

M-2015-2472452

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
HOWARD E. SHANKLER : 5-13-02513-RNO
: :
DEBTOR(S) : CHAPTER 7

**CHAPTER 7 TRUSTEE'S MOTION TO APPROVE SETTLEMENT
OF PERSONAL INJURY LITIGATION AND
PAYMENT OF LEGAL FEES AND EXPENSES**

AND NOW COMES, John J. Martin, Chapter 7 Trustee, by and through his attorney, John J. Martin, Esquire, and files this Motion to Approve Settlement of Personal Injury Litigation and Payment of Legal Fees and Expenses of Special Counsel as follows:

1. That on or about May 13, 2013, the Debtor commenced a case under Chapter 13 of the United States Bankruptcy Code ("Code").
2. That on or about July 17, 2015, the case was converted to a case under Chapter 7 of the Code.
3. That on or about July 21, 2015, John J. Martin, Esquire, was appointed the Chapter 7 Trustee ("Trustee") and continues in that capacity.
4. That on the date of filing of the instant bankruptcy case, the Debtor was a party to litigation pending in the Court of Common Pleas of Pike County, Pennsylvania, captioned Howard E. Shankler v. Arthur Fuehrer and OBE Insurance Corp., Civil No. 284-CV-2013 ("Litigation"). This litigation arises out of an automobile accident which took place on or about February 21, 2011.
4. That by Amended Order dated October 22, 2015, the Trustee retained Vern S. Lazaroff, Esquire, as Special Counsel on a Contingency Fee Basis in the above referenced matter. A copy of said Order is attached hereto, made a part hereof and marked as Exhibit A.
5. That Special Counsel has advised the Chapter 7 Trustee that a proposed settlement of the Litigation has been presented for a gross amount of \$47,500.00 ("Settlement"), and Special Counsel has recommended that the Chapter 7 Trustee accept the proposed Settlement.
6. Pursuant to the proposed Settlement, the Chapter 7 Trustee seeks approval to (1) reimburse Special Counsel for out-of-pocket expenses in the amount of \$662.65; and (2) pay

Special Counsel the agreed upon 1/3 contingency fee in the amount of \$15,817.50. A copy of fees and expenses of Special Counsel is attached hereto, made a part hereof and marked as Exhibit B.

7. That the Trustee believes and therefore avers that it would be in the best interest of the bankruptcy estate and its creditors for the Trustee to settle the Litigation for the gross amount of \$47,500.00 .

WHEREFORE, the Chapter 7 Trustee respectfully requests that this Honorable Court 1) enter an Order granting the Trustee's Motion to Approve Settlement of the Personal Injury Litigation for a gross amount of \$47,500.00; 2) approve reimbursement of costs to Special Counsel in the amount of \$662.65; and 3) approve payment of legal fees to Special Counsel in the amount of \$15,817.50, and for such other and further relief as the Court deems just and proper.

Dated: October 28, 2015

/s/John J. Martin, Esquire
1022 Court Street
Honesdale, PA 18431
(570) 253-6899
jmartin@martin-law.net
Counsel to the Chapter 7 Trustee

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UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
HOWARD E. SHANKLER : 5-13-02513-RNO
DEBTOR(S) : CHAPTER 7

**ORDER GRANTING CHAPTER 7 TRUSTEE'S MOTION TO APPROVE
SETTLEMENT OF PERSONAL INJURY LITIGATION AND
PAYMENT OF LEGAL FEES AND EXPENSES**

Upon consideration of the Chapter 7 Trustee's Motion to Approve Settlement of Personal Injury Litigation and Payment of Legal Fees and Expenses filed to No. 284-CV-2013 in the Court of Common Pleas of Pike County, Pennsylvania, it is hereby

ORDERED, that the Chapter 7 Trustee's Motion to Approve Settlement of the Personal Injury Litigation for a gross amount of \$47,500.00 is **APPROVED**, and it is further

ORDERED that the payment of legal fees to Special Counsel of, (1) \$15,817.50, and (2) reimbursement to Special Counsel of the total costs of \$662.65 advanced by Special Counsel in the Litigation is hereby **APPROVED**.

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
HOWARD E. SHANKLER : 5-13-02513-RNO
DEBTOR(S) : CHAPTER 7

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

That on or about May 13, 2013, the Debtor commenced a case under Chapter 7 under the United States Bankruptcy Code ("Code"). That on or about July 17, 2015, the case was converted to a case under Chapter 7 of the Code. That on or about July 21, 2015, John J. Martin, Esquire, was appointed the Chapter 7 Trustee ("Trustee") and continues in that capacity. That by Amended Order dated October 22, 2015, the Trustee retained Special Counsel Vern S. Lazaroff on a contingency basis to pursue personal injury litigation which was pending in the Court of Common Pleas of Pike, Pennsylvania, filed to 284-CV-2013. That Special Counsel has recommended that the Chapter 7 Trustee agree to settle the litigation for a gross amount of \$47,500.00. Further, the Chapter 7 Trustee seeks approval to (1) pay Special Counsel legal fees in the amount of \$15,817.50 and, (2) to reimburse Special Counsel for out-of-pocket costs in the amount of \$662.65 advanced by Special Counsel in the Litigation.

If no objections or requests for hearing are timely filed with the Bankruptcy Clerk, with a copy served on the Trustee, 1022 Court Street, Honesdale, PA 18431 on or before twenty (21) days from the date of this Notice, the Court may act on the Motion without hearing.

If you wish to contest this matter, file a written objection in the form of a responsive pleading and request a hearing. Any filing must conform to the Rules of Civil Procedure unless the Court determines otherwise. Objections should be filed with Clerk, U.S. Bankruptcy Court, Middle District of Pennsylvania, 197 South Main Street, Wilkes-Barre, PA 18701.

John J. Martin, Esquire
1022 Court Street
Honesdale, PA 18431
(570) 253-6899
jmartin@martin-law.net
Dated: October 28, 2015

RECEIVED

"A"

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"B"

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PA P.U.C.
SECRETARY'S BUREAU

Vern S. Lazaroff

Law Offices

IN RE: :
HOWARD E. SHANKLER : 5-13-02513-RNO
: :
DEBTOR : CHAPTER 7

123 Blueberry Drive
Milford, Pennsylvania 18337
(570) 686-2824

143 Pike Street
PO Box 1108
Port Jervis, NY 12771
(845) 856-5335

Email: Office@vernlazaroff.com

October 11, 2015

Re: Debtor Howard Shankler: 5-13-05213-RNO

Re: Personal Litigation Settlement Howard E. Shankler v. Arthur Fuehrer, Pike County Court of
Common Pleas 2013-CV-284

AMENDED ORDER GRANTING CHAPTER 7 TRUSTEE'S APPLICATION TO
EMPLOY ATTORNEY AS SPECIAL COUNSEL
ON A CONTINGENCY FEE BASIS

The following is a breakdown of the proposed receipts and disbursements in the above
personal injury litigation settlement.

Upon consideration of the application of John J. Martin, Trustee in the above
matter, requesting Authority to employ Vern Lazaroff, Esquire as special counsel to
Trustee on contingency fee basis, and it appearing that the United States Trustee has no
objection to the appointment and the representation appears to be in the best interest of
the estate, it is

Received \$47,500.00 — Full settlement: Howard E. Shankler v. Arthur Fuehrer from QBE
Insurance Company-Letter Attached

ORDERED, that John J. Martin, Esquire, Chapter 7 Trustee in the above matter,
is hereby authorized to employ Vern Lazaroff, Esquire as counsel on a contingency fee
basis as set forth in the Application to Employ Special Counsel.

Gross Proceeds	\$47,500.00
Cost and expenses paid by attorney:	
Medical Records	\$332.65
Filing Fees	\$120.00
Service of Process	\$200.00
Filing Fee	\$10.00
Minus Total Costs	(\$662.65)
Net Proceeds	\$46,837.35

Legal fee to Vern Lazaroff, Esq. (\$15,817.50)

Net Proceeds to Client \$31,019.85

* Execution of this Order approving employment is not a guarantee that payment will ultimately
be approved in any amount from the estate. Such compensation is dependent on the consideration
of a final application for fees. *In re Engel*, 124 F.3d 567 (3rd Cir. 1997).

Please contact me if you should have any questions.

Yours truly,

By the Court,

/s/ Vern Lazaroff

Robert N. Opel II

Vern S. Lazaroff

Robert N. Opel, II, Bankruptcy Judge
1873

Dated: October 22, 2015

6130104452-5-13-02513-HOWARD E. SHANKLER
LAW OFFICES OF JOHN J. MARTIN
JOHN J. MARTIN ESQUIRE
1022 COURT STREET
HONESDALE, PA 18431

RETURN SERVICE REQUESTED

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