

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:  
TOUSA, INC., *et al.*,

Debtors.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

**NOTICE OF FILING**

PLEASE TAKE NOTICE that, due to an inadvertence, certain Exhibits were omitted from the filing of the Fifth Application for Interim Allowance of Compensation and Reimbursement of Expenses (DE #3269, the "Akin Gump Fee Application) filed by Philip C. Dublin of Akin Gump Strauss Hauer & Feld, LLP, Co-Counsel for the Official Committee of Unsecured Creditors of TOUSA, Inc., et al. The following described exhibits, copies of which are attached, are herewith filed and made a part of the Akin Gump Fee Application by reference:

- Exhibit C - Summary of Disbursements
- Exhibit D - Summary of Fees by Timekeeper
- Exhibit E - Proposed Order

DATED: October 30, 2009.

*/s/ Patricia A. Redmond*

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PATRICIA A. REDMOND  
(Florida Bar No. 303739)  
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- And -

*I hereby certify that the undersigned attorney is appearing pro hac vice in this matter pursuant to a Court order dated March 3, 2008.*

*/s/ Philip C. Duplin*

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PHILIP C. DUBLIN  
(New York Bar No. 2959344)  
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*Co-counsel to the Official Committee of  
Unsecured Creditors of TOUSA, Inc., et al.*

**EXHIBIT C**

**TOUSA, INC.**  
**DISBURSEMENT SUMMARY**  
**MAY 1, 2009 THROUGH AUGUST 31, 2009**

Computerized Research/Corporate Service Fees/PACER Fees	\$8,861.20
Conference Call and Telephone Expenses	\$12,097.94
Courier Service and Postage	\$767.88
Duplicating/Third Party Duplicating Charges	\$2,423.70
Meals/Committee Meeting Expenses	\$6,801.26
Professional Fees – Process Server	\$10,905.75
Professional Fees – Translation Services	\$6,795.33
Transcript and Deposition Expenses	\$922.81
Travel Expenses – Airfare	\$8,448.70
Travel Expenses – Auto Rental	\$413.41
Travel Expenses – Ground Transportation	\$4,274.27
Travel Expenses – Lodging	\$4,430.07
Travel Expenses – Parking	\$372.00
Travel Expenses – Telephone & Fax	\$43.77
Travel Expenses – Train Fare	\$27.11
<b>TOTAL</b>	<b>\$67,585.20</b>

**EXHIBIT D**

**TOUSA INC.**  
**COMMITTEE OF UNSECURED CREDITORS**  
**MAY 1, 2009 THROUGH AUGUST 31, 2009**

<b>PARTNERS</b>	<b>DEPARTMENT</b>	<b>STATE OF BAR ADMISSION – YEAR</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Philip C. Dublin	Financial Restructuring	New York – 1999	97.70	\$725.00	\$70,832.50
David D'Urso	Corporate	New York – 1997	19.00	\$700.00	\$13,300.00
Daniel H. Golden	Financial Restructuring	New York – 1978	167.60	\$950.00	\$159,220.00
Howard B. Jacobson	Tax	District of Columbia – 1979	10.40	\$690.00	\$7,176.00
Jordan J. Metzger	Real Estate	New York – 1984	4.00	\$595.00	\$2,380.00
Abid Qureshi	Financial Restructuring	New York – 1995	0.90	\$675.00	\$607.50
Christine A. Samsel	Labor	California – 1990	20.80	\$590.00	\$12,272.00
David M. Zensky	Litigation	New York – 1988	8.40	\$780.00	\$6,552.00
<b>SENIOR COUNSEL &amp; COUNSEL</b>	<b>DEPARTMENT</b>	<b>STATE OF BAR ADMISSION – YEAR</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Brian D. Geldert	Financial Restructuring	New York – 2004	125.70	\$530.00	\$66,621.00
Angeline L. Koo	Litigation	New York – 2005	148.45	\$530.00	\$78,678.50
Austin S. Lilling	Tax	New York – 2001	6.25	\$560.00	\$3,500.00
Alana S. Martell	Corporate	New York – 2004	36.90	\$530.00	\$19,557.00
Ira L. Rosenblatt	Corporate	New York – 1999	1.60	\$610.00	\$976.00
<b>ASSOCIATES</b>	<b>DEPARTMENT</b>	<b>STATE OF BAR ADMISSION – YEAR</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Kelly L. Brown	Labor	New York – 2008	5.60	\$375.00	\$2,100.00
Jessica S. Budoff	Litigation	New York – 2006	18.60	\$460.00	\$8,556.00
Jason Goldsmith	Litigation	New York – 2008	32.30	\$375.00	\$12,112.50
Sharmarie T. Heng	Tax	New York – 2007	3.30	\$420.00	\$1,386.00
Natalie E. Levine	Financial Restructuring	New York – 2008	263.30	\$375.00	\$98,737.50
Lauren H. Leyden	Labor	New York – 2006	1.00	\$495.00	\$495.00

<b>ASSOCIATES</b>	<b>DEPARTMENT</b>	<b>STATE OF BAR ADMISSION – YEAR</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Nyron J. Persuad	Tax	New York – 2008	13.70	\$375.00	\$5,137.50
Daniel Z. Vira	ERISA	New York – 1993	2.10	\$580.00	\$1,218.00
Frank J. Wilkosz	Corporate	Pennsylvania – 2004	22.60	\$440.00	\$9,944.00
<b>LAW CLERKS &amp; LEGAL ASSISTANTS</b>	<b>DEPARTMENT</b>		<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Rebecca L.M. Barloon	Financial Restructuring		46.00	\$190.00	\$8,740.00
Kinga Bernath	Corporate		45.30	\$190.00	\$8,607.00
Laurie E. DePalo	Financial Restructuring		4.60	\$300.00	\$1,380.00
Brittany Dunton	Litigation		4.90	\$190.00	\$931.00
Scott A. Fener	Library		3.30	\$190.00	\$627.00
Jessica A. Herlihy	Litigation		0.75	\$190.00	\$142.50
Dagmara Krasa-Berstell	Financial Restructuring		39.80	\$210.00	\$8,358.00
Leslie W. Lanphear	Library		5.20	\$215.00	\$1,118.00
Sherene M. Lewis	Litigation		3.15	\$215.00	\$677.25
Emmanuel Nikoloudakis	Litigation		3.70	\$215.00	\$795.50
Michael Rubinson	Litigation		3.50	\$190.00	\$665.00
Melissa A. Rudko	Litigation		8.00	\$215.00	\$1,720.00
Jaime M. Sheldon	Litigation		25.70	\$215.00	\$5,525.50
Peter J. Sprofera	Financial Restructuring		16.30	\$245.00	\$3,993.50
Emily L. Sy	Litigation		2.50	\$190.00	\$475.00
<b>TOTAL</b>			<b>1,222.90</b>		<b>\$625,114.25</b>
<b>Attorney Blended Hourly Rate</b>				<b>\$575.48</b>	
<b>Blended Hourly Rate</b>				<b>\$511.17</b>	

**Exhibit E**

UNITED STATES BANKRUPTCY COURT  
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_____	)	
In re:	)	Chapter 11 Cases
	)	
TOUSA, Inc., <u>et al.</u> ,	)	Case No. 08-10928 (JKO)
	)	
Debtors.	)	Jointly Administered
_____	)	

**ORDER GRANTING FIFTH APPLICATION OF AKIN GUMP  
STRAUSS HAUER & FELD LLP, CO-COUNSEL FOR THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF  
TOUSA, INC., ET AL., FOR INTERIM ALLOWANCE OF  
COMPENSATION AND FOR THE REIMBURSEMENT  
OF EXPENSES FOR SERVICES RENDERED DURING THE  
PERIOD MAY 1, 2009 THROUGH AUGUST 31, 2009**

Upon the Fifth Application of Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”), Co-Counsel for the Official Committee of Unsecured Creditors (the “Committee”) of TOUSA, Inc., et al. (collectively, the “Debtors”), for Interim Allowance of Compensation and for the Reimbursement of Expenses for Services Rendered During the Period May 1, 2009 Through August 31, 2009 [D.E. # \_\_\_] (the “Application”) for entry of an order approving

(i) compensation of fees in the amount of \$625,114.25 and reimbursement of expenses in the amount of \$67,585.20 for a total of \$692,699.45 for the period May 1, 2009 through August 31, 2009 (the “Compensation Period”) and (ii) allowance and payment of one-half of the 20% holdback amount for the period from January 1, 2009 through April 30, 2009 (the “Fourth Compensation Period”) in the amount of \$107,858.38; and Akin Gump having served as co-counsel to the Committee pursuant to this Court’s order, dated March 25, 2008 [D.E. # 657], authorizing the retention and employment of Akin Gump as counsel for the Committee nunc pro tunc to February 14, 2008; and the Court having jurisdiction to consider the Application and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Application and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Application having been provided, and it appearing that no other of further notice need be provided; and it appearing that the relief requested in the Application is in the best interests of the Debtors’ estates, their creditors, and all parties in interest and the services rendered by Akin Gump and the expenses incurred thereby being reasonable, actual, and necessary given the facts and circumstances of these chapter 11 cases; and the Court finding that the Application complies with (i) all applicable guidelines of the Court and the United States Trustee for compensation for services rendered and reimbursement of expenses incurred and (ii) prior orders of the Court; and upon the arguments presented at the hearing before the Court and no objections to the Application having been filed; after due deliberation and sufficient cause appearing therefor, it is ORDERED that:

1. The relief requested in the Application is GRANTED, subject to the terms of this Order.

2. Akin Gump is awarded interim approval of (i) fees in the amount of \$500,091.40, which amount represents 80% of the fees requested in the Application and (ii) expenses in the amount of \$67,585.20 which represents reimbursement of 100% of the expenses requested for a total award of \$567,676.60 for the Compensation Period.

3. The Debtors are authorized and directed to pay Akin Gump the sum of \$107,858.38, which represents the one-half of the amount of fees held back for services performed during the Fourth Compensation Period.

4. The fees awarded to Akin Gump in paragraph 2 of this Order represent the fees requested for the Compensation Period, less a 20% holdback. The awards herein will not prejudice Akin Gump's ability to seek subsequent awards of any and all holdbacks, including any remaining amounts held back pursuant to previous orders of this Court, at a subsequent interim period or at the conclusion of these cases.

5. In allowing the foregoing fees, this Court has considered the criteria specified in Bankruptcy Code sections 328, 330 and 331 and the requirements of Rule 2016 of the Federal Rules of Bankruptcy Procedure, in light of the principles stated in *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *Blum v. Stenson*, 465 U.S. 886, 897 (1984); *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546 (1986); and *Norman v. Housing Authority of Montgomery*, 836 F.2d 1292, 1299 (11th Cir. 1988).

6. The Debtors are authorized to take any and all actions necessary to effectuate the relief granted pursuant to this Order, including making payments in satisfaction of the awarded fees and expenses that have not otherwise been paid in accordance with this Court's Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals [D.E. #103].

7. The relief granted herein shall be binding upon any chapter 11 trustee appointed in these chapter 11 cases and upon any chapter 7 trustee appointed in the event of a subsequent conversion of these chapter 11 cases to cases under chapter 7.

8. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

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Submitted by:

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*Co-Counsel to the Official Committee  
of Unsecured Creditors of TOUSA, Inc., et al.*

Copies to:

Patricia A. Redmond

*(Attorney Redmond shall upon receipt serve a copy of this Order upon all interested parties and file a certificate of service.)*