

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE:	§	CASE NO: 23-12028
	§	
CARL CAVALIER	§	CHAPTER 7
	§	
DEBTOR	§	SECTION A
	§	

APPLICATION FOR EMPLOYMENT OF ATTORNEY

The application of Greta M. Brouphy, trustee of the captioned estate (“Applicant” or “Trustee”), respectfully represents:

1. The Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on November 27, 2023.
2. Applicant is the duly appointed trustee of the bankruptcy estate of the above-named Debtor and is now acting as such trustee.
3. Applicant requires the assistance of counsel so as to enable her to perform properly her functions as Trustee. Specifically, the retention of attorneys is necessary in connection with the following matters:
 - A. To assist the Trustee in connection with legal issues related to the analysis, review, and possible resolution of the Debtor’s pending 5th Circuit appeal of the reconsideration of a mediation judgment, the analysis, review, and possible resolution of conflicting attorney fee claims against the judgment, and the analysis and review of other claims against third parties, including a prepetition personal injury claim scheduled by the Debtor;
 - B. To act as general counsel for Applicant and to assist Applicant in evaluating other bankruptcy issues affecting the estate for which the Trustee requests legal advice;
 - C. To the extent requested by the Trustee, to investigate and prosecute any actions subject to avoidance and/or recovery under the Bankruptcy Code and/or state law and to assist the Trustee in investigating and pursuing any other causes of action that the Debtor or estate may have;

- D. To advise and consult with Applicant concerning legal questions the Trustee might have arising in the conduct of the administration of the estate and concerning Applicant's rights and remedies with regard to the estate's assets and the claims of secured, priority and unsecured creditors and other parties in interest, except as set forth in the attached declaration; and
- E. To assist in the preparation of such pleadings, motions, notices and orders with respect to any of the foregoing.

4. The Trustee has conferred with, and now desires to employ, the firm of Chaffe McCall, LLP to handle all aspects of the foregoing legal issues.

5. The Trustee has selected the firm of Chaffe McCall, LLP because of the extensive experience and knowledge of the firm's partners and associates in the field of bankruptcy, insolvency, Debtors' and creditors' rights, and commercial litigation, and particularly for the extensive experience the lawyers at Chaffe McCall have in representing Chapter 7 trustees for more than 25 years. Accordingly, the Trustee believes that these attorneys are well qualified to represent the Trustee in this Chapter 7 liquidation case.

6. To the best of the Trustee's knowledge, the law firm of Chaffe McCall, LLP represents no other entity in connection with this case, is disinterested as that term is defined in 11 U.S.C. § 101(13), and represents or holds no interest adverse to the estate.

7. To the best of the Trustee's knowledge, information, and belief, the firm of Chaffe McCall, LLP has no connection with the Debtor, the creditors, or any party in interest, or their respective attorneys and accountants except as noted on the Declaration of Proposed Attorney attached hereto.

8. The firm has indicated its willingness to act on the Trustee's behalf and to be compensated in accordance with the terms and conditions set forth below:

- A. The professional services rendered will be subject to approval of the Court upon submission of an appropriate fee application.

The professional services rendered will be subject to approval of the Court upon submission of an appropriate fee application. Presently, the hourly rates for the attorneys who from time to time may be expected to work on the case on behalf of the Trustee are as follows:

David J. Messina - \$385.00
Fernand L. Laudumiey, IV - \$350.00

Other attorneys at Chaffe McCall, LLP may also assist in the representation of the Trustee in these cases, and such time will be billed at the standard rate of such attorneys for their experience level, subject to ultimate approval by this Court. These hourly rates may be subject to periodic adjustment to reflect economic and other conditions, and to reflect the individual attorneys' and paralegals' increased experience and expertise in their respective areas of law.

- B. Over and above whatever attorney's fees are granted in accordance with A above, the firm will be reimbursed for actual out-of-pocket disbursements and expenses incurred upon submission of a fee application properly documenting such reasonable and necessary expenses.

9. Based upon the foregoing, the Trustee submits that the employment of Chaffe McCall, LLP as counsel for the Trustee under the terms and conditions set forth above would be in the best interests of the estate and creditors herein.

WHEREFORE, your Applicant prays that her employment of Chaffe McCall, LLP to represent Applicant in this case on the terms set forth herein be approved pursuant to Bankruptcy Code §§ 327, and that she have such other and further relief as is just.

Respectfully Submitted,

/s/ Greta M. Brouphy
Heller, Draper & Horn, LLC
Greta M. Brouphy, LA Bar No. 26216
650 Poydras Street, Suite 2500
New Orleans, LA 70130
Telephone: 504.299.3351
Fax: 504-299-3399
E-mail: gbrouphytrustee@hellerdraper.com
Chapter 7 Trustee

DECLARATION OF PROPOSED ATTORNEY

I, David J. Messina, declare under penalty of perjury that the information provided below is true and correct to the best of my knowledge, information and belief:

1. I am an attorney at law admitted to practice before this Court and am a special partner of the law firm of Chaffe McCall, LLP (“Chaffe” or “firm”) with offices in Baton Rouge at 103 Two United Plaza, 8550 United Plaza Blvd., Baton Rouge, Louisiana 70809, in New Orleans at 2300 Energy Centre, 1100 Poydras Street, New Orleans, Louisiana 70163-2300, in Lake Charles at One Lakeshore Drive, Suite 1750, Lake Charles, Louisiana 70629, and in Houston, Texas at 801 Travis Street, Suite 1910, Houston, Texas 77002.

2. To the best of my knowledge, neither I, my firm, nor any partner or associate thereof, insofar as I have been able to ascertain, represents any interest adverse to that of the estate, the creditors, any other party-in-interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee in the matters upon which the law firm is to be engaged.

3. Neither I, my firm, nor any partner or associate thereof, insofar as I have been able to ascertain, has any connection with the creditors, any other party-in-interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

Based upon the review of the list of creditors by me and by other partners of the firm with extensive knowledge of the firm’s clients, we are not aware of any other representation by the firm of any persons with claims against or interests in the Debtor. However, Chaffe, its partners, counsel, and associates may have in the past represented, currently represent, and may in the future represent, in matters totally unrelated to the pending chapter 7 case, other entities which hold claims against the Debtor. Chaffe has a large and diversified legal practice that encompasses the representation of many individuals, financial institutions, and commercial corporations, some of which may be claimants in the Debtor’s chapter 7 case or otherwise have an interest in such case. As part of its practice, Chaffe appears in cases, proceedings, and transactions involving many different attorneys and accountants, some of whom may represent claimants and parties in interest in these cases. Chaffe does not represent any such entity in connection with the pending chapter 7 case or have any relationship with any such entity, attorneys, or accountants that would be adverse to the estate.

4. Based on the foregoing, we believe the firm of Chaffe McCall, LLP is a “disinterested person” within the meaning of § 101 and § 327 of the Bankruptcy Code.

5. Neither I, my firm, nor any partner or associate thereof, insofar as I have been able to ascertain, is related to the Trustee by affinity or consanguinity within the third degree as determined by the common law, or is in a step or adoptive relationship within such degree.

6. Chaffe has not shared or agreed to share compensation received from the estate with any other entity other than with partners, counsel, and associates of Chaffe.

Dated: April 25, 2024.

Respectfully submitted,

CHAFFE McCALL, LLP
2300 Energy Centre
1100 Poydras Street
New Orleans, Louisiana 70163-2300
Telephone: (504) 585-7000

By: /s/ David J. Messina

David J. Messina, #18341

messina@chaffe.com

Fernand L. Laudumiey, IV, #24518

laudumiey@chaffe.com

Attorneys for Greta M. Brouphy, Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

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ORDER APPROVING EMPLOYMENT OF COUNSEL

Considering the *Application for Employment of Attorney* (the “Application”), [ECF Doc. 57], filed by Greta M. Brouphy, the Chapter 7 Trustee (the “Trustee”), and after review of the record and pleadings, proper service having been made, no objection having been filed, and good cause shown,

IT IS ORDERED that the Application is **APPROVED**.

IT IS FURTHER ORDERED that the Trustee may employ Chaffe McCall, LLP to represent her in this case with compensation to be paid in such amounts as may be allowed by the Court upon proper application, or applications, therefor.

IT IS FURTHER ORDERED that the Trustee shall serve this Order via first-class U.S. Mail on the required parties who will not receive a copy through the Court’s CM/ECF system pursuant to the Federal Rules of Bankruptcy Procedure and this Court’s Local Rules and file a certificate of service to that effect within three (3) days.

New Orleans, Louisiana, June 3, 2024.

MEREDITH S. GRABILL
UNITED STATES BANKRUPTCY JUDGE