

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re:

Case no.: 8:20-bk-03522-MGW

Chapter 7

PROCOM AMERICA, LLC.,

Debtor.

**ASSIGNEE'S MOTION FOR (1) PAYMENT OF COMPENSATION AND EXPENSES;  
(2) APPROVAL OF ABC CASE DISBURSEMENTS; AND (3) AUTHORIZATION TO  
DISMISS ABC CASE**

Larry S. Hyman (the "Assignee"), as assignee for the benefit of creditors of Procom America, LLC d/b/a BBOB ("Procom"), moves on the following grounds for: (1) payment of reasonable compensation and costs and expenses incurred by the Assignee pursuant to section 543(c)(2) of the Bankruptcy Code; (2) approval of ABC Case disbursements; and (3) authorization to dismiss the ABC Case:

1. On April 15, 2020, the Assignee filed a petition regarding an assignment for the benefit of creditors of Procom under Chapter 727 of the Florida Statutes (the "ABC Case").

2. On May 1, 2020, an involuntary petition was filed against Procom. Procom and the Assignee filed a consent to the involuntary petition, and an order for relief was entered on May 8, 2020.

3. Attached as **Exhibit A** is an Estate Cash and Disbursements Record that reflects all receipts and disbursements by the Assignee during his administration of the Procom estate.

4. Section 543(c)(2) of the Bankruptcy Code provides that the bankruptcy court, after notice and a hearing, shall provide for payment of reasonable compensation for services rendered and costs and expenses incurred by a custodian, such as the Assignee.

5. It is reasonable and customary for the Assignee's fee in an assignment for the benefit of creditors proceeding, like the ABC Case, to be established by reference to the chapter 7 fee structure detailed in section 326 of the Bankruptcy Code. Attached is **Exhibit B** is a schedule reflecting reasonable compensation due the Assignee in the amount of \$6,721.34 as calculated by reference to section 326 of the Bankruptcy Code.

6. Additionally, the Assignee incurred legal expenses regarding the ABC Case. Specifically, the Assignee retained Edwin Rice, with the Bradley Arant Boult Cummings, LLP law firm ("Bradley), to represent him in connection with the ABC Case. In connection with the Assignee's retention of Bradley, the Assignee provided the firm a \$15,000 retainer (the "Retainer") to secure payment of the firm's fees and costs. Bradley was retained to, among other things, provide advise and counsel to the Assignee regarding the involuntary chapter 7 filing, including advice and counsel to the Assignee regarding the best forum within which to administer Procom's estate. Attached as **Exhibit C** is Bradley's detailed invoice reflecting fees due in the amount of \$11,368.00

7. The ABC Case remains pending. However, the ABC Case serves no continuing purpose given that Procom's estate is being administer in this chapter 7 proceeding. Accordingly, the Assignee seeks authorization to dismiss the ABC Case.

WHEREFORE, the Assignee requests the entry of an order (1) approving the disbursements set forth in Exhibit A; (2) authorizing and directing the chapter 7 trustee to disburse \$6,721.34 to the Assignee from estate funds for payment of reasonable compensation to the Assignee; (3) authorizing Bradley to take \$11,368.00 from the Retainer in payment of legal expenses incurred by the Assignee in connection with the ABC Case and directing Bradley to remit the remainder of the Retainer to the chapter 7 trustee; (4) authorizing the Assignee to seek

dismissal of the ABC Case; and (5) granting such other and further relief the Court determines necessary and appropriate.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record by CM/ECF electronic noticing on May 21, 2020.

/s/ Edwin G. Rice

Edwin G. Rice (FBN: 855944)

[erice@bradley.com](mailto:erice@bradley.com)

**BRADLEY ARANT BOULT CUMMINGS, LLP**

100 N. Tampa Street, Suite 2200

Tampa, FL 33602

Telephone: (813) 559-5500/ Fax: (813) 229-5946

*Attorney for Larry S. Hyman, as Assignee for the benefit of  
creditors of Procom America, LLC d/b/a BBOB*

# **EXHIBIT A**

**FORM 2  
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Case No: 20-00329  
Case Name: Procom America, LLC

Trustee Name: Larry S. Hyman, Assignee  
Bank Name: Axos Bank  
Account Number/CD#: XXXXXX1371  
Checking

Taxpayer ID No: XX-XXX3284  
For Period Ending: 05/14/2020

Blanket Bond (per case limit):  
Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account/CD Balance (\$)
04/16/20		Procom America, LLC	CLOSED BANK ACCOUNTS BOA	0000-000	\$59,644.00		\$59,644.00
04/21/20	2001	Larry Hyman	REIMBURSEMENT FILING AND RECORDING FEES \$400.00 Filing, \$163.00 Recording	0000-000		\$563.00	\$59,081.00
04/24/20		Bradley Arant Boult Cummings	Attorney Retainer	0000-000		\$15,000.00	\$44,081.00
05/06/20		First Hawaiian Bank	CLOSE Bank Account	0000-000	\$9,782.75		\$53,863.75
05/14/20	2002	Douglas N. Menchise, Trustee 2963 Gulf to Bay Boulevard Suite 300 Clearwater, FL 33759	Funds in Assignee Bank Account	0000-000		\$53,863.75	\$0.00

COLUMN TOTALS	\$0.00	\$0.00
Less: Bank Transfers/CD's	\$0.00	\$0.00
Subtotal	\$0.00	\$0.00
Less: Payments to Debtors	\$0.00	\$0.00
Net	\$0.00	\$0.00

Page Subtotals: \$69,426.75 \$69,426.75

# **EXHIBIT B**

**Procom America, LLC**  
**Assignee Fee**  
**Calculated per 11 USC Sec. 326**

		<u>Percentage</u>	<u>Amount</u>
Total Administered	\$ 69,426.75		
	<u>\$ (5,000.00)</u>	25%	\$ 1,250.00
Sub-Total	<u>\$ 64,426.75</u>		
	<u>\$ (45,000.00)</u>	10%	\$ 4,500.00
Sub-Total	<u>\$ 19,426.75</u>		
	<u>\$ (19,426.75)</u>	5%	<u>\$ 971.34</u>
Total	<u>\$ -</u>		<u>\$ 6,721.34</u>

# **EXHIBIT C**





Larry S. Hyman, C.P.A.  
307 S Boulevard, Suite B  
Tampa, FL 33679

May 21, 2020  
Invoice No. 1414639

Matter No. 002254-401002  
Re: Procom America, LLC d/b/a BBOB, Assignor

For professional services posted through May 20, 2020

**Current Invoice Summary**

Current Professional Services	\$11,368.00
Current Expenses	\$0.00
<b>Current Invoice</b>	<b>\$11,368.00</b>

Thank you for your business.



Bradley Arant Boult Cummings LLP

## Invoice Detail

Larry S. Hyman

Re: Procom America, LLC d/b/a BBOB, Assignor

Matter No. 002254-401002

Page 2

May 21, 2020

Invoice No. 1414639

For legal services posted through May 20, 2020

## Professional Services

Date	Description	Tkpr	Hours	Amount
4/23/20	Initial consultation with L.Hyman regarding Procom assignment and anticipated involuntary filing	EGR	0.50	245.00
4/24/20	Telephone call with L.Hyman regarding background facts, case status, and involuntary petition issues (.9); review and analyze background materials (.4); analyze issues regarding anticipated involuntary petition filing (.5); telephone call with H.DeGrave and S.Levine regarding involuntary bankruptcy filing (.5); telephone conference with L.Hyman regarding same (.4); email to H.DeGrave and S.Levine regarding request for information (.2); telephone call with Assignor's counsel regarding background facts and anticipated involuntary bankruptcy filing (.4); review provisions of the Hague convention (.6); analyze jurisdictional issues regarding suit against Hungarian resident (.4); telephone call with S.Levine regarding grounds for filing involuntary petition (.3)	EGR	4.60	2,254.00
4/27/20	Telephone conference with L.Hyman regarding anticipated involuntary filing and motion for extension (.3); prepare motion for extension of various ABC deadlines (1.3); analyze issues regarding transfer documents; telephone conference with L.Hyman regarding Hague issues and motion for extension(.3); review email and material from S.Levine regarding Hague service convention (.6); analyze issues regarding best forum for insolvency proceeding (.5); research regarding Hague service convention (1.2); review email from S.Levine regarding request for documents (.1); analyze issues regarding request for documents (.2); email to and from S.Levine regarding document request (.1); email to and from S.Levine regarding motion for extension (.1)	EGR	4.70	2,303.00
4/28/20	Analyze issues regarding prospective involuntary filing (.8); telephone conference with L.Hyman regarding same (.3); analyze issues regarding records (.2); email to L.Hyman regarding records (.1); telephone call to Judicial Assistant regarding scheduling hearing (.1); emails to and from Judicial Assistant regarding same (.1); telephone call with L.Hyman regarding records (.1); email to S.Levine regarding records (.1); telephone conference with A.Gomez regarding cases issues (.2); telephone conference with	EGR	2.30	1,127.00



Bradley Arant Boult Cummings LLP

Larry S. Hyman  
**Re: Procom America, LLC d/b/a BBOB, Assignor**

Page 3

May 21, 2020

Invoice No. 1414639

Matter No. 002254-401002

For legal services posted through May 20, 2020

<b>Date</b>	<b>Description</b>	<b>Tkpr</b>	<b>Hours</b>	<b>Amount</b>
	L.Hyman regarding web page (.1); telephone conference with A.Gomez regarding web page (.1); email to A.Gomez regarding motion for extension (.1)			
4/30/20	Review and respond to email from L.Hyman regarding hearing on motion for extension (.1); telephone conference regarding prospective involuntary filing and motion for extension (.2)	EGR	0.30	147.00
5/1/20	Analyze issues regarding involuntary filing (.3); telephone call with S.Levine regarding same (.2); telephone call with L.Hyman regarding same (.1); review and respond to emails from S.Levine regarding Procom records (.2)	EGR	0.80	392.00
5/4/20	Review emails from A.Gomez regarding Procom transfer, including related transfer records (.5); telephone conference with L.Hyman regarding same (.3); analyze issues regarding involuntary filing (.3); analyze preference issues (.3); telephone call with A.Gomez regarding Procom transfers (.3); telephone conference with L.Hyman regarding records issues and transfer issues (.3); email to A.Gomez authorizing and requesting Assignor to provide S.Levine with requested Procom records (.1); email to A.Gomez regarding records issue (.1); telephone conference/interview of K.Riggs, including L.Hyman and A.Gomez (1.2); advice and counsel to L.Hyman regarding involuntary petition and 5/5 hearing before Judge Stoddard (.3)	EGR	3.70	1,813.00
5/5/20	Prepare for and representation at 5/5 hearing on motion for extension (.6); review and analyze sections 303 and 362 of the Bankruptcy Code (.3); telephone calls with S.Levine regarding involuntary filing issues (.4); review and respond to email from A.Gomez regarding K.Riggs conference (.1); telephone call with L.Hyman regarding hearing and status of involuntary filing (.2); review email from S.Levine regarding insolvency proceeding (.1); review email from A.Gomez regarding potential preference (.1)	EGR	1.80	882.00
5/6/20	Review and respond to email from S.Levine regarding service of involuntary petition (.2); analyze issues regarding Procom records(.2)	EGR	0.40	196.00
5/7/20	Review and respond to creditor inquiry via email (.1); telephone conference with creditor regarding case status (.2); prepare for and telephone conference with S.Levine,	EGR	2.50	1,225.00



Bradley Arant Boult Cummings LLP

Larry S. Hyman

Re: Procom America, LLC d/b/a BBOB, Assignor

Page 4

May 21, 2020

Invoice No. 1414639

Matter No. 002254-401002

For legal services posted through May 20, 2020

Date	Description	Tkpr	Hours	Amount
	S.Stichter, and A.Gomez regarding Procom records, web site, and potential conversion to chapter 11 (.7); telephone conference with A.Gomez regarding consent to chapter 7 involuntary petition (.1); telephone conference with L.Hyman regarding same (.1); telephone conference with S.Levine regarding records and computer access issue (.1); analyze issues regarding Procom records and computer access (.4); telephone call with L.Hyman regarding same (.3); telephone conference with L.Hyman and K.Riggs regarding same (.3); telephone call with S.Levine regarding same (.2)			
5/8/20	Email to L.Hyman regarding filing consent to involuntary and review response to same (.1); prepare and coordinate filing consent to involuntary (.1); voice mail for E.Comey regarding involuntary petition (.1); email to E.Comey regarding same (.1)	EGR	0.40	196.00
5/20/20	Prepare Assignee's motion for payment of fees and expenses (1.2)	EGR	1.20	588.00
<b>Total Professional Services</b>				<b>\$11,368.00</b>

#### Timekeeper Summary

Timekeeper	Initials	Hours
Edwin G. Rice	EGR	23.20
<b>Total Hours</b>		<b>23.20</b>



Bradley Arant Boult Cummings LLP

Larry S. Hyman

Re: Procom America, LLC d/b/a BBOB, Assignor

Matter No. 002254-401002

Page 5

May 21, 2020

Invoice No. 1414639

For legal services posted through May 20, 2020

**Matter Summary**

	<b>Fees</b>	<b>Costs</b>	<b>Total</b>
Total Billed Calendar Year	\$0.00	\$0.00	\$0.00
Total Received Calendar Year			\$0.00
Total Billed Case to Date	\$0.00	\$0.00	\$0.00
Total Received Case to Date			\$0.00



Bradley Arant Boult Cummings LLP

Larry S. Hyman, C.P.A.  
307 S Boulevard, Suite B  
Tampa, FL 33679

May 21, 2020  
Invoice No. 1414639

Matter No. 002254-401002  
Re: Procom America, LLC d/b/a BBOB, Assignor

**Outstanding Invoice Summary**

Outstanding Invoices as of May 21, 2020

Invoice Date	Invoice Number	Invoice Amount	Credits	Balance Due
5/21/20	1414639	\$11,368.00	\$0.00	\$11,368.00
<b>Outstanding Invoices as of May 21, 2020</b>				<b>\$11,368.00</b>

**Payment Terms: 30 days from the billed date. Invoices over 30 days aged are considered past due.**

Federal Tax ID: 63-0243316

**Electronic Funds Transfer (EFT) Payments to:**

Bank Name: Regions Bank  
Account Name: Bradley Arant Boult Cummings LLP  
(ACH) Routing Number: 062000019  
Account Number: 0064289141

(Wires) Routing Number: 062005690  
Account Number: 0064289141  
SWIFT Code (International Use Only): UPNBUS44

(Please reference the matter number, invoice number, and/or attorney contact in the remarks section.)

**Check Payments to:**

Bradley Arant Boult Cummings LLP  
Post Office Box 830709  
Birmingham, AL 35283-0709

(Please include remittance information with check.)