

DEFAULT O/E JAD

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

In re:

PITTSBURGH ATHLETIC ASSOCIATION,
*et al.*¹,
Debtors.

Jointly Administered at:
Bankruptcy No. 17-22222-JAD

Bankruptcy Nos:
17-22222-JAD, and
17-22223-JAD

PITTSBURGH ATHLETIC ASSOCIATION,

Chapter 11

Movant,

Related to Doc. No. 454

v.

No Respondents.

**ORDER AUTHORIZING EMPLOYMENT AND RETENTION OF FRED
PETERS AUCTIONEERS, LLC, AS AUCTIONEERS FOR THE DEBTORS
NUNC PRO TUNC TO DECEMBER 1, 2017**

Upon the Application by the Debtors Pursuant to 11 U.S.C. §§ 327(a), 328(a) and 329, Fed. R. Bankr. P. 2014(a) and 2016, and Local Rule 2016-1 for Authority to Employ and Retain Fred Peters Auctioneers, LLC, as Auctioneers for the Debtors *Nunc Pro Tunc* to December 1, 2017 (the “**Application**”²) and upon the declarations (the “**Declarations**”) of John Peters, LLC Member and Operations Director of Fred Peters Auctioneers, LLC (“FPA”), and James A. Sheehan, President of the Debtors, annexed to the Application as Exhibit “C” and Exhibit “D”; and the Court being satisfied, based on the representations made in the Application and the Declarations that FPA is “disinterested” as such term is defined in section 101(14) of the Bankruptcy Code, as modified by section 1107(b) of the Bankruptcy Code, and as required under sections 327(a) and 328(a) of the Bankruptcy Code, and that FPA

¹ The Debtors have the following cases pending Pittsburgh Athletic Association, Bankruptcy No. 17-22222-JAD and the Pittsburgh Athletic Association Land Company, Bankruptcy No. 17-22223-JAD, both cases are being jointly administered under Case No. 17-22222-JAD.

² Capitalized terms not otherwise herein defined shall have the meanings ascribed to such terms in the Application.

represents no interest adverse to the Debtors' estates with respect to the matters upon which it is to be engaged; and that the employment of FPA, as auctioneers is necessary and in the best interests of the Debtors, their estates and creditors, and all parties in interest; and the Court having jurisdiction to consider the Application and the relief requested therein in accordance with 28 U.S.C. §§ 157(a)-(b) and 1334(b); and consideration of the Application and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that adequate and sufficient notice of the Application having been given, and that no other or further notice need be given; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefore, it is

ORDERED the Application is GRANTED; and it is further

ORDERED, pursuant to sections 327(a) and 328(a) of the Bankruptcy Code, Bankruptcy Rules 2014(a) and 2016, and Local Rules 2016-1, the Debtors, as debtors in possession, are authorized to employ and retain FPA as auctioneers in these chapter 11 cases pursuant to the terms set forth in the Application and Engagement Letter *nunc pro tunc* to December 1, 2017; and it is further

ORDERED that FPA shall be compensated for such services and reimbursed for any related expenses in accordance with applicable provisions of the Engagement Letter, Bankruptcy Code, the Bankruptcy Rules, the Local Rules and any other applicable orders of this Court; and it is further


ORDERED that professional persons or entities performing services in the above case are advised that the approval of fees for professional services will be based not only on the amount involved and the results accomplished, but other factors as well, including: the time and labor reasonably required, the novelty and difficulty of the issues presented, the skill requisite to perform the service properly, the preclusion of other employment due to acceptance of this case, the customary fee, whether the fee is fixed or contingent, the time limitations imposed by the client or the circumstances, the experience, reputation and ability of the attorneys involved, the undesirability of the case, the nature and length of the professional relationship with the client, and it is further

ORDERED the approval of any application for appointment of professionals in which certain hourly rates/compensation terms are stated for various professionals is not an agreement by the Court to allow fees at the hourly rates or compensation terms. Final compensation, awarded only after notice and hearing, may be more or less than the requested hourly rates/compensation terms based on application of the above-mentioned factors in granting approval by Court Order; and it is further

ORDERED this Court shall retain jurisdiction with respect to all matters arising or related to the interpretation or implementation of this Order; and it is further

ORDERED Applicant shall serve the within Order on all interested parties and file a certificate of service.

Dated: January 24, 2018



JEFFERY A. DELLER
Chief U.S. Bankruptcy Judge

FILED
1/24/18 11:01 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA