



ORDERED in the Southern District of Florida on June 24, 2021.

A handwritten signature in black ink, appearing to read "Erik P. Kimball".

Erik P. Kimball, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
www.flsb.uscourts.gov

In re: Case No. 21-15555-BKC-EPK

PALM BEACH RESORT AND BEACH CLUB Chapter 11
CONDOMINIUM ASSOCIATION, INC.,

Debtor-in-Possession.

INTERIM ORDER GRANTING DEBTOR-IN-POSSESSION'S EXPEDITED *EX-PARTE* APPLICATION FOR EMPLOYMENT OF ALESSANDRA STVELMAN AND EISINGER LAW AS SPECIAL COUNSEL TO THE DEBTOR PURSUANT TO 11 U.S.C. § 327(e) EFFECTIVE AS OF PETITION DATE AND SETTING FINAL HEARING

THIS MATTER came before the Court on the 16th of June, 2021 at 1:30 p.m. upon the *Debtor-in-Possession's Expedited Ex-Parte Application of Debtor for Employment of Alessandra Stivelman of Eisinger Law as Special Counsel to the Debtor Pursuant to 11 U.S.C § 327(e), Effective as of Petition Date* [ECF # 7] (the "Application") and upon the Affidavit of Alessandra Stivelman attached to the Application (the "Affidavit"). The

Application requests the entry of an order authorizing the employment and retention of Alessandra Stivelman (“Stivelman”) and Eisinger Law, effective as of June 4, 2021. The Court heard the Application on an interim basis, pending entry of a final order authorizing such employment and retention on a final basis.

The Court has read the Application and the Affidavit and finds that Stivelman is duly qualified to practice in this Court pursuant to Local Rule 2090-1(A); that the Affidavit makes relevant disclosures as required by Fed. R. Bank. P. 2014 and 2016; and that the Affidavit contains a verified statement as required by Fed. R. Bank. P. 2014, demonstrating the disinterestedness of Ms. Stivelman and Eisinger Law. Appearing that the relief requested in the Application is in the best interests of the Debtor’s estate, its creditors, and other parties in interest, and is necessary to avoid immediate and irreparable harm to the Debtors and its estate, its creditors, and other parties in interest, the Court finds and determines that (a) Eisinger Law does not hold or represent any interest adverse to the Debtor’s estate; and (b) Eisinger Law is a disinterested person as required by 11 U.S.C. § 327(e) and within the meaning of 11 U.S.C. §101(14) and Local Rule 2014-1. It is therefore

ORDERED that:

1. The Application is **GRANTED**, on an interim basis, effective as of June 4, 2021.
2. The Debtor is authorized to employ and retain Alessandra Stivelman and Eisinger Law as special counsel in this case to represent it in general matters as set forth in the Application and in accordance with the terms of this Interim Order.
3. Eisinger Law shall maintain contemporaneous time records with the

rendition of services and shall apply for compensation for professional services rendered and reimbursement of expenses incurred in connection with the Debtor's Chapter 11 case in compliance with the applicable provisions of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, Local Rules, Guidelines for Fee Applications for Professionals in the Southern District of Florida in Bankruptcy Cases, and such other applicable procedures and orders of this Court.

4. This order supersedes and deems inapplicable any and all provisions in the engagement agreement, which is attached thereto the Application, that provides for indemnification, late fee charges, percentage based expense charges (rather than line item expense charges), as well as any other clause that otherwise conflicts with applicable provisions of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, Local Rules, Guidelines for Fee Applications for Professionals in the Southern District of Florida in Bankruptcy Cases, and such other applicable procedures and orders of this Court.

5. The Court shall conduct a final hearing on the Application on **August 11, 2021 at 1:30 p.m.** The hearing will be held at the United States Bankruptcy Court, The Flagler Waterview Building, 1515 North Flagler Drive, 8th Floor, Courtroom B, West Palm Beach, Florida 33401. Although the Court will conduct the hearing in person, any interested party may choose to attend the hearing remotely using the services of Zoom Video Communications, Inc. (Zoom), which permits remote participation by video or by telephone. To participate in the hearing remotely via Zoom (whether by video or by telephone), you must register in advance no later than 3:00 p.m., one business day before the date of the hearing. To register, click on or enter the following registration link in a

browser:

https://www.zoomgov.com/meeting/register/vJIsduGsrTouGn7Udkhqe_ZF90qPJ3uM95

E. If a party is unable to register online, please call Dawn Leonard, Courtroom Deputy, at 561-514-4143. All participants (whether attending in person or remotely) must observe the formalities of the courtroom, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court. This includes appropriate courtroom attire for those participants appearing in person or by video.

6. Any party in interest objecting to the relief sought in the Application shall file written objections with the Clerk of the United States Bankruptcy Court and serve copies upon: (a) Eisinger Law, Attention: Alessandra Stivelman; (b) Office of the United States Trustee for the Southern District of Florida; (c) counsel for any secured creditors; (d) counsel to any Official Committee of Creditors Holding Unsecured Claims (collectively, the "Notice Parties"). Objections shall be filed with the Clerk such that they are received no later than 4:30 p.m. at least 2 days prior to the Final Hearing.

7. In the event that Eisinger Law's employment and retention is not approved on a final basis, then Eisinger Law is authorized to apply for compensation and reimbursement of expenses, pursuant to 11 U.S.C §§ 330 and 331, at its ordinary and customary rates, as may be adjusted from time to time, for services rendered and expenses incurred on behalf of the Debtor from June 4, 2021 through the date of the Final Hearing. Any party in interest may object to the Eisinger Law application for compensation and reimbursement of expenses provided that such party files such objection with this Court and serves a copy of the objection to the Notice Parties.

8. The Debtor is authorized to take all actions necessary to effectuate the relief

granted pursuant to this Interim Order an in accordance with the Application.

9. The entry of this Interim Order is without prejudice to the rights of any party in interest to object to the Application on a final basis, and any such objection will be subject to a *de novo* standard of review at the Final Hearing.

[ORDER CONTINUES ON NEXT PAGE]

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

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Submitted by:

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Copies furnished to:

Ido J. Alexander, Esq.

Attorney Alexander is directed to serve copies of this order on all interested parties and to file a certificate of service.