

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA (Elkins)

|                            |                              |
|----------------------------|------------------------------|
| IN RE:                     | Bankruptcy No. 2:19-bk-00787 |
| PANTHERA ENTERPRISES, LLC, | Chapter 11                   |
| Debtor.                    |                              |

**APPLICATION TO EMPLOY BERNSTEIN-BURKLEY, P.C. AS  
ATTORNEYS TO THE DEBTOR**

AND NOW COMES, Panthera Enterprises, LLC, (“Panthera” or “Debtor”), by and through its attorneys, Bernstein-Burkley, P.C. and files the following Application to Employ Attorneys, stating as follows:

1. On September 13, 2019 (the “Petition Date”), Panthera filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code, 11 U.S.C. § 101, et seq. (the “Bankruptcy Code”).
2. Panthera remains in possession of its assets and is managing its business as a debtor-in-possession, pursuant to §§ 1107 and 1108 of the Bankruptcy Code.
2. As Debtor-in-Possession, Panthera wishes to employ Bernstein-Burkley, P.C., attorneys duly admitted to practice in this Court.
3. Panthera has selected Bernstein-Burkley, P.C. because they have had considerable experience in matters of this character, and Panthera believes that Bernstein-Burkley, P.C. is well qualified to represent it as a Debtor-in-Possession in this proceeding.
4. The professional services that Bernstein-Burkley, P.C. are to render include:
  - a. Providing Panthera legal advice with respect to its powers and duties as Debtor-in-Possession in the continued operation of its business and management of its property;

- b. preparing on behalf of Panthera, as Debtor-in-Possession, necessary applications, Answers, Orders, reports and other legal papers;
- c. performing all other legal services for Panthera as Debtor-in-Possession which may be necessary herein.

5. It is necessary for Panthera as Debtor-in-Possession to employ an attorney for such professional services.

6. To the best of Panthera Enterprises, LLC's knowledge, Bernstein-Burkley, P.C. has no connection with any creditors, or any other party in interest, or their respective attorneys, other than disclosed on the Verification of Robert S. Bernstein, Esq. (the "Verification"), attached hereto.

7. The terms of the employment of Bernstein-Burkley, P.C., as agreed to by the Debtor-in-Possession and subject to the approval of the Court, are that certain attorneys and other personnel within the firm will undertake this representation at their standard hourly rates. The individuals presently designated to represent the Debtor-in-Possession and their hourly rates as of January 1, 2019 are attached as Exhibit A to the Verification.

8. These hourly rates are subject to periodic adjustments to reflect economic and other conditions, and with respect to those below the level of senior partner, to reflect their increased experience and expertise in this area of the law. Bernstein-Burkley, P.C. may make periodic applications for interim compensation, and if, at the completion of the case the results merit it, may make application to the Court for the allowance of a premium above their designated hourly rates.

9. Except as may be disclosed in the Verification, Bernstein-Burkley, P.C. represents no interest adverse to Panthera Enterprises, LLC as Debtor-in-Possession or the estate in the matters upon which they are to be engaged for the Debtor-in-Possession.

10. Panthera submits that Bernstein-Burkley, P.C.'s employment would be in the best interest of Panthera Enterprises, LLC's bankruptcy estate.

11. Bernstein-Burkley, P.C. reserves the right to file a Supplemental Verification upon filing of the completed Petition.

WHEREFORE, Panthera Enterprises, LLC, requests that its application for employment of Bernstein-Burkley, P.C. under the terms specified to represent it as Debtor-in-Possession in this case under Chapter 11 of the Bankruptcy Code be approved by the Court as of September 13, 2019, and that it have such other and further relief as is just.

Dated: September 23, 2019

PANTHERA ENTERPRISES, LLC

By: /s/James V. Punelli

BERNSTEIN-BURKLEY, P.C.,

By: /s/ Robert S. Bernstein

Robert S. Bernstein, Esq.

WV Bar Id. No. 4708

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Proposed Attorney for Debtor

**Certificate of Service**

I, Robert S. Bernstein, Esq., hereby certify that the within Application to Employ Bernstein-Burkley, P.C. as Attorneys to the Debtor, was served this 23<sup>rd</sup> day of September, 2019 via the Court's CM/ECF system.

BERNSTEIN-BURKLEY, P.C.,

By: /s/ Robert S. Bernstein  
Robert S. Bernstein, Esq.  
WV Bar Id. No. 4708