) via ECF on all parties which have requested electronic service in this case; (b) via ECF, electronic mail, hand delivery, or by first class mail on the Notice Parties; and (c) via ECF, electronic mail, hand delivery, or by first class mail on all others who have requested notice in this case.

7. The procedures set forth herein shall apply to fees and expenses incurred by Retained Professionals after March 31, 2019. Fees and expenses incurred for the period of November 27, 2018, the date of the Trustee's appointment, through March 31, 2019, shall be included in an Application filed and served on the Notice Parties by no later than April 15, 2019.

8. The Unsecured Creditors' Committee shall file and serve on the Notice Parties its Application and any Application for Committee expenses for the period of July 27, 2018, when the Committee was formed, through November 26, 2018, prior to February 15, 2019. Notice of such Applications will be served on the Notice Parties either (i) with the Trustee's notice of hearing related to the Trustee's Professionals' first Applications filed under paragraph 4 above or, (ii) upon request of the Committee's Professionals to the Trustee and in the Trustee's sole discretion, in a separate notice of hearing filed by March 1, 2019.

9. Rocky Mountain Advisory, LLC shall file and serve on the Notice Parties its Application for the period of August 27, 2018 through November 26, 2018, prior to February 15, 2019. Notice of such Applications will be served on the Notice Parties either (i) with the Trustee's notice of hearing related to the Trustee's Professionals' first Applications filed under paragraph 4 above or, (ii) upon request of Rocky Mountain Advisory, LLC to the Trustee and in the Trustee's sole discretion, in a separate notice of hearing filed by March 1, 2019.

10. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

End of Order_____

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR AN ORDER (I) ESTABLISHING PROCEDURES FOR INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR RETAINED PROFESSIONALS, AND (II) GRANTING RELATED RELIEF** shall be served to the parties in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

- James W. Anderson jwa@clydesnow.com, jritchie@clydesnow.com; atrujillo@clydesnow.com
- Megan K Baker baker.megan@dorsey.com, long.candy@dorsey.com
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- John J. Wiest wiest.john@dorsey.com
- Brent D. Wride bwride@rqn.com, docket@rqn.com; pbrown@rqn.com

By U.S. Mail – In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b):

- All parties on the Court’s official case matrix.
- The following additional parties:

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