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Possession, Atlantic Neurosurgical
Specialists, P.A. and ANS Newco LLC*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

**ATLANTIC NEUROSURGICAL
SPECIALISTS, P.A. *et al*,¹**

Debtors.

Chapter 11

Case No. 24-15726(VFP)

Jointly Administered

**REQUEST FOR FURTHER DISCLOSURE AND LIMITED OBJECTION TO
RETENTION OF FAEGRE DRINKER, BIDDLE & REATH LLP AS COUNSEL TO THE
OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

By way of request for further disclosure and limited objection to the retention of Faegre Drinker, Biddle & Reath LLP (Faegre Drinker) as counsel to the Official Committee of Unsecured Creditors, the Debtor through counsel, Greenbaum Rowe Smith & Davis LLP states.

1. On June 5, 2024 the debtors Atlantic Neurosurgical Specialists PA (ANSPA) and ANS Newco LLF (Newco) filed Chapter 11 bankruptcy petitions in this Court. ANSPA and Newco are sometimes collectively referred to as the ANS Debtors or ANS.

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are: Atlantic Neurosurgical Specialists, P.A., d/b/a Atlantic Neurosurgical and Altair Health (0733); ANS Newco, LLC, d/b/a Altair Health (7893); and Hanover Hills Surgery Center LLC, d/b/a Altair Health Surgical Center and Altair Health (8645).

2. On July 12, 2024 Hanover Hills Surgery Center LLC (Hanover Hills) filed a chapter 11 bankruptcy petition in this Court.

3. By orders of the court entered on June 14, 2024 (Doc # 32) and July 25, 2024 (Doc # 54) respectively the ANS Debtors and Hanover Hills cases were jointly administered.

4. On June 27, 2024 the United States Trustee appointed 5 members to the Committee of Unsecured Creditors.

5. On July 12, 2024 the Committee selected Faegre Drinker as its counsel.

6. On August 6, 2024 (Doc# 111) the United States Trustee appointed an additional member to the Committee, being Eastman Management Corp. (Eastman) Through its affiliate Hanover Hills Associates, Eastman is the landlord of premises leased to Hanover Hills.

7. On August 21, 2024 Faegre Drinker filed its Retention Application seeking a nunc pro tunc order to July 12, 2024 the day that the Committee selected Faegre Drinker as its counsel.

8. In its retention application Faegre Drinker discloses that it represents Key Bank in unrelated matters and that it has represented Argonaut Insurance Company but no longer does so. Debtor requests that Faegre Drinker provide additional disclosures as follows:

a. As to Key Bank- (i) the nature of the legal services provided i.e. transactional, bankruptcy, litigation (ii) the length of time for its representation (iii) the number of matters and nature of the matters in which Faegre Drinker currently represents Key Bank.

b. As to Argonaut Insurance Company- (i) the nature of legal services provided, (ii) the length of time for its representation, (iii) the percentage of annual revenues received by Faegre Drinker from Argonaut Insurance Company during the period

of its representation and (iv) without disclosing any confidential or attorney client communications, the date of termination of legal services and the reason that Faegre Drinker no longer represents Argonaut.

9. Faegre Drinker discloses that it will bill attorneys and paralegals working on these cases at its standard hourly rates as it does in other “complex cases”. This case is not a multinational \$100,000,000 case. Partners will be billed at \$1,075-\$1445. Associates will be billed at \$500 -\$800 and paralegals at \$490. Mr. Bernard and Mr. Velocci do not disclose their hourly rates. Nevertheless, they are both partners and based upon the disclosures it is presumed that they intend to be billing in the range of \$1075-\$1445/hr. The Debtors believe that the rates to be charged by Faegre Drinker are excessive for this case. This case involves a local New Jersey neurosurgical practice; not a Fortune 500 case. ANS Debtor’s counsel has agreed to reduce his hourly rates to \$550/hr. Counsel to Hanover Hills has agreed to a blended rate of \$650/hr. There is no reason for the Committee Counsel to charge significantly more than ANS Debtors’ counsel or counsel to Hanover Hills. Absent the agreement by Faegre Drinker to agree to a blended rate of \$650/hr, the Debtors object to the retention of Faegre Drinker as counsel to the Committee.

10. Debtor reserves the right to consider and file further objections and/or comments to the Faegre Drinker retention application and await the proposed Committee Counsel’s response to this requests for disclosure and limited objection.

For the foregoing reasons, the Debtors object to the retention of Faegre Drinker agree to a blended rate of no more than \$650/hr in this case.

Respectfully,
Greenbaum, Rowe, Smith & Davis LLP



By: _____
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Dated: August 28, 2024