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3 UNITED STATES BANKRUPTCY COURT
4 EASTERN DISTRICT OF CALIFORNIA
5 SACRAMENTO DIVISION
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8 In re:)
9 BALWINDER BAINS,) Case No. 03-26024-B-13J
10 Debtor(s).) Docket Control No. WW-8
11 _____) Date: March 27, 2007
12) Time: 9:30 a.m.

13 On or after the calendar set forth above, the court issued
14 the following ruling. The official record of the ruling is
appended to the minutes of the hearing.

15 Because the ruling constitutes a "reasoned explanation" of
16 the court's decision under the E-Government Act of 2002 (the
"Act"), a copy of the ruling is hereby posted on the court's
17 Internet site, www.caeb.uscourts.gov, in a text-searchable
format, as required by the Act. However, this posting does not
18 constitute the official record, which is always the ruling
appended to the minutes of the hearing.

19 **DISPOSITION AFTER ORAL ARGUMENT**

20 The failure of any party in interest to file timely written
21 opposition as required by this local rule may be considered consent to
22 the granting of the motion. See Ghazali v. Moran, 46 F.3d 52, 53 (9th
23 Cir. 1995); LBR 9014-1(f)(1). Therefore, this matter is resolved
24 without oral argument.

25 The motion is granted to the extent set forth herein. The
26 application is approved for a total of \$2,550.00 in fees and costs.
27 These fees and costs shall be paid by the trustee to the extent that
28 funds are available to do so. Any excess may be collected directly

1 from the debtors to the extent that such direct collection is
2 permitted under 11 U.S.C. §§ 362 and 524.

3 On May 29, 2003, the debtor filed a chapter 13 petition. As
4 part of confirmation of debtor's chapter 13 plan, applicant consented
5 to compensation in accordance with the Guidelines for Payment of
6 Attorney's Fees in Chapter 13 Cases. The court authorized payment of
7 fees and costs totaling \$2,000 through the plan. The debtor's
8 attorney now seeks additional compensation through February 22, 2007,
9 consisting of \$2,480.54 in fees and \$69.46 in costs.

10 As an initial matter, however, the court notes that
11 applicant's billing records contain numerous errors. The motion
12 states that applicant's hourly rate was \$200 through December 31,
13 2004; \$225 from January 1, 2005 to December 31, 2006; and \$250 from
14 January 1, 2007 to the present. The billing records begin in 2003 at
15 rate of \$225.00 - which is higher than the stated hourly rate at that
16 time - and they contain several entries at a rate of \$250 during
17 periods when the stated hourly rate was lower than that rate.
18 Adjusting the billing records for the rates disclosed in the motion
19 results in a reduction of \$360.00 for work "included in the initial
20 fee" and \$52.50 for work "not included in the initial fee."

21 In this case, reducing the amount of fees set forth in the
22 "included" portion of the billing record does not cause the designated
23 "included" fees to fall below the initial \$2,000 approved through
24 confirmation of the plan. In addition, the court notes that the
25 applicant voluntarily discounted the total fees set forth as
26 additional or "not included" work by \$615.96. Because the applicant's
27 voluntary discount is far greater than the \$52.50 adjustment due to
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1 errors in charging the correct rate, the court does not further adjust
2 the additional fees sought downward. Accordingly, the court awards
3 \$2,480.54 in fees and \$69.46 in costs, the full amount sought by the
4 applicant.

5 As set forth in the attorney's application, these fees are
6 reasonable compensation for actual, necessary and beneficial services.
7 The court finds that the amount of work applicant has done in this
8 case is sufficiently greater than a "typical" chapter 13 case so as to
9 justify additional compensation under the Guidelines. In re Pedersen,
10 229 B.R. 445 (Bankr. E.D. Cal. 1999) (J. McManus).

11 The court will issue a minute order.
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