

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 22-49115

KIMBERLY DAMARA KING,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER REGARDING PENDING FEE APPLICATIONS, AND REQUIRING THE
TRUSTEE TO FILE AN AMENDED FINAL REPORT**

This case is before the Court on fee applications of the Chapter 7 Trustee and the Trustee's counsel (Docket ## 79, 78), and, relatedly, for review of the Trustee's final report (Docket # 80). No timely objections to the fee applications were filed. The Court is unwilling to grant the fee applications yet, however, and instead enters this Order.

There appears to be an inconsistency, or at least what this Court views as a flaw, in the Trustee's final report, regarding the fee applications in this case. The "Trustee's Proposed Distribution" in the final report (Docket # 80 at pdf p. 14) lists four fee applications, including the two pending fee applications and two other fee applications that were previously allowed and paid. But it does not list two other fee applications/fee orders that were previously allowed — namely, the second interim fee application of special counsel Elia and Ponto, PLLC, which the Court granted in an Order entered on October 18, 2024 (Docket ## 67, 70); and the motion by Trustee's counsel to allow payment of \$2,096.50 in fees that had been held back under an earlier interim fee order (Docket ## 57, 62, 66). But it appears from the Trustee's final report, Form 2 (Cash Receipts and Disbursements Record) (Docket # 80 at pdf p. 8, Ref. ## 103, 104, 105), that the Trustee paid these unlisted fees and related expenses.

These fees and expenses should have been listed in the "Trustee's Proposed Distribution"

in the Trustee's final report (Docket # 80 at pdf p. 14), along with the other fees that are listed there, with the amounts listed in the "Total Requested" and "Interim Payments to Date" columns. The fact that they were not so listed may cause confusion, and makes it unduly difficult and time consuming for the Court to review the pending fee applications and the Trustee's final report.¹ This problem must be remedied in this case, and must be avoided in other cases.

Accordingly,

IT IS ORDERED that no later than February 14, 2025, the Trustee must file an amended final report that lists all attorney fees and attorney expenses in this case, in the "Trustee's Proposed Distribution" section of the final report.

The Court will further consider the pending fee applications after the amended final report is filed.

Signed on February 5, 2025



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge

¹ This is so despite the explanation given in ¶ 5 of the Trustee's counsel's pending fee application (Docket # 78).