

DISCLAIMER: Use of this form is not required. This form is intended for employment applications under Section 327(a). The form may need to be revised for employment applications under other sections. This form should NOT be used in any case subject to the United States Trustee's large case fee guidelines.

Every Chapter 11 case is unique. This form does not include all terms or conditions that may be appropriate and includes terms that may not apply. Counsel should use discretion in deciding what should be included in the pleading.

UNITED STATES BANKRUPTCY COURT
Southern District of Indiana

In re:)
)
[Name of Debtor(s)]) Case No.
)
Debtor(s))

APPLICATION TO EMPLOY [FIRM] AS [ROLE]
(AUTHORIZE USE OF INTERIM COMPENSATION PROCEDURE
PROVIDED FOR IN B-2014-1(b)(4)) AND NOTICE OF OBJECTION DEADLINE

[name of debtor(s)] ("Debtor(s)") hereby submit(s) an Application to Employ [firm] ("Firm") as [role] (, authorize interim compensation procedure provided for in B-2014-1(b)(4)), and states as follows:

1. The Debtor(s) filed a voluntary petition under Chapter 11 on [date of filing]. No trustee or examiner has been appointed in this case and the Debtor(s) continue(s) to operate a business as debtor-in-possession pursuant to 11 U.S.C. §§1107 and 1108.
2. The Debtor(s) will require [type of professional services], including but not limited to: [add short, general description of professional services to be rendered] ("Services").
3. The Debtor(s) selected the Firm because it has considerable experience in matters of this character and the Debtor(s) believe(s) that the Firm is well qualified to serve the Debtor(s) in this capacity. Prior to the filing of this case, the Firm has been engaged to represent the Debtor(s) pursuant to the engagement letter attached hereto as Exhibit "A". The Debtor(s) seek(s) approval of the Firm's employment as set forth in that engagement letter and pursuant to 11 U.S.C. §§327(a) and 328(a).
4. To the best of the Debtor(s) knowledge, and as disclosed by the Firm in the Affidavit of Disinterestedness in Support of Application to Employ, ("Affidavit") attached as Exhibit "B", the Firm does not hold or represent

any interest that is materially adverse to the interests of the Debtor(s) and the Firm and its partners and associates are “disinterested persons” as that term is defined in 11 U.S.C. §101(14).

5. As set forth in the Affidavit, the Firm may have previously represented, may currently represent, and may in the future represent, entities that are claimants of the Debtor(s) or other parties in interest in this case in matters that are unrelated to the Debtor(s) or this chapter 11 case. The Firm has not, and will not, represent any such party in relation to the Debtor(s) or this chapter 11 case. In the event the Firm discovers additional potential or actual conflicts of interest relating to this employment after the filing of this application, the Firm will promptly file and serve a supplemental affidavit or other verified statement disclosing the additional information, pursuant to L.R. B-2014-1(a).
6. The Debtor(s) request(s) the Firm be compensated on an (hourly/contingent fee) basis and be reimbursed for actual and necessary expenses incurred by the Firm and that all fees and expenses be paid as allowed by the court. *(If employment is on a contingency basis, state the percentage and the triggering event upon which the contingency fee will be paid)*. The expenses related to the Services to be provided to the Debtor(s) will be in accordance with the applicable guidelines established by the United States Trustee.
7. The names of the professionals currently working on or that will work on this case and their hourly rates are:

| Name | Position | Rate |
|------|----------|------|
| | | |
| | | |

8. The Debtor(s) believe(s) that the terms upon which it proposes to employ the Firm are usual and customary, that the rates are reasonable based upon the Firm’s capabilities and the market range for comparable services.
9. The Firm received a retainer of [amount] on [date]. After payment of fees and expenses incurred prior to the petition date, the Firm still holds [amount] in retainer.
10. *(if application seeks authorization of draw down procedure)* Pursuant to L.R. B-2014-1(b)(4), a statement of the Firm’s services and related charges will be provided to the Debtor(s) on a monthly basis. If the

Debtor(s) [has/ have] no objection(s) to the fees and charges, the Firm will file a "Notice of Draw" which sets forth the amount of the proposed draw with a copy of the monthly billing statement supporting the amount of the draw. The Notice of Draw will be distributed as set forth in L.R. B-2014-1(b)(4). If there is no objection, the Firm will be entitled to payment of 80% of the requested fees and 100% of the requested expenses, subject to final allowance by the court and without prejudice to the Firm periodically filing applications for allowance and payment of fees and expenses.

Or,

(if application does not seek authorization of draw down procedure) The Firm will seek authorization to use the interim compensation procedure provided for in B-2014-1(b)(4) by separate application.

NOTICE: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the motion, or if you want the court to consider your views on the motion, then the deadline for you or your attorney to file a written objection with the court explaining your position is **21 days** from the date of service. The date of service was [date].

If you were served by mail, your deadline for filing a written objection is extended three (3) additional days. Objections may be delivered by U.S. Mail, courier, overnight/express mail, or in person to the Clerk's office address shown below. If you mail your objection, you must mail it early enough so the court will receive it on or before the applicable deadline.

(select an appropriate address)

Indianapolis

116 U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204

Evansville and Terre Haute

352 Federal Bldg.
101 NW Martin Luther King Jr. Blvd.
Evansville, IN 47708

New Albany

110 U.S. Courthouse
121 West Spring Street
New Albany, IN 47150

You must also send a copy of your objection to:

(movant's attorney's name and address)

(names and addresses of others to be served)

If you or your attorney do not take these steps, the court may decide that you do not oppose the Court granting the relief requested.

WHEREFORE, the debtor(s) move(s) the court to enter an order granting the employment of [firm] and granting such other relief as appropriate.

(Typed name of Moving Party)
(required signature block)

(OR)

/s/

(Signature of Counsel for Party)
(required signature block)

CERTIFICATE OF SERVICE

(Certificates of Service forms are available on the Court's website under Rules & Forms > Local Forms > Motions & Related Notices/Certificates of Service/Orders)

Attach Exhibit A (Engagement Letter)

Attach Exhibit B (Affidavit)

Attach Statements Supporting Draw Amount