

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In Re:

ProCom America, LLC

**Case No.: 8:20-03522-MGW
Chapter 7 Case**

Debtors.

**TRUSTEE'S APPLICATION FOR ORDER APPROVING EMPLOYMENT OF
SHUMAKER, LOOP & KENDRICK, LLP AS SPECIAL COUNSEL
EFFECTIVE AS OF JUNE 4, 2020**

Douglas N. Menchise, as Chapter 7 Trustee ("Trustee"), by and through his undersigned counsel, and pursuant to 11 U.S.C. § 327 and Rule 2014 of the Federal Rules of Bankruptcy Procedure, and other applicable law, applies to this Court for an Order approving the employment of Steven M. Berman, Esq. and the law firm of Shumaker, Loop, & Kendrick, LLP (the "Firm") as Special Counsel to the Trustee, and in support states as follows:

1. On May 1, 2020, an Involuntary Petition for relief under Chapter 7 of Title 11 of the United States Code was filed for ProCom American, LLC ("Debtors").
2. On May 8, 2020, Douglas N. Menchise ("Trustee") was appointed as Chapter 7 Trustee.
3. The Trustee seeks authority pursuant to 11 U.S.C. § 327(a) to employ the Firm as Special Counsel for the purpose of assisting the Trustee in pursuing various asset recovery and potential litigation to recover assets belonging to the estate, including potential claims against the Debtor, its principals, certain related or successor entities and third parties.
4. The Trustee has selected the Firm because it has considerable experience in bankruptcy-related litigation and the Trustee believes the Firm is well-qualified to represent the

Trustee in this case. Mr. Berman is Board Certified by the American Board of Certification in both Business Bankruptcy Law and Creditors' Rights Law and is a member in good standing of the bar in the State of Florida (FL Bar No. 856290) and bar in the State of California (CA Bar No. 256846). I am also admitted to practice in the District of Columbia (DC Bar No. 208758), the District of Puerto Rico (PR Bar No. 305704), the Supreme Court of the United States (310964) and the United States District Courts for the Southern, Middle and Northern Districts of Florida, as well as the Southern, Central, Eastern and Northern Districts of California.

5. As more fully set forth in the Declaration of Steven M. Berman in Support of this Application, attached hereto as **Exhibit A**, and to the best of the Trustee's knowledge, the Firm has no connection with the Debtor, any other party in interest, their respective attorneys and accountants, the United States Trustee, or anyone employed in the Office of the United States Trustee.

6. Furthermore, the Firm represents no interest adverse to the Trustee and any connection the Firm may have to any creditors (as set forth more fully in the Declaration) is not in conflict with the Firm's anticipated special counsel retention, in that the Firm will assist in pursuing claims and causes of action and recovering assets to augment the Estate and the Firm will not represent any creditors against the Estate.

7. The Firm will bill the Trustee at its customary hourly rates for services rendered, which, as of the filing of this application, range from \$240 to \$550 per hour for the attorneys and \$160 to \$250 per hour for the paralegals who will most likely be performing work for the Trustee on this matter. The Firm will also seek reimbursement from the Trustee for all actual costs incurred.

8. The Trustee will not make any payment to Shumaker for legal services or expenses incurred with first obtaining an Order authorizing such payment from the Court.

WHEREFORE, Douglas N. Menchise, as Chapter 7 Trustee, respectfully requests that this Court enter an Order authorizing the employment of Steven M. Berman and the law firm of Shumaker, Loop & Kendrick, LLP as special counsel to the Trustee with an effective date of June 4, 2020, and providing all further relief to which the Trustee is entitled at law or in equity

Respectfully submitted,

By: /s/ Douglas N. Menchise
Douglas N. Menchise
As Chapter 7 Trustee

SHUMAKER, LOOP & KENDRICK, LLP

By: /s/ Steven M. Berman
Steven M. Berman, Esq.
Florida Bar No.: 856290
101 E. Kennedy Blvd., Suite 2800
Tampa, Florida 33602
PH: 813.229-7600
FAX: 813.229.1660
Attorney for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 16, 2020, the foregoing was furnished by CM/ECF notice to all counsel of record and served via US Mail to the following:

United States Trustee - TPA7, 7
Timberlake Annex, Suite 1200
501 E Polk Street
Tampa, FL 33602

All creditors on the attached mailing
matrix

/s/ Steven M. Berman
Attorney

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In Re:

ProCom America, LLC

**Case No.: 8:20-03522-MGW
Chapter 7 Case**

Debtors.

**DECLARATION OF STEVEN M. BERMAN IN SUPPORT OF
CHAPTER 7 TRUSTEE'S APPLICATION TO EMPLOY
SHUMAKER, LOOP & KENDRICK, LLP AS SPECIAL COUNSEL
EFFECTIVE AS OF JUNE 4, 2020**

Under the pains and penalties of perjury, STEVEN M. BERMAN, ESQ., swears to the following:

1. My name is Steven M. Berman. I am a partner with the law firm of Shumaker, Loop & Kendrick, LLP ("Shumaker").

2. I am over the age of 18. Unless otherwise stated, this declaration is based upon facts of which I have personal knowledge.

3. I am a member of the Florida, California, District of Columbia and Puerto Rico (Federal) Bars, as well as the United States District Court for the Middle District of Florida.

4. Douglas N. Menchise, in his capacity as Chapter 7 Trustee for ProCom America, LLC, has requested an Order authorizing the employment of Shumaker as special counsel to the Trustee, to assist in handling of asset recovery and litigation matters on behalf of the Debtor's estate.

5. Other than as set forth herein, Shumaker does not have any connection to or any interest materially adverse to the Debtor, any of the Debtor's affiliated businesses, the Trustee, the Debtor's creditors, any party in interest therein, their respective attorneys or accountants, the

United States Trustee, or the employees of the United States Trustee.

6. No partner or employee of Shumaker holds a direct or indirect interest in the Debtor.

7. No partner or employee of Shumaker is or has ever served as an officer, director, manager, member or employee of the Debtor.

8. No partner or employee of Shumaker is in control of the Debtor or is a relative of any officer, director, manager, member or employee of the Debtor.

9. No partner or employee of Shumaker is a general or limited partner of a partnership in which the Debtor is also a general or limited partner.

10. No partner or employee of Shumaker is or ever has served as an officer, director, or employee of a financial advisor that has been engaged by the Debtor in connection with the offer, sale, or issuance of a security of any of the Debtor.

11. Other than as is set forth herein, no partner or employee of Shumaker presently represents or otherwise works for any creditor, general partner, lessor, lessee, party to an executory contract of the Debtor, or person otherwise adverse or potentially adverse to the Debtor, on any matter, whether such representation is related or unrelated to the Debtor or its estate.

12. No partner or employee of Shumaker presently performs any work for the Debtor.

13. There are no agreements of any nature as to the sharing of the compensation to be paid to Shumaker.

14. Other than as set forth herein, I am not aware of any other conflicts of interest that would prevent Shumaker from providing services to the Trustee as requested in the Trustee's

Application for Order Approving Employment of Shumaker, Loop & Kendrick, LLP as Special Counsel.

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO THE PROVISIONS OF 28 U.S.C. § 1746 THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Dated: June 16, 2020



Steven M. Berman, Esq.