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MAY 16 1986

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN

CLERK  
U.S. BANKRUPTCY COURT

In re:

Case Number:

LA CROSSE GLASS CO., INC.

LF11-84-00877

Debtor.

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND  
OPINION AND ORDER

Wisconsin State Carpenters' Funds (Funds) was awarded attorney's fees and costs, to be paid by the debtor, in the court order of February 5, 1986. A hearing was held pursuant to said court order to determine the amount of reasonable attorney's fees and costs on February 25, 1986. An adjourned hearing was held on March 25, 1986. The Funds appears in this matter by Susan Bauman and the debtor appears by Donald Harman. At the said adjourned hearing the debtors submitted an itemized list of the amounts it claimed were owing to the Funds. The Funds was ordered to submit an itemized list of the amounts the Funds claimed the debtor owed to it, and to explain the cause of discrepancy between the two respective lists. The Funds mailed to the court a "Recap of Amounts Due For La Crosse Glass Co." dated March 27, 1986.

The Funds has also submitted an itemized list of attorney's fees and costs totaling \$5,913.90. The debtor does not object to the hourly rates charged, and has not specifically objected to any one item on said list. However, the debtor does object on

the basis that the amount of attorney's fees and costs is inordinately high when compared to the amount of the actual underlying claim. The court has carefully reviewed the Funds' statement of attorney's fees and costs and finds that it is reasonable in every respect. This case has been lengthy and time consuming. There have been numerous briefs and numerous hearings. The Funds have a legally valid claim and certainly have a right to pursue it to its conclusion. It is the conclusion of the court that the Funds is entitled to the full amount of the attorney's fees and costs that it requested.

The second issue involved is with respect to the amount of the Funds' underlying claim against the debtor. The court order of April 15, 1985, awarded the Funds an allowed claim to the extent of all unpaid arrearages, interest, penalties and other charges due for the period November 1, 1982, to May 4, 1984. The Funds is not entitled to any interest or penalties after the date that the debtor filed its bankruptcy petition. 11 U.S.C. § 502.

There is also a dispute involving vacation pay. The debtor paid vacation pay directly to its employees rather than sending such pay to the Funds. The debtor has submitted signed affidavits of its employees wherein the employees state that they received such pay and agree to hold the Funds harmless and indemnify same for such benefits paid by the Funds. It is the conclusion of the court that the debtor should be credited by the Funds for such payments to the employees and that no interest or

liquidated damages should be allowed against the debtor for failure to make such payments directly to the Funds.

This opinion shall constitute findings of fact and conclusions of law in accordance with Bankruptcy Rule 7052.

ORDER

THEREFORE, IT IS ORDERED THAT, the court finds that the Wisconsin State Carpenters' Funds is entitled to attorney fees and costs in the amount of \$5,913.90.


IT IS FURTHER ORDERED THAT, the attorney for Wisconsin State Carpenters' Funds, Susan Bauman, is to submit to the court and to the debtor a specific itemized list of the amounts owed to the Funds by the debtor, that is consistent with the findings of this opinion, within ten days.

IT IS FURTHER ORDERED THAT, the debtor shall have five days from the time of receiving such itemized list to file any legitimate objection.

IT IS FURTHER ORDERED THAT, such itemized list and all objections thereto shall fully conform to the verification requirements of Bankruptcy Rule 9011 and be subject to all sanctions provided therein.

Dated: May 16, 1986.

BY THE COURT:

  
William H. Frawley  
U.S. Bankruptcy Judge

cc: Attorney Donald J. Harman  
Attorney Susan J. M. Bauman