

1 SCOTT B. COHEN, SBA #014377  
2 PATRICK A. CLISHAM, SBA #023154  
3 **ENGELMAN BERGER, P.C.**  
2800 NORTH CENTRAL AVENUE, SUITE 1200  
PHOENIX, ARIZONA 85004

4 Ph: (602) 271-9090  
5 Fax: (602) 222-4999  
6 Email: [sbc@eblawyers.com](mailto:sbc@eblawyers.com)  
7 Email: [pac@eblawyers.com](mailto:pac@eblawyers.com)

8 Attorneys for Reorganized Debtor

9 **IN THE UNITED STATES BANKRUPTCY COURT**  
10 **FOR THE DISTRICT OF ARIZONA**

11 In re:

12 CONTINENTAL COUNTRY CLUB,  
13 INC., an Arizona Nonprofit corporation,

14 EIN 86-0414438

15 Reorganized Debtor.

Chapter 11 Proceeding

Case No. 3:21-bk-00956-EPB

16 **WARNER ANGLE HALLAM JACKSON & FORMANEK PLC'S**  
17 **FINAL APPLICATION FOR APPROVAL AND ALLOWANCE**  
18 **OF FEES AND EXPENSES AS SPECIAL LITIGATION**  
19 **COUNSEL FOR THE DEBTOR**

20 The law firm of Warner Angle Hallam Jackson & Formanek, PLC, as duly-appointed  
21 special litigation counsel ("Warner Angle" or "Special Litigation Counsel") to Continental  
22 Country Club, Inc., an Arizona non-profit corporation, the above-captioned reorganized debtor  
23 ("Reorganized Debtor"),<sup>1</sup> hereby submits its final application for allowance and payment of  
24 fees, and reimbursement of expenses, for services rendered as Special Litigation Counsel (the  
25 "Application"). Warner Angle's employment was approved by the Court by Order at DE 32  
26 (the "Employment Order"). This Application is submitted pursuant to 11 U.S.C. §§ 330, 331,

27 <sup>1</sup> All references to Reorganized Debtor as "Debtor" are in relation to events that occurred prior to plan confirmation.

1 503(a) and (b), and Federal Rule of Bankruptcy Procedure 2016(a).

2 In this Application, Warner Angle seeks: (1) final approval of the fees and costs  
3 approved and allowed on an interim basis under prior Court Orders, totaling \$12,651.70 in fees;  
4 and (2) an order declaring that any unpaid approved fees and costs are deemed an administrative  
5 expense claim as defined in the Debtor's Second Amended Plan of Reorganization, which was  
6 confirmed on March 6, 2023 (the "Confirmed Plan"). **In this Application, Warner Angle does**  
7 **not seek the approval of any new or additional fees and costs.**

8 In support of this Application, Warner Angle states as follows:

9 **I. FACTS AND PROCEDURAL HISTORY**

10 **A. Parties and Jurisdiction.**

11 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1334. This  
12 Application constitutes a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper in this  
13 Court pursuant to 28 U.S.C. §§ 1408 and 1409.

14 2. On February 9, 2021 (the "Petition Date"), the Debtor filed a voluntary petition  
15 for relief under Chapter 11 of the United States Bankruptcy Code.

16 3. No trustee, examiner, or official committee of unsecured creditors has been  
17 appointed to date.

18 4. On February 15, 2021, the Debtor applied to the Court for retention of Warner  
19 Angle as its Special Litigation Counsel, and by order entered February 17, 2021, the Court  
20 entered the Employment Order approving the appointment of Warner Angle [DE 32].

21 5. From the Petition Date through February 28, 2021, Warner Angle performed  
22 services on the Debtor's behalf, and included the fees associated therewith in a first interim fee  
23 application. That application was approved by the Court by Order dated May 22, 2021, DE  
24 117, and the Debtor has paid the approved and allowed fees to Warner Angle in the total amount  
25 of \$3,330.00.  
26  
27



1           12. Warner Angle is aware that Engelman Berger, P.C., general bankruptcy counsel  
2 for the Reorganized Debtor, and Krupnik and Speas, PLLC, special HOA counsel for the  
3 Reorganized Debtor, have filed interim fee and expense applications, and final fee and expense  
4 applications in this matter.

5 **IV. ALLOWANCE OF COMPENSATION**

6           13. Warner Angle submits that the legal services rendered by it to the Reorganized  
7 Debtor constitute a substantial contribution to the estate, and Warner Angle is therefore entitled  
8 to compensation from the estate, pursuant to 11 U.S.C. § 330. This Application seeks final  
9 approval of all amounts approved and allowed on an interim basis under prior Court Orders.

10           14. The allowance and payment of fees and costs sought herein by Warner Angle is  
11 reasonable in light of compensation for comparable services for non-reorganization cases, and  
12 consistent with compensation paid to other litigation attorneys in the Phoenix metropolitan area  
13 for legal services in comparable cases. Warner Angle submits that it has rendered valuable  
14 professional services that have benefited, and will continue to benefit, the bankruptcy estate  
15 and other parties-in-interest.

16           15. Warner Angle does not seek an allowance of compensation from the estate for  
17 any services unrelated to the Reorganized Debtor's case, or for any services not directly relating  
18 to the matters described in the Application.

19           16. The professional services required in this Chapter 11 case and described herein  
20 were performed by attorneys with the requisite expertise and skill in the areas in which they  
21 rendered services. Moreover, the professional services rendered required a high degree of  
22 professional competence. The services rendered by Warner Angle have not been duplicative of  
23 services rendered by other professionals employed or compensated by the estate, and represent  
24 services required in an organized and cooperative approach to the numerous issues encountered  
25 in this case.

26           17. No agreement has been made and no understanding exists for any division of the  
27 compensation requested by this Application between Warner Angle and any other person in



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3 **COPY** of the foregoing transmitted via  
4 the Court's ECF system, and as indicated  
5 this 2<sup>nd</sup> day of May, 2023, to the  
6 following parties,

7  
8 Larry L. Watson  
9 OFFICE OF THE U.S. TRUSTEE  
10 Email: [Larry.Watson@usdoj.gov](mailto:Larry.Watson@usdoj.gov)

Alissa Brice Castaneda  
DORSEY & WHITNEY LLP  
Email: [Castaneda.alissa@dorsey.com](mailto:Castaneda.alissa@dorsey.com)  
*Attorneys for Sunwest Bank*

11  
12 Randy Nussbaum  
13 SACKS TIERNEY P.A.  
14 **Email:** [randy.nussbaum@sackstierney.com](mailto:randy.nussbaum@sackstierney.com)  
15 *Attorneys for Flagstaff Golf Association dba*  
16 *Aspen Valley Golf*

Matthew Silverman  
ARIZONA ATTORNEY GENERAL'S  
OFFICE  
**Email:** [Matthew.silverman@azag.gov](mailto:Matthew.silverman@azag.gov)  
*Attorneys for Arizona Dept. of Revenue*

17  
18 Jon S. Musial  
19 LAW OFFICE OF JON S. MUSIAL  
20 **Email:** [jon.musial@musiallawoffice.com](mailto:jon.musial@musiallawoffice.com)  
21 *Attorneys for Amy Jo Marshall, Interested*  
22 *Party*

Robert J. Berens  
SMTD LAW LLP  
**Email:** [rberens@smtdlaw.com](mailto:rberens@smtdlaw.com)  
*Interested Party*

23  
24 Warren J. Stapleton  
25 OSBORN MALEDON, PA  
26 **Email:** [wstapleton@omlaw.com](mailto:wstapleton@omlaw.com)  
27 *Attorneys for Lakeside Legionnaires*

Beth Mulcahy  
MULCAHY LAW FIRM, P.C.  
Email: [bmulcahy@mulcahylawfirm.com](mailto:bmulcahy@mulcahylawfirm.com)  
*Attorneys for Creditor*

Valerie Smith  
SYNCHRONY BANK  
**Email:** [Claims\\_RMSC@PRAGroup.com](mailto:Claims_RMSC@PRAGroup.com)

Alan C. Hochheiser, Esq.  
MAURICE WUTSCHER LLP  
23611 Chaggrin Blvd., Suite 207  
Beachwood, OH 44122  
**Email:** [ahochheiser@mauricewutscher.com](mailto:ahochheiser@mauricewutscher.com)  
*Attorneys for AmTrust North America, Inc.*  
*on behalf of Technology Insurance Company,*  
*Inc.*

Joel F. Newell  
Jennings, Strouss & Salmon, PLC  
One East Washington Street, Suite 1900  
Phoenix, AZ 85004-2544  
**Email:** [jnewell@jsslaw.com](mailto:jnewell@jsslaw.com)  
*Attorneys for BrickHouse Trust*

Jason J. Bliss  
ASPEY, WATKINS, & DIESEL PLLC  
Email: [JBliss@awdlaw.com](mailto:JBliss@awdlaw.com)  
*Co-Counsel for Lakeside Legionnaires in*  
*Case No. CV 87-042997*

28 By: /s/ Alyssa C. Moomaw  
Alyssa C. Moomaw