

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

In re:)	
EATERIES, INC., et al. ¹)	BK-17-11444-SAH
)	Chapter 11
)	Jointly Administered
Debtor.)	

LIMITED OBJECTION OF THE UNITED STATES TRUSTEE TO THE FIRST INTERIM FEE APPLICATION OF CROWE & DUNLEVY, P.C. FOR ALLOWANCE OF COMPENSATION FOR SERVICES AND REIMBURSEMENT OF EXPENSES
[Docket #169]

The United States Trustee (“UST”) offers the following limited objection relating to Crowe & Dunlevy’s first interim fee application (“Application”):

1. The Application requests interim compensation in the amount of \$106,710.50 and reimbursement of expenses in the amount of \$4,392.34 for services rendered.
2. The UST questions whether all the services rendered are reasonably likely to benefit the estate or are necessary to the administration of the estate. 11 U.S.C. § 330(a)(3),(4). (Hereinafter generally “section 330”).
3. More specifically, there are a number of entries for activities that appear to be in the nature of overhead costs (i.e., filing, docketing, compiling documents). Overhead costs are not compensable.
4. This issued was addressed in *In re Seneca Oil Company*, 65 B.R. 902 (Bankr. W.D.O.K. 1986) where the court held that overhead expenses are not compensable and included in its definition of overhead secretarial services and word processing. See also *In re Jensen-Farley Pictures*, 47 B.R. 557 (Bankr. D. Utah 1985) (disallowing continuous administrative or general costs...including secretarial services) and see *In re CF&I Fabricators of Utah, Inc.*, 131 B.R. 474 (Bankr. D. Utah 1991) (finding that if the service performed by a paraprofessional consists of typing, data entry, checking court dockets or court dates, manually assembling, collating, marking, processing, photocopying, or mailing documents, the task is clerical in nature and not compensable).

¹ The Debtors in these chapter 11 cases include: Eateries, Inc. (above styled) and GRP of Zanesville, LLC;17-11445 SAH.

5. Moreover, there are several entries for tasks that appear to be not reasonably likely to benefit this estate. This includes legal work for requesting an injunction for a third party as well as entries for correcting errors.
6. Counsel for the UST and counsel for the debtor have conferred with respect to the above stated concerns and are attempting to resolve these issues.

WHEREFORE, based on the foregoing the UST requests this Court deny the Application as presented; and for such other and further relief as this Court deems just, equitable, and proper.

Respectfully submitted,

s/ Marjorie J. Creasey
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