

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:)	CHAPTER 11
)	
ENVISTACOM, LLC,)	CASE NO. 23-52696-jwc
)	
Debtor.)	
_____)	

**APPLICATION FOR APPROVAL TO EMPLOY ATTORNEYS
FOR OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

COMES NOW the Official Committee of Unsecured Creditors (the “Committee”) appointed and acting in the above-captioned case (the “Case”) of Envistacom, LLC (the “Debtor”), and respectfully applies for approval to employ attorneys pursuant to 11 U.S.C. §§ 327, 1102 and 1103 and Fed. R. Bankr. P. 2014, retroactive to June 6, 2023. The grounds for this Application are:

1.

On March 21, 2023 (the “Petition Date”), five of the Debtor’s unsecured creditors filed an involuntary bankruptcy petition against the Debtor [Dkt. No. 1] (the “Involuntary Petition”), thereby commencing an involuntary case against the Debtor. No interim trustee was appointed in the involuntary case pursuant to 11 U.S.C. § 303(g).

2.

On May 9, 2023, the Debtor filed the *Motion of Envistacom, L.L.C. for Entry of an Order Converting the Involuntary Case to Chapter 11 Pursuant to 11 U.S.C. § 706(a)* [Dkt. No. 40] (the “Motion to Convert”). On May 10, 2023, the Court entered the *Order for Relief on Involuntary Petition and Order Converting Involuntary Case to Chapter 11 Pursuant to 11 U.S.C. § 706(a)*

[Dkt. No. 41] (the “**Order for Relief**”), thereby converting the Case to a voluntary case under Chapter 11 of Title 11, United States Code (the “**Bankruptcy Code**”).

3.

On May 30, 2023, the Office of the United States Trustee for Region 21 (the “**U.S. Trustee**”) appointed the Committee pursuant to Section 1102 of the Bankruptcy Code [Dkt. No. 86]. No trustees or examiners have been appointed in the Case.

4.

In order to fulfill its duties, the Committee has determined that it needs to retain legal counsel in the Case, and has retained Scroggins & Williamson, P.C. (the “**Firm**”) for that purpose. Attorneys in the Firm are admitted to practice before this Court, are familiar with the Debtor’s legal and financial problems, have knowledge and experience in bankruptcy practice, and are well qualified to represent the Committee.

5.

In order to fulfill its duties during the Case, the Committee will require professional services from attorneys, including:

- a) Preparation of pleadings and applications;
- b) Conduct of examinations;
- c) Advising the Committee of its rights, duties and obligations;
- d) Consulting with the Committee and representing the Committee with respect to all matters in the Case, including cash collateral issues and confirmation of a Chapter 11 plan and/or the liquidation of the Debtor’s assets;
- e) Negotiation with the Debtor, the Debtor’s secured lender and other parties in interest in the Case;
- f) Appearing before the Court and any appellate courts to represent the interests of the Committee;
- g) Pursuit of litigation, when and if necessary;

- h) Claims analysis and objections to claims as needed;
- i) Performing legal services incidental and necessary to the above, including, but not limited to, institution and prosecution of necessary legal proceedings, and general business and corporate legal advice and assistance; and
- j) Taking any and all other action incidental to the proper preservation and administration of Debtor's estates.

6.

To the best of the Committee's knowledge: (a) the Firm represents no interests adverse to the Debtor's estate in the matters upon which the Firm is to be engaged for the Committee, other than as discussed below; (b) except as otherwise disclosed in the Declaration submitted herewith, the Firm has had no connection with the Debtor, its creditors or any party in interest, or their respective attorneys and accountants, (c) the Firm are disinterested persons under Bankruptcy Code Section 101(14) with regard to the matters upon which they are to be engaged, and (d) the Firm's appointment will be in the best interest of the Committee and the Debtors' estates.

7.

As the Court is aware, prior to the appointment of the Committee, the Firm represented MAG DS Corp. d/b/a MAG Aerospace ("MAG") in connection with the filing of the Involuntary Petition, defending a motion to dismiss the Involuntary Petition filed by the Debtor, and objecting to the motion filed by the Debtor seeking the interim use of cash collateral. After the Committee was appointed (with MAG now serving as chair of the Committee), the Committee elected to retain the Firm, and the Firm thereupon resigned from its representation of MAG. The Firm will not represent MAG in any matter related to the Case from the date of its retention by the Committee and going forward. It is the Committee's understanding that pursuant to Section 1103(b) of the Bankruptcy Code, the Firm's prior representation of MAG does not preclude its retention by the Committee.

8.

As noted above, the Committee was appointed on May 30, 2023, and thereafter met, elected a chair, and interviewed various counsel to determine who the Committee desired to retain. Ultimately, the decision to retain the Firm was made on June 6, 2023. The Firm then immediately began work representing the Committee, given the pace at which this Case is moving. Accordingly, the Committee believes it is appropriate for the Firm's retention to be retroactive to June 6, 2023.

9.

The Committee desires to employ the Firm at the Firm's ordinary rates for comparable work at this time, plus reasonable expenses, subject to review by the Court. The Firm has stated that its fee rates currently range from \$525.00 - \$595.00 per hour for attorneys and \$195.00 per hour for paralegals. However, for this matter, the Firm has agreed that it will not charge more than \$535.00 per hour for any attorney rendering services to the Committee for the rest of this calendar year. Rates may be adjusted from time-to-time.¹ The Committee anticipates that the Firm would seek reasonable compensation based upon the recognized factors. No compensation will be paid to the Firm except upon application to and approval by the Bankruptcy Court after notice and hearing as required by law.

10.

Attached hereto and incorporated herein by reference is the Declaration of a member of the Firm offered in support of this Application.

¹ The Firm generally, but not always, increases the hourly billing rate of attorneys and paraprofessionals on a yearly basis, generally at the beginning of the calendar year. The Firm will provide ten days' notice to the Debtor, the U.S. Trustee, and the Committee before implementing any periodic increases, and shall file such notice with the Court.

11.

The Committee will provide notice of the Application to: (a) the Office of the United States Trustee for the Northern District of Georgia; (b) counsel to The Northern Trust Company; (c) counsel to Action Capital Corporation; (d) counsel to Atlantic Diving Supply, Inc.; (e) the Internal Revenue Service; (f) the Georgia Department of Revenue; (g) the United States Attorney for the Northern District of Georgia; (h) the Attorney General for the State of Georgia; (i) the United States Department of Defense; and (j) all parties entitled to notice pursuant to Bankruptcy Rule 2002. No other or further notice is required.

WHEREFORE, the Committee prays that it be authorized to employ Scroggins & Williamson, P.C. retroactive to June 6, 2023, as its attorneys in this Chapter 11 Case.

This 20th day of June, 2023.

/s/ Nicholas Veasey
NICHOLAS VEASEY, in his capacity as
Representative of MAG DS Corp., Chair of the
Official Committee of Unsecured Creditors

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**DECLARATION OF J. ROBERT WILLIAMSON IN SUPPORT OF OFFICIAL
COMMITTEE OF UNSECURED CREDITORS' APPLICATION
FOR APPROVAL TO EMPLOY ATTORNEYS**

I, J. Robert Williamson, declare under penalty of perjury as follows:

1.

I am a member of the law firm of Scroggins & Williamson, P.C. (the “**Firm**”), and in that capacity I have personal knowledge of, and authority to speak on behalf of, the Firm with respect to the matters set out herein. This Declaration is offered in support of the *Application for Approval to Employ Attorneys for Official Committee of Unsecured Creditors* in the above-styled case (collectively, the “**Case**”) to employ the Firm as attorneys for the Official Committee of Unsecured Creditors (the “**Committee**”) appointed and acting in the Case (the “**Application**”), and the matters set out herein are true and correct to the best of my knowledge, information and belief.

2.

Attorneys in the Firm are admitted to practice before this Court, are familiar with the Debtor’s legal and financial problems, have extensive knowledge and experience in bankruptcy practice, and are well qualified to represent the Committee.

3.

The Firm intends to apply for compensation for professional services rendered on an hourly basis and reimbursement of expenses incurred in connection with the Chapter 11 Case, subject to the Court's approval and in compliance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Complex Case Procedures, and any other applicable procedures and orders of the Court. The Firm's fee rates currently range from \$525.00 - \$595.00 per hour for attorneys and \$195.00 per hour for paralegals. However, for this matter, the Firm has agreed that it will not charge more than \$535.00 per hour for any attorney rendering services to the Committee for the rest of this calendar year. Rates may be adjusted from time-to-time.¹ No compensation will be paid to the Firm except upon application to and approval by the Bankruptcy Court after notice and hearing as required by law.

4.

The 2023 hourly rates of the Firm's professionals currently performing, or expected to perform, material work in the Chapter 11 Case, are as follows:

Professional	Billing Rate for this Matter	2023 Standard Billing Rate
J. Robert Williamson	\$535.00	\$595.00
Matthew W. Levin	\$535.00	\$535.00
Ashley R. Ray	\$525.00	\$525.00
Lisa Forster	\$195.00	\$195.00

¹ The Firm generally, but not always, increases the hourly billing rate of attorneys and paraprofessionals on a yearly basis, generally at the beginning of the calendar year. The Firm will provide ten days' notice to the Debtor, the U.S. Trustee, and the Committee before implementing any periodic increases, and shall file such notice with the Court.

5.

To the best of my knowledge, neither the Firm nor I have or represent any interest adverse to the Debtor or its estate, or have any material connections with the Debtor, its creditors, any other party in interest or their respective attorneys or accountants, or the United States Trustee, or any person employed in the office of the United States Trustee, except as follows: Prior to the appointment of the Committee, the Firm represented MAG DS Corp. d/b/a MAG Aerospace (“**MAG**”) in connection with the filing of the Involuntary Petition, defending a motion to dismiss the Involuntary Petition filed by the Debtor, and objecting to the motion filed by the Debtor seeking the interim use of cash collateral. After the Committee was appointed (with MAG now serving as chair of the Committee), the Committee elected to retain the Firm, and the Firm thereupon resigned from its representation of MAG. The Firm will not represent MAG in any matter related to the Case from the date of its retention by the Committee and going forward. Pursuant to Section 1103(b) of the Bankruptcy Code, the Firm’s prior representation of MAG does not preclude its retention by the Committee. Accordingly, the Firm is disinterested, as that term is defined in 11 U.S.C. § 101(14).

6.

The Firm has no principals, associates or other professional employees who are related to any Judge of the United States Bankruptcy Court for the Northern District of Georgia.

7.

The Firm is not and was not a creditor, an equity security holder or an insider of Debtor.

8.

The Firm is not and was not within two years before the Petition Date, a director, officer or employee of Debtor or of an investment banker of Debtor.

9.

Neither the Firm nor I have agreed to share any compensation or reimbursement received in connection with this engagement with any other person or entity.

10.

Other attorneys of the Firm and I are duly admitted to practice law in the United States District Court for the Northern District of Georgia, among other United States Courts.

11.

The Firm will not expect nor receive any compensation from the estate except upon application to and approval by the Bankruptcy Court after notice and hearing.

This 20th day of June, 2023.

/s/ J. Robert Williamson
J. ROBERT WILLIAMSON

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§152 and 3571.

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023, I electronically filed the foregoing *Application for Approval to Employ Attorneys for Official Committee of Unsecured Creditors* with the Clerk of Court using the CM/ECF system which will automatically send an e-mail notification of such filing to the parties or attorneys of record in the above-captioned case. In addition, I hereby certify that on this date, copies of the foregoing were served upon the following parties via U.S. Mail:

Department of the Treasury – IRS 1111 Constitution Ave. NW Washington, DC 20224	Georgia State Attorney General 40 Capitol Sq. SW Atlanta, GA 30334
U.S. Attorney’s Office, N.D Ga. Richard B. Russell Federal Bldg. 75 Ted Turner Dr SW, Suite 600 Atlanta, GA 30303-3309	U.S. Dept. Of Defense Office of Secretary of Defense 1000 Defense Pentagon Washington, DC 20301-1000
Wooten LLC Attn: Dr. Michael E. Wooten 4245 Brittany Ct. Woodbridge, VA 22192	

This 20th day of June, 2023.

SCROGGINS & WILLIAMSON, P.C.

By: /s/ Matthew W. Levin
MATTHEW W. LEVIN
Georgia Bar No. 448270

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Atlanta, GA 30327
T: (404) 893-3880
F: (404) 893-3886
E: mlevin@swlawfirm.com

*Proposed Counsel for the Official Committee
of Unsecured Creditors*