

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO**

In re:

Matt Garton and Associates, LLC,

Debtor.

Case No.: 19-18917-TBM

Chapter: 7

***EX PARTE* APPLICATION TO EMPLOY ALLEN VELLONE WOLF
HELFRICH & FACTOR P.C. AS ATTORNEYS FOR JEFFREY A.
WEINMAN, THE CHAPTER 7 TRUSTEE**

Jeffrey A. Weinman, the duly-appointed Chapter 7 Trustee of the Estate of Matt Garton and Associates, LLC, submits this *Ex Parte* Application to Employ the law firm of Allen Vellone Wolf Helfrich & Factor P.C. (“AVWHF”) pursuant to 11 U.S.C. § 327, Fed. R. Bankr. P. 2014, and L.B.R. 2014-1, and in support thereof states as follows:

1. On October 16, 2019 (the “Petition Date”), Matt Garton and Associates, LLC (“Debtor”) filed its voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code (the “Bankruptcy Code”) in the United States Bankruptcy Court, District of Colorado. Dkt. No. 1.
2. Jeffrey A Weinman (the “Trustee”) was appointed as the Chapter 7 Trustee of the bankruptcy estate of Matt Garton and Associates, LLC (the “Bankruptcy Estate”). Dkt. No. 6.
3. The Trustee desires to employ the law firm of AVWHF to act as his counsel pursuant to 11 U.S.C. §327(a) to represent his interests in this case and specifically to assist in any hearings, evidentiary proceedings, contested matters, adversary litigation matters and any other litigation proceedings arising in or through this case, including any matters arising under 11 U.S.C. §§ 544, 547, 548 and 549.
4. 11 U.S.C. § 327(a) provides for the employment of one or more attorneys or law firms that do not hold or represent an interest adverse to the Bankruptcy

Estate who are disinterested persons, to represent or assist the Trustee in carrying out his duties.

5. Employment of Allen & Vellone, including, *inter alia*, Patrick D. Vellone and Rachel A. Sternlieb, is necessary and beneficial to the Trustee, the Estate and its creditors for the purpose of representing the Trustee in any litigation or contested matters arising in, related to, or as a result of the bankruptcy petition.

6. To the best of AVWHF's knowledge, there is no connection or conflict of interest between AVWHF and the Bankruptcy Estate, the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee's office, or any person employed in the office of the United States Trustee.

7. The Trustee believes that the employment of the law firm of AVWHF as his counsel would be in the best interest of the creditors and the Bankruptcy Estate.

8. The professionals' hourly rates for the services referenced above are as follows:

Patrick D. Vellone	\$550.00
Rachel A. Sternlieb	\$260.00
Paralegal (Senior)	\$180.00
Paralegal (Junior)	\$150.00

9. AVWHF does not hold or represent any interest adverse to the Debtor and the Bankruptcy Estate and is deemed to be a "disinterested person" as that term is defined in 11 U.S.C. § 101(14) of the Bankruptcy Code. The attorneys of AVWHF are disinterested persons qualified to be employed under § 327(a) and Fed. R. Bankr. P. 2014(a). *See* Affidavit of Patrick D. Vellone, attached hereto as **Exhibit 1**.

10. AVWHF shall make application to the Court pursuant to the rules of this Court and the Federal Rules of Bankruptcy Procedure for payment of fees and expenses.

11. AVWHF is aware of the provisions of 11 U.S.C. § 328(a) and has agreed, notwithstanding the terms and conditions of employment set forth herein, that the Court may allow compensation different from the compensation provided for herein if such terms and conditions prove to have been improvident in light of developments not anticipated at the time of the fixing of such terms and conditions.

12. In the event the within Application is approved and AVWHF provides services to the Estate, AVWHF's approved fees would be allowed administrative expenses under 11 U.S.C. § 503(b)(2).

13. AVWHF will seek approval of its compensation and reimbursement of expenses by separate application in accordance with the Bankruptcy Code and Rules.

14. The Trustee asserts that approval of this application under 11 U.S.C. § 327(a) is in the best interest of the Bankruptcy Estate.

15. AVWHF requests its employment, be approved effective as of October 22, 2019, the date AVWHF first provided services to the Trustee in connection with this case.

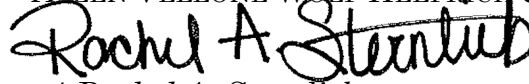
16. Good cause exists to grant this application *nunc pro tunc* October 22, 2019 because AVWHF has already commenced review and analysis of the Petition and schedules, and has drafted a motion regarding a request for limited notices to be filed in this case.

17. WHEREFORE, Jeffrey A. Weinman, the duly appointed Chapter 7 trustee, respectfully requests that this Court enter an Order authorizing employment of the law firm of ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. as counsel for the Trustee in this bankruptcy proceeding, *nunc pro tunc* to October 22, 2019, and for such other and further relief as the Court deems just and proper.

DATED this 24th day of October, 2019.

RESPECTFULLY SUBMITTED,

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

Handwritten signature of Rachel A. Sternlieb in black ink.

s/ Rachel A. Sternlieb

Patrick D. Vellone

Rachel A. Sternlieb

1600 Stout Street, Suite 1100

Denver, CO 80202

Telephone: (303) 534-4499

pvellone@allen-vellone.com

rsternlieb@allen-vellone.com

ATTORNEYS FOR JEFFREY A.
WEINMAN, CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned certifies that on October 24, 2019, I served via CM/ECF the **EX PARTE APPLICATION TO EMPLOY ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. AS ATTORNEYS FOR JEFFREY A. WEINMAN, CHAPTER 7 TRUSTEE**, Affidavit of Patrick D. Vellone and Proposed Order on all parties against whom relief is sought and those otherwise entitled to service pursuant to the Fed. R. Bankr. P. and the L.B.R. at the following addresses:

David M. Rich
Buechler Law Office
999 18th St., Ste. 1230 S
Denver, CO 80202

Matt Garton And Associates, LLC
11833 Ridge Parkway, Apt. 531
Broomfield, CO 80021

Counsel for Debtor

US Trustee
Byron G. Rogers Federal Building
1961 Stout St.
Ste. 12-200
Denver, CO 80294

/s/Salowa Khan
Allen Vellone Wolf Helfrich & Factor, P.C.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO**

In re:

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Debtor.

Case No.: 19-18917-TBM

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AFFIDAVIT OF PATRICK D. VELLONE

STATE OF COLORADO)
)
CITY AND COUNTY OF DENVER)

I, Patrick D. Vellone, being first duly sworn upon oath, state and aver as follows:

1. I am an attorney licensed to practice law in the State of Colorado.

2. I am an attorney with the law firm of Allen Vellone Wolf Helfrich & Factor P.C. (“AVWHF” or the “Firm”), which maintains an office at 1600 Stout Street, Suite 1100, Denver, Colorado 80202.

3. The Firm’s services will involve the prosecution of litigation and contested matters for Jeffrey A. Weinman, the Chapter 7 Trustee of the bankruptcy estate of Matt Garton And Associates, LLC (“Debtor”) to represent his interests in this case and specifically to assist in any hearings, evidentiary proceedings, contested matters, adversary litigation matters and any other litigation proceedings arising in or through this case, including any matters arising under 11 U.S.C. §§ 544, 547, 548 and 549.

4. To the best of my knowledge, AVWHF does not hold or represent any interest adverse to the Debtor or the Bankruptcy Estate and is deemed to be a “disinterested person” as that term is defined in 11 U.S.C. § 101(14) of the U.S. Bankruptcy Code.

5. The attorneys of AVWHF are disinterested persons who are qualified to be employed under § 327(a) and Fed. R. Bankr. P. 2014(a).

6. The fees to be charged will be billed and accrued on an hourly basis at the following customary rates:

Patrick D. Vellone (Partner)	\$550.00/hr
Rachel A. Sternlieb (Associate)	\$260.00/hr
Paralegal (Senior)	\$180.00/hr
Paralegal (Junior)	\$150.00/hr

7. AVWHF has not made any agreement or reached any understanding with any other person for a division of any compensation which may be awarded herein, except as such compensation will be shared or otherwise distributed among the employees and owners of the Firm.

8. The fees to be charged in this matter for which the firm is being employed and predicated upon normal charges and costs.

9. AVWHF will seek compensation and reimbursement of all expenses in accordance with the Bankruptcy Code and Rules.

FURTHER AFFIANT SAYETH NOT.

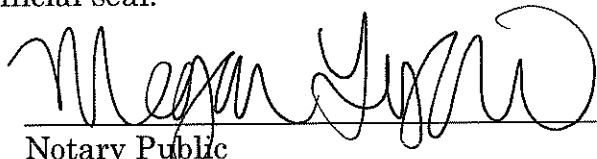


PATRICK D. VELLONE

Subscribed and sworn to before me this 24th day of October, 2019 by Patrick D. Vellone.

WITNESS by hand and official seal.

[SEAL]



Notary Public

MEGAN LAUGHLIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20094037930
MY COMMISSION EXPIRES 06/11/2022

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO**

In re:

Matt Garton and Associates, LLC,

Debtor.

Case No.: 19-18917-TBM

Chapter: 7

**[PROPOSED] ORDER AUTHORIZING EMPLOYMENT OF
ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. AS
ATTORNEYS FOR JEFFREY A. WEINMAN, THE CHAPTER 7 TRUSTEE**

THIS MATTER is before the Court on the Trustee's *Ex Parte* Application to Employ Allen Vellone Wolf Helfrich & Factor P.C. ("AVWHF") as Attorneys for the Jeffrey A. Weinman, the Chapter 7 Trustee (the "Application") pursuant to the provisions of 11 U.S.C. §327(a), Fed. R. Bankr. P. 2014 and L.B.R. 2014-1. The Court, having reviewed the Application, is advised in the premises, no objections having been filed and sustained, and there being good cause for granting the Application,

HEREBY FINDS that AVWHF is a disinterested person who is eligible to serve as counsel for the Trustee and AVWHF is aware of the provisions of 11 U.S.C. § 328 and, notwithstanding such provisions, has agreed to accept the employment as counsel for the duly-appointed Chapter 7 Trustee herein; and

IT IS HEREBY ORDERED that AVWHF is hereby employed as counsel for Jeffrey A. Weinman, the Chapter 7 Trustee of the bankruptcy estate of Matt Garton and Associates, LLC under 11 U.S.C. §327(a) with its compensation to be paid in such amounts as the Court may hereafter determine and allow. No fees may be paid without Court approval upon proper application therefor. Such employment shall consist of general representation of the Trustee and litigation matters arising in or through this Bankruptcy Case.

DATED this ____ day of _____, 2019 *nunc pro tunc* October 22, 2019.

BY THE COURT:

U.S. Bankruptcy Court Judge