

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

IN RE:

Case No. 16-20516-AJC

PROVIDENCE FINANCIAL  
INVESTMENTS, INC.

Chapter 7

Debtor.  
\_\_\_\_\_ /

**TRUSTEE'S *EX PARTE* APPLICATION TO EMPLOY  
EYAL BERGER, ESQ. AND THE LAW FIRM OF AKERMAN  
LLP AS GENERAL COUNSEL *NUNC PRO TUNC* TO JULY 29, 2016**

Maria Yip, the Chapter 7 Trustee (the "**Trustee**"), for the estate of Providence Financial Investments, Inc. (the "**Debtor**"), respectfully requests an order of the court authorizing the employment of Eyal Berger and the law firm of Akerman LLP to represent the Trustee as general counsel in this case and states:

1. On July 28, 2016, the Debtor filed a voluntary petition for relief under Chapter 7 of title 11 of the United States Code.
2. The Trustee believes that Eyal Berger, Esq. and the law firm of Akerman LLP (the "**General Counsel**"), do not hold or represent any interest that is adverse to the Estate.
3. The Trustee believes that the employment of General Counsel would be in the best interest of the Estate.
4. The Trustee has selected General Counsel for the reason that they have had considerable experience in matters of this character, and believes that said attorneys are qualified to represent the Trustee in these proceedings.
5. Attached to this motion is the proposed General Counsel's affidavit disclosing the General Counsel's possible conflicts and otherwise demonstrating that Eyal Berger, Esq. and the

law firm of Akerman LLP are disinterested as required by 11 U.S.C. §327(a) and a verified statement as required under FRBP 2014.

6. General Counsel has agreed to be compensated in accordance with U.S.C. § 330.

7. The professional services that General Counsel will render are summarized as follows:

(a) to give advice to the Trustee with respect to his powers and duties as Trustee;

(b) to take any action to recover preferences, fraudulent transfers or other avoidance actions;

(c) to advise the Trustee concerning causes of action held by the Trustee and/or pursue such causes of action on behalf of the Trustee;

(d) to represent the Trustee in all proceedings before this Court or other Courts of competent jurisdiction;

(e) to prepare and review motions, pleadings, orders, applications, adversary proceedings, and other legal documents arising in this cause; and

(f) to perform all other legal services for the Trustee, which may be necessary herein.

8. Based on the foregoing services required, it is necessary for the Trustee to employ General Counsel to perform such professional services at the following hourly rates: Eyal Berger has agreed to be compensated at an hourly rate of \$400.00 per hour; all paralegals will bill at \$175.00 per hour; and all associates will bill at \$275.00 per hour.

9. To the best of the Trustee's knowledge, neither attorney Berger nor Akerman LLP have any connection with any interest adverse to the Estate, and are disinterested, as evidenced by the Affidavit attached hereto.

10. Because of the legal services required, the Trustee desires to employ General Counsel under a general retainer.

11. The Trustee believes that the retention of General Counsel is in the best interest of the Estate.

12. The Trustee believes that General Counsel is qualified to practice in the Bankruptcy Court and is qualified to advise the Trustee with respect to the professional services detailed herein.

**WHEREFORE**, the Trustee respectfully request an Order authorizing the employment of Eyal Berger, Esq. and the law firm Akerman LLP to represent the Trustee, *nunc pro tunc* to July 29, 2016 pursuant to 11 U.S.C. §§ 327(a) and 330.

Dated: August 1, 2016

By:   
MARIA YIP, TRUSTEE  
2 So. Biscayne Boulevard, Suite 2690  
Miami, FL 33131  
(305) 908-1862  
[trustee@ntmlawfirm.com](mailto:trustee@ntmlawfirm.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 1, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day by transmission of Notices of Electronic Filing generated by CM/ECF to those parties registered to receive electronic notices of filing in this case as listed in the attached service list.

By: /s/ Eyal Berger  
Eyal Berger, Esq.  
Florida Bar No. 11069  
AKERMAN LLP  
Las Olas Centre II, Suite 1600  
350 East Las Olas Boulevard  
Fort Lauderdale, FL 33301  
Tel: 954-463-2700  
Fax: 954-463-2224  
Email: [eyal.berger@akerman.com](mailto:eyal.berger@akerman.com)

**SERVICE LIST**

**16-20516-AJC Notice will be electronically mailed to:**

Eyal Berger, Esq. on behalf of Trustee Maria Yip  
eyal.berger@akerman.com, jeanette.martinez@akerman.com

James B Miller, Esq on behalf of Debtor Providence Financial Investments, Inc.  
bkcmiami@gmail.com

Office of the US Trustee  
USTPRegion21.MM.ECF@usdoj.gov

Maria Yip  
trustee@yipcpa.com, myip@ecf.epiqsystems.com

Maria Yip on behalf of Trustee Maria Yip  
trustee@yipcpa.com, myip@ecf.epiqsystems.com

**16-20516-AJC Notice will not be electronically mailed to:**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

IN RE:

Case No. 16-20516-AJC

PROVIDENCE FINANCIAL  
INVESTMENTS, INC.

Chapter 7

Debtor.

\_\_\_\_\_ /

**AFFIDAVIT OF DISINTERESTEDNESS OF PROPOSED  
GENERAL COUNSEL FOR CHAPTER 7 TRUSTEE**

STATE OF FLORIDA                    )  
  ) SS:  
COUNTY OF BROWARD                )

**BEFORE ME**, the undersigned authority, personally appeared Eyal Berger, in Fort Lauderdale, Florida, who after being duly sworn, deposes and says as follows:

1. I am an attorney admitted to practice in the State of Florida and the United States District Court for the Southern District of Florida.

2. I am a partner with the law firm of Akerman LLP (“**Akerman**”), with offices located at 350 E. Las Olas Boulevard, Suite 1600, Fort Lauderdale, FL 33301. I am familiar with the matters set forth herein and make this Affidavit in support of the *Trustee's Application to Employ Eyal Berger and Akerman, LLP as General Counsel, Nunc Pro Tunc*.

3. Neither Akerman nor I represent any interest adverse to the Chapter 7 Trustee (the “**Trustee**”) or the Estate and we are “disinterested persons” as required by 11 U.S.C. § 327 for this limited role.

4. Neither Akerman nor I will represent any other entity in connection with this case and neither I nor the firm will accept any fee from any other party or parties in this case, except the Chapter 7 Trustee, unless otherwise authorized by the Court.

5. Except for the continuing representation of the Trustee and as otherwise disclosed herein, neither I nor Akerman hold any connections with the Debtor, creditors, any other party in interest, their respective attorneys, accountants, the US Trustee, or any person employed by the Office of the U.S. Trustee as required by F.R.B.P. 2014.

6. Akerman maintains a computerized conflicts check system. Akerman has compared the information obtained thereby with the information contained in its client and adverse party conflict check system. The facts stated in this Affidavit as to the relationship between Akerman and the Debtor, the Debtor's creditors, the United States Trustee, other persons employed by the Office of the United States Trustee, and those persons and entities who are defined as disinterested persons in Section 101(4) of the Bankruptcy Code, are based on the results of my review of Akerman's conflict check system. Based upon such search, Akerman does not represent any entity in any matter involving or adverse to the Trustee or which would constitute a conflict of interest or impair the disinterestedness of Akerman in respect to the matters upon which the Trustee proposes to engage Akerman to represent it herein.

7. Akerman's client and adverse party conflicts check system is comprised of records regularly maintained in the business of the firm and it is the regular practice of the firm to make and maintain those records. The system reflects entries that are noted in the system at the time the information becomes known by persons whose regular duties include recording and maintaining this information. I regularly use and rely upon the information contained in the system in the performance of my duties with Akerman and in my practice of law.

8. A search of Akerman's conflicts check system revealed the following matters, none of which impairs my or Akerman's disinterestedness or constitutes any conflict of interest:

(a) In 2011, Kevin Stack and Jerry Chafetz, who identified themselves as principals of the Debtor, reached out to William Nortman, a securities litigator with Akerman at that time for a consultation. There is no record that Mr. Nortman met with these individuals or that any work was done on their behalf. Due to a serious illness, Mr. Nortman took a leave of absence from Akerman in 2013 and passed away earlier this year.

9. None of the above creditors or interested parties would impair Akerman's disinterestedness or would constitute a conflict of interest. In the event and to the extent that the Trustee is involved in litigation with a conflicted party, the Trustee will utilize conflict counsel in regard to such litigation and Akerman will not be involved in any such litigation.

10. The professional fees and costs incurred by Akerman in the course of its representation of the Trustee shall be subject in all respects to the application and notice requirements of 11 U.S.C. §§ 330 and 331 and F.R.B.P. 2014 and 2016.

11. Akerman will adjust its hourly rates as follows: all paralegals will bill at \$175.00 per hour; all associates will bill at \$275.00 per hour; Mr. Berger will bill at \$400.00 per hour.

12. There is no agreement of any nature, other than the shareholder agreement of our firm, as to the sharing of any compensation to be paid to the firm. No promises have been received by Akerman, nor any member, or associate thereof, as to the compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code.

13. This concludes my declaration.



FURTHER AFFIANT SAYETH NAUGHT.

Eyal Berger  
EYAL BERGER

SWORN TO AND SUBSCRIBED before me this 1 day of August, 2016.

NOTARY PUBLIC, STATE OF FLORIDA

By: Jeanette Martinez  
Print Name: Jeanette Martinez  
Commission No. \_\_\_\_\_

My Commission Expires:

