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Patient Care Ombudsman

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Daytop Village Foundation Inc., *et al.*,¹

Debtors.

Chapter 11

Case No. 12-11436 (SCC)

(Jointly Administered)

**FEE STATEMENT OF ERIC M. HUEBSCHER AND HUEBSCHER & CO.
FOR COMPENSATION FOR SERVICES AND REIMBURSEMENT OF
EXPENSES AS PATIENT CARE OMBUDSMAN FOR THE PERIOD FROM
JANUARY 1, 2013 THROUGH JANUARY 31, 2013**

Name of Applicant:	Eric M. Huebscher and Huebscher & Co. (“PCO”)
Date of Retention:	Order Entered on May 31, 2012 and Notice of United States Trustee dated June 1, 2012
Period for which compensation and Reimbursement is sought:	January 1, 2013 through January 31, 2013
Amount of Compensation currently sought as actual, reasonable and necessary:	\$22,896.25 (of which PCO seeks payment of 80% or \$18,317.00)
Amount of Expense Reimbursement sought as actual, reasonable and necessary:	\$1,342.40

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: (1) Daytop Village Foundation Incorporated (6772) and (2) Daytop Village, Inc. (1438) (“Daytop”) (collectively, the “Debtors”). The location of the Debtors’ headquarters is 104 West 40th Street, 4th Floor, New York, New York 10018.

This statement is the eighth monthly fee statement (the “Fee Statement”) of PCO, Patient Care Ombudsman in the above-captioned cases, filed pursuant to the *Order Establishing Procedures for Monthly Compensation and Reimbursement of Expenses for Professionals* [Docket No. 126] (the “Monthly Compensation Order”). PCO hereby requests (a) payment of compensation in the amount of \$18,317.00, which is equal to eighty percent (80%) of the total amount of compensation currently sought (i.e. \$22,896.250.00) for actual and necessary professional services rendered during the period of January 1, 2013 through January 31, 2013 (the “Fee Period”); and (b) reimbursement of actual and necessary costs and expenses in the amount of \$790.63 incurred by PCO during the Fee Period in connection with these cases.² Attached as Exhibit A hereto are contemporaneously maintained time entries for each professional who provided services during the Fee Period in increments of tenths (1/10) of an hour, which includes an itemization and description of the costs and expenses incurred by PCO during the Fee Period.

Further, attached to this Fee Statement is a recapitulation of the time spent by individual professionals, setting for the name of each individual who provided services during the Fee Period, their respective billing rates, and the aggregate hours expended by each individual.

Pursuant to PCO’s customary billing practices, professionals, paraprofessionals and/or staff members maintain records of their billed time for services rendered in connection with the Debtors’ Chapter 11 cases. Thereafter, the aggregate time billed by each professional, paraprofessional and/or staff member is multiplied by their respective billing rates. The disbursements consist of all expenses incurred by PCO in connection with his duties including,

² Additional expenses incurred by PCO may not have been captured as of the date hereof. Such expenses will be included in the next application to the extent necessary.

without limitation, travel and transportation costs, telecommunications, express mail, messenger service, photocopying costs, document processing, overtime meals, and other expenses that would not have been incurred but by the PCO. There may be disbursements that were incurred during the Fee Period that are not reflected in this Monthly Statement, but will appear in the final fee application because of the unavoidable delay in posting of some disbursements, particularly those relating to third-party vendors.

Notice

Pursuant to the Monthly Compensation Order, PCO has filed and served this Fee Statement by overnight delivery on: (i) Lowenstein Sandler, P.C., Counsel for the Debtors, 1251 Avenue of the Americas, 18th Floor, New York, N.Y. 10020 (Attention: Norman N. Kinel and Thomas A. Pitta), (ii) Robinson Brog Leinwand Greene Genovese & Gluck, P.C., 875 3rd Ave., New York, NY 10022 (Attention: Robert Leinwand), (iii) Hahn & Hessen, Counsel to Signature Bank, 488 Madison Avenue, New York, N.Y. 10022 (Attention: Joshua I. Divack), (iv) Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, Counsel to Hudson Valley Bank, 3 Gannett Drive, White Plains, N.Y. 10604 (Attention: David Tillem), (v) Dormitory Authority of the State of New York, 515 Broadway, Albany, N.Y. 102207, and (vi) the Office of the United States Trustee of the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, N.Y. 10004 (Attention: Susan Golden, Esq.).

WHEREFORE, pursuant to the Monthly Compensation Order, PCO requests compensation in the amount of \$18,317.00 (which constitutes 80% of \$22,896.25) on account of reasonable and necessary professional services rendered; and (b) reimbursement of actual and necessary costs and expenses in the amount of \$1,342.40.

Dated: New York, New York
February 18, 2013

Respectfully submitted,

By: /s/ Eric M. Huebscher
Eric M. Huebscher
HUEBSCHER & CO.
630 Third Ave. – 21st Floor
New York, N.Y. 10017
Telephone: (646) 584-3141

Patient Care Ombudsman

EXHIBIT A

Daytop Village Foundation, Inc., et al							
Case No. 11-4436/37 (SCC)							
Billing Detail							
Eric Huebscher							
(For the period January 1 through January 31, 2013)							
Billing Rate		\$325.00					
Travel Billing Rate		\$162.50					
	Billing	Travel		Billing	Billing	Travel	
Date	Hours	Hours	Description	Task	Amount	Amount	Expense
1/1/13	0.50		Preparation of 7th interim fee application	Fee Application	162.50	-	
1/2/13	0.20		email (3) between PCO and OASAS/Daytop re: client complaint re: violence, "uncontrolled circumstances", follow up on same	Business Operations	65.00	-	
1/2/13			1/2 cell phone usage + excess usage based on case activity	Office Expense	-	-	312.00
1/2/13	0.10		call with court complainant re: letter to Court	Business Operations	32.50	-	
1/2/13	0.30		call with client re: complaint re: drug use, violence, bullying, follow up on same	Business Operations	97.50	-	
1/2/13	0.20		call with T. Hernitche re: client complaints (2), compliance manual, follow up on same	Business Operations	65.00	-	
1/4/13		5.40	Travel to and from home to Swan Lake	Travel	-	877.50	
1/4/12			Mileage to and from home to Swan Lake	Travel	-	-	124.88
1/4/13			Tolls		-	-	23.50
1/4/13	5.00		Meeting at Swan Lake, re: investigation of client complaints, meeting with clients and staff, follow up on same	Business Operations	1,625.00	-	
1/4/13	0.20		review of Swan Lake incident report and email on same to Daytop	Business Operations	65.00	-	
1/4/13	0.60		Review of residential staffing schedules and comparison of same to previous Debtor response	Business Operations	195.00	-	
1/5/13	2.50		Preliminary drafting of 4th interim PCO report	Business Operations	812.50	-	
1/6/13	1.20		continued preliminary drafting of 4th interim PCO report	Business Operations	390.00	-	
1/7/13		1.60	Travel to and from office to Far Rockaway	Travel	-	260.00	
1/7/13			Tolls				16.25
1/7/13			Mileage to and from office to Far Rockaway	Travel	-	-	36.08
1/7/13	1.60		Tour of Far Rockaway, interview of clients, staff, follow up on complaints	Business Operations	520.00	-	
1/7/13	0.60		received complaint by former employee of Daytop	Business Operations	195.00	-	
1/7/13	0.20		Review of Far Rockaway weekly reports to OASAS	Business Operations	65.00	-	
1/7/13	0.30		Review of Sullivan and Dutchess weekly reports to OASAS	Business Operations	97.50	-	
1/8/13		5.20	Travel to and from office to Swan Lake	Travel	-	845.00	
1/8/13			Mileage to and from office to Swan Lake	Travel	-	-	124.88
1/8/13			Tolls	Travel	-	-	23.50
1/8/13	2.00		Meeting at Swan Lake re: client complaint re: meeting with client and staff, follow up on same	Business Operations	650.00	-	
1/8/13			Taxi to and from hotel - Meeting with OASAS	Travel	-	-	40.00
1/8/13	1.00		Meeting with OASAS re: program structure, client complaints, employee complaints, follow up on same		325.00	-	
1/9/13	0.20		email to G. Bunt/P. Burns re: psychiatric consults	Business Operations	65.00	-	
1/9/13	0.10		email to T. Hernitche re: client complaints and incident follow up, follow up on same	Business Operations	32.50	-	
1/9/13			PACER charges - 3 months	Office Expense	-	-	242.20

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Billing Rate		\$325.00					
Travel Billing Rate		\$162.50					
	Billing	Travel		Billing	Billing	Travel	
Date	Hours	Hours	Description	Task	Amount	Amount	Expense
1/9/13		4.40	Travel from Albany to Rhinebeck to home	Travel	-	715.00	
1/9/13			Mileage from Albany to Rhinebeck to home	Travel	-	-	97.13
1/9/13			Tolls	Travel	-	-	10.00
1/9/13	2.50		Meeting with staff and clients re: follow up on accident/hospitalization, complaint, follow up on same	Business Operations	812.50	-	
1/9/13	0.20		follow up email on T. Hernitche re: client complaints	Business Operations	65.00	-	
1/9/13	0.20		follow up email to G. Bunt and S. Ohanesian re: client fall and remedial next steps, follow up on same	Business Operations	65.00	-	
1/10/13	0.10		review of Manor House incident report and email of same to Daytop	Business Operations	32.50	-	
1/10/13	0.10		review of Far Rockaway incident report and email on same to Daytop	Business Operations	32.50	-	
1/11/13		0.90	Travel to and from office to Daytop offices	Travel	-	146.25	
1/11/13			Taxi to and from office to Daytop offices	Travel	-	-	47.00
1/11/13	3.00		Preparation (.5), meeting with Daytop (2.5) re: update on medical services delivery, medication inventory control, influenza vaccine, staffing, complaints, follow up on same	Business Operations	975.00	-	
1/12/13	0.30		review of intake and follow up notes for discharged Far Rockaway client, email on same to Daytop, follow up on same	Business Operations	97.50	-	
1/13/13	0.10		Review of Meadow Run incident report	Business Operations	32.50	-	
1/14/13	0.20		review of Far Rockaway entry and re-entry weekly reports to OASAS	Business Operations	65.00	-	
1/14/13	0.30		Review of Sullivan and Dutchess weekly reports to OASAS	Business Operations	97.50	-	
1/15/13		1.30	To and from office to Far Rockaway	Travel	-	211.25	
1/15/13			Mileage to and from office to Far Rockaway	Travel	-	-	36.08
1/15/13			Tolls	Travel	-	-	18.00
1/15/13	2.50		Meeting with clients and staff, review of medical management protocols, drug distribution, follow up on same	Business Operations	812.50	-	
1/15/13	0.20		Review of medical case from Fox Run, follow by Daytop and email on same to Daytop and OASAS	Business Operations	65.00	-	
1/15/13	0.20		email to T. Hernitche re: client complaint, dismissal of nurse, complaint hotline, follow up on same	Business Operations	65.00	-	
1/16/13	0.20		email (5) between PCO and D. Meltzer re: setting up meeting re: admission process to Far Rockaway	Business Operations	65.00	-	
1/16/13	0.10		review of Meadow Run incident report and email on same to Daytop	Business Operations	32.50	-	
1/17/13	0.30		call with P. Burns re: medical staffing changes	Business Operations	97.50	-	
1/17/13	0.20		Review of Far Rockaway incident and email on same to Daytop	Business Operations	65.00	-	
1/18/13	0.70		call with Daytop re: changes in delivery of medical services, collaboration of providers, incident management, follow up on same	Business Operations	227.50	-	

			Daytop Village Foundation, Inc., et al				
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Billing Rate			\$325.00				
Travel Billing Rate			\$162.50				
	Billing	Travel		Billing	Billing	Travel	
<u>Date</u>	<u>Hours</u>	<u>Hours</u>	<u>Description</u>	<u>Task</u>	<u>Amount</u>	<u>Amount</u>	<u>Expense</u>
1/19/13	0.80		Review of physician and NP collaboration standards and Daytop compliance to same, email on same to Daytop	Business Operations	260.00	-	
1/20/13	5.00		continued preliminary drafting of 4th interim PCO report	Business Operations	1,625.00	-	
1/21/13	5.50		continued preliminary drafting of 4th interim PCO report	Business Operations	1,787.50	-	
1/22/13	0.10		review of Swan Lake incident report	Business Operations	32.50	-	
1/22/13	0.30		Review of weekly reports to OASAS - all residential sites	Business Operations	97.50	-	
1/23/13		5.80	To and from office to Swan Lake campus	Travel	-	942.50	
1/23/13			Mileage to and from office to Swan Lake and Umar Chodrhys, MD office	Travel	-	-	124.88
1/23/13			Tolls	Travel	-	-	20.50
1/23/13	2.50		Meet with clients and staff re: changes in medical services delivery, client related matter	Business Operations	812.50	-	
1/23/13	0.20		call with G. Bunt re: medication dispensing, Far Rockaway	Business Operations	65.00	-	
1/23/13	0.10		review of Meadow Run incident report and email on same to Daytop	Business Operations	32.50	-	
1/23/13	2.00		further edits to 4th interim PCO report	Business Operations	650.00	-	
1/24/13		0.90	To and from office to Daytop 35th street office	Travel	-	146.25	
1/24/13			Mileage	Travel	-	-	5.55
1/24/13			Parking	Travel	-	-	40.00
1/24/13	1.20		Meeting at 35th street re: admission process, follow up	Business Operations	390.00	-	
1/24/13	0.70		edits to 4th interim PCO report	Business Operations	227.50	-	
1/27/13	3.30		final edits - 4 interim PCO report	Business Operations	1,072.50	-	
1/28/13	0.20		Review of Meadow Run QA report	Business Operations	65.00	-	
1/28/13	0.60		call from client re: drug matter re: Far Rockaway and follow up on same with Daytop (5 emails)	Business Operations	195.00	-	
1/28/13	0.10		Review of Far Rockaway weekly reports to OASAS	Business Operations	32.50	-	
1/28/13	0.20		Review of Sullivan and Dutchess weekly reports to OASAS	Business Operations	65.00	-	
1/30/13	1.70		Prep (.6), detailed review of comments from Debtor re: 4th interim PCO report (1.1)	Business Operations	552.50	-	
1/30/13	0.10		Review of Fox Run incident report and email on same to Debtor	Business Operations	32.50	-	
1/31/13	4.50		Review of extensive comments for 4th interim PCO report, edits to report and review of same; emails between Debtor and PCO; calls with counsel regarding same	Business Operations	1,462.50	-	
1/31/13	0.40		Review of rotation schedule - all residential site	Business Operations	130.00	-	
Total	57.70	25.50			\$ 18,752.50	\$ 4,143.75	\$ 1,342.40

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Billing Rate		\$325.00					
Travel Billing Rate		\$162.50					
	Billing	Travel		Billing	Billing	Travel	
<u>Date</u>	<u>Hours</u>	<u>Hours</u>	<u>Description</u>	<u>Task</u>	<u>Amount</u>	<u>Amount</u>	<u>Expense</u>
<u>Billing Summary</u>							
	<u>Hours</u>	<u>Amount</u>					
Travel	25.5	\$4,143.75					
Professional	57.7	\$18,752.50					
Total		\$22,896.25					