

Emergency Application for Entry of an Order Authorizing the Employment and Retention of Berger Singerman, P.A. as Attorneys for the Debtors and Debtors in Possession Nunc Pro Tunc to the Petition Date (the “Berger Singerman Retention Application”).

By the Berger Singerman Retention Application, the Debtors seek entry of an order authorizing the retention of Berger Singerman, P.A. as local counsel and conflicts counsel to the Debtors. Pursuant to the Local Bankruptcy Court Rules, the Debtors are required to employ local counsel. The Debtors assert that Berger Singerman will not duplicate the services of K&E but, rather, will provide the following services: (i) advice regarding the local rules and reporting requirements; (ii) representation in matters where K&E is conflicted; and (iii) assistance to K&E as K&E requests.

The Debtors request permission to pay Berger Singerman on an hourly basis, at rates of \$250-\$510 per hour. In October 2007, the Debtors paid Berger Singerman a retainer of \$50,000 and an additional \$41,722.03. On January 28, 2008, the Debtors paid Berger Singerman an additional \$238,656.33, representing fees and costs incurred through January 2008, together with an additional retainer of \$150,000. The Debtors further assert that Berger Singerman is disinterested and does not hold any claim adverse to the Debtors’ estates. Based on the foregoing, the Debtors assert that retention of Berger Singerman is in their best interests.

An interim order approving the Berger Singerman Retention Application was entered on January 31, 2008. A final order approving the Berger Singerman Retention Application was entered on March 6, 2008.