

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE:

PANTHERA ENTERPRISES, LLC

Case No. 19-00787

Debtor.

Chapter 7

**FIRST AND FINAL APPLICATION FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES FOR ATTORNEY FOR THE TRUSTEE FOR
WORK RELATED TO CIVIL LITIGATION MATTERS DEFENDING THE DEBTOR
ENTITY AND/OR RELATED ENTITIES**

Comes now Aaron C. Amore, Esquire, of Amore Law, PLLC, counsel for the Trustee in the above-captioned proceeding, and files this first and final application for compensation and reimbursement of expenses pursuant to 11 U.S.C. §330 from August 21, 2020 through and including January 20, 2023 related to his employment defending the Debtor entity and related entities.

NARRATIVE HISTORY

1. Counsel for the Trustee was employed by order of this Court in August 21, 2020 (Doc.222) to represent the interests of the Estate related to holly owned related entities.
2. The Court previously granted a motion to employ counsel, Aaron C. Amore of Amore Law, PLLC, at an hourly rate of \$400.00, and paralegal time at \$100.00.
3. The Court previously permitted the modification of the automatic stay to permit Derrick J. Gust and Emily Gust to pursue legal claims against the Debtor and its related entities for the purpose of seeking any insurance that may cover the claimed losses of the Gusts. The Trustee moved to employ himself to represent the Debtor in several litigation matters that arose during the course of the bankruptcy, including several adversary proceedings and state related cases filed against the Debtor. Counsel filed his appearance, filing of

pleadings and answering of discovery responses before insurance defense counsel appeared and has performed the majority of the litigation practice necessary in the case. The pending case is Gust v. Panthera Enterprises, LLC, f/k/a TenX Group, LLC, Panthera Worldwide, LLC Panthera Training Center, LLC, Historic Arms Corporation and Wilmer C. Bahr civil action no 20-C-35 pending in the Circuit Court of Hardy County, West Virginia.

4. Counsel for the Trustee filed responsive pleadings, including motions to dismiss and responses to discovery as well as participating in several hearings before insurance defense counsel appeared to defend the entities. The civil action sought damages for injuries suffered by Derrick Gust while working for Panthera Training, LLC. Worker's Compensation paid Gust pursuant to the claims made against Panthera Training, LLC but Gust sought to establish liability against other entities, including the Panthera entities. The lease agreement between Panthera Training, LLC and the Debtor provided Panthera Training maintain insurance to protect the Debtor. Gust sought to establish claims against the Debtor and its related entities. The litigation has a complicated history with appeals of several rulings from the Circuit Court Judge by Historic Arms Corp.
5. The parties to this action have negotiated settlement agreement. The matter has been resolved with a dismissal order entered by the Circuit Court on November 27, 2023. This is now a final order. No funds are to be paid by the Debtor or its related entities as part of the settlement.
6. The time expended by counsel on this case and specifically in certain areas, is usual and customary based upon the complexity of the case and volume of legal documents and discovery involved between the parties and related entities.
7. Counsel for the Trustee pursued insurance defense counsel to represent the Panthera entities, which he secured. Legal fees and charges were stopped once insurance defense counsel was substituted as primary role of litigation counsel. Said substitution of counsel occurred on January 20, 2023.

SUMMARY OF FEES REQUESTED

A. TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Aaron C. Amore	51.59	\$400.00	\$20,636.00

Costs \$0.00

Total fees and costs \$20,636.00

B. Project Summary

Your applicant represented the interests of the Debtor in various legal matters of this estate as they arose. The persons providing services are identified in the itemization of time attached hereto as Exhibit “A”

C. Evaluation Standards

The services rendered for this fee request under 11 U.S.C. §330 were reasonable and necessary. The work was performed within a reasonable period of time considering the nature of the services rendered. The time spent on these services was reasonable, the rates which were charged were reasonable, the services were necessary to the administration of the Estate at the time the services were rendered, the services were performed within a reasonable amount of time commensurate with the complexity, importance and nature of the issues or tasks involved, and the compensation is reasonable based on customary compensation charged by skilled practitioners in cases other than under this title.

D. Certification

The U.S. Trustee’s Office has been furnished with a copy of this Application for Compensation and reimbursement for expenses.

ITEMIZATION OF SERVICES RENDERED

Your applicant has attached as Exhibit “A” an itemization of time spent for which compensation is requested.

All expenses are also set forth in Exhibit “A”, which includes the dates and amounts for each charge. All expenses noted on Exhibit “A” were reasonable and necessary for the administration of this Estate, do not constitute any division of overhead expenses, or charges for clerical work. All expenses included in Exhibit “A” are routinely charged for other non-bankruptcy matters in which your applicant is involved. All time entries and expense records were kept contemporaneously and all costs are actual costs which can be designated to this case.

WHEREFORE, your applicant prays for the entry of an Order awarding the fees, costs and expenses in the total amount of \$20,636.00 as said funds are available from the Debtor’s Estate. I, Aaron C. Amore, hereby certify that the statements made in this application are true and correct to the best of my knowledge, information and belief.

/s/ Aaron C. Amore

Aaron C. Amore, Esquire, WVSb No. 6455
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CERTIFICATE OF SERVICE

I, Aaron C. Amore, counsel for the Trustee, hereby certify that the foregoing ***FIRST AND FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR ATTORNEY FOR THE TRUSTEE FOR WORK RELATED TO CIVIL LITIGATION MATTERS DEFENDING THE DEBTOR ENTITY AND/OR RELATED ENTITIES***, was served electronically (CM/ECF and/or E-mail) on this 5th day of January 2024 to the following:

Via Email:

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CM/ECF

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- **United States Trustee** ustpreion04.ct.ecf@usdoj.gov
- **Eric Michael Wilson** eric.m.wilson@wv.gov, lora.l.rutledge@wv.gov

Manual Notice List

Notice was not mailed to the parties below as no addresses were provided. To the extent the Trustee has email addresses the below notice parties, they were emailed.

Rob Duncan
Manager/Duncan Development Group, LLC
Rob Duncan
Manager/TR&L, LLC,
a Virginia Limited Liability Company
Successor to SMI, LLC,
a Virginia Limited Liability Company

Bruce Hardy
Stacie Hardy
Anthony McIntyre
Timothy Miller

/s/ Aaron C. Amore
Aaron C. Amore, Esq.