



FILED & JUDGMENT ENTERED  
Steven T. Salata  
  
November 2 2017  
  
Clerk, U.S. Bankruptcy Court  
Western District of North Carolina

*Laura T Beyer*

Laura T. Beyer  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

In re  
  
BESTWALL LLC,<sup>1</sup>  
  
Debtor.

Chapter 11

Case No. 17-31795

**EX PARTE ORDER AUTHORIZING THE DEBTOR TO RETAIN AND  
EMPLOY SCHACHTER HARRIS LLP AS SPECIAL LITIGATION COUNSEL**

This matter coming before the Court on the *Ex Parte Application of the Debtor for an Order Authorizing It to Retain and Employ Schachter Harris as Special Litigation Counsel* (the "Application")<sup>2</sup>, filed by the above-captioned debtor and debtor in possession (the "Debtor"); the Court having reviewed the Application and the Harris Declaration, and having considered the statements of counsel and evidence adduced with respect to the Application; and the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to

<sup>1</sup> The last four digits of the Debtor's taxpayer identification number are 5815. The Debtor's address is 100 Peachtree Street, N.W., Atlanta, Georgia 30303.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Application or the exhibits thereto.

28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (iv) notice of the Application was sufficient under the circumstances and (v) Schachter Harris does not hold or represent any interest materially adverse to the Debtor's estate and is a "disinterested person," as defined in section 101(14) of the Bankruptcy Code; Schachter Harris does not represent or hold any interest adverse to the Debtor or the estate with respect to the matters for which it will be retained, as required by section 327(e) of the Bankruptcy Code; and the Court having determined that the legal and factual bases set forth in the Application, the Harris Declaration establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Application is GRANTED.
2. The Debtor is authorized to retain and employ Schachter Harris as special litigation counsel in this chapter 11 case, pursuant to section 327(e) of the Bankruptcy Code and Bankruptcy Rule 2014, on the terms and conditions set forth in the Application and the Engagement Letter, as of the Petition Date.
3. Schachter Harris shall be compensated for its services and reimbursed for any related expenses as set forth in the Application and the exhibits thereto, and in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules and any other applicable orders or procedures of this Court.
4. To the extent that this Order is inconsistent with the Engagement Letter, the terms of this Order shall govern.
5. Schachter Harris shall: (a) complete its reconciliation of prepetition fees and expenses actually incurred through November 1, 2017 no later than the filing of its first interim fee application in the Chapter 11 Case; (b) make a corresponding adjustment to the amount of the Retainer on or about that date, as described in the Application and the

exhibits thereto; and (c) disclose such adjustment in its first interim fee application. Subject to the foregoing adjustment, Schachter Harris is authorized to hold any remaining amount of the Retainer following such reconciliation in a trust account as security for the payment of postpetition fees and expenses.

6. Schachter Harris shall not apply any portion of the Retainer to fees and expenses incurred from and after the Petition Date unless and until authorized to do so by a further order of this Court. Upon the conclusion of Schachter Harris's representation of the Debtor (or as otherwise directed by this Court), Schachter Harris is authorized to apply the remaining portion of the Retainer, if any, against any unpaid fees or unreimbursed disbursements. Schachter Harris shall promptly return any unapplied portion of the Retainer to the Debtor.

7. This Order shall be immediately effective and enforceable upon its entry.

8. Pursuant to Local Bankruptcy Rule 9013-1(f), any party shall be entitled to request a hearing or request that the Court reconsider entry of this Order by filing a motion for reconsideration within 14 days of service of this Order.

9. The Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Order in accordance with the Application.

10. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation, interpretation or enforcement of this Order.

This Order has been signed electronically.  
The Judge's signature and Court's seal appear  
at the top of the Order.

United States Bankruptcy Court