

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

In re: Banowsky Brothers	)	
Furniture, Inc.	)	Case No. 18-CH11-XXXX
	)	
Debtor	)	Chapter 11
	)	

MOTION FOR IMMEDIATE AUTHORIZATION  
TO HIRE ATTORNEY FOR DEBTOR IN POSSESSION

Banowsky Brothers Furniture, Inc., Debtor-in-Possession (DIP), pursuant to 11 U.S.C. §327 and Bankruptcy Rules 2014 and 6003, hereby applies for immediate authorization to hire attorney Lisa M. Forsyth of the law firm Forsyth & Jones, in High Point, North Carolina (“Attorney”), to represent DIP in this Chapter 11 proceeding.

As established by the affidavit of Attorney attached in support of this motion, she has been licensed to practice law in North Carolina bar for 12 years, is experienced in handling commercial disputes and workouts, and has been involved in more than thirty Chapter 11 cases representing both creditors and debtors-in-possession. Attorney has been providing legal counsel to Banowsky Brothers Furniture, Inc. since May 10, 2018 and assisted that corporation in preparing and filing the Chapter 11 petition and supporting schedules filed in this court on June 6, 2018. For these reasons, DIP believes Attorney is the best qualified attorney to advise, counsel, and otherwise assist DIP in this Chapter 11 case. DIP believes such legal advice, counsel, and assistance will be essential to its successful reorganization under Chapter 11.

The professional services to be rendered to DIP by Attorney are:

- Continuing analysis of DIP’s financial condition
- Assisting DIP in preparation of all operating reports as DIP
- Advising DIP as to all motions, applications, and other filings that may be required or advisable for DIP to file in the case and assisting in the preparation and filing of same
- Advising DIP regarding how to respond to filings that may be made in the case by the U.S. Trustee, creditors, or other parties in interest, and assisting in the preparation and filing of any such responses
- Communicating with the U.S. Trustee, creditors, or other parties in interest on behalf of DIP in connection with any legal matter related to the Chapter 11 case

- Advising DIP with regard to the disclosure statement and plan of reorganization to be filed by DIP in the case and assisting in the preparation and filing of same
- Advising DIP with regard to any competing disclosure statement or plan of reorganization that may be filed in the case
- Representing DIP in all hearings before the bankruptcy court regarding issues that may arise in the Chapter 11 case
- Any and all other actions that may be reasonably necessary to assist DIP in its efforts to successfully reorganize under Chapter 11

The proposed arrangement for compensation between DIP and Attorney to represent DIP in this Chapter 11 case is:

- Hourly fee of \$300 to attorney Forsyth
- Hourly fee of \$175 to associate attorneys who perform work on the case
- Hourly fee of \$100 to paralegals who perform work on the case
- Reimbursement of out-of-pocket expenses incurred by attorney Forsyth or her firm in connection with the representation of DIP in the Chapter 11 case including filing fees, travel costs, postage and delivery charges, copy and reproduction costs including printing and binding, court reporters, and expert consultant fees.

All applications for payment of fees or reimbursement of expenses to Attorney or her firm will be subject to the court's review and approval.

To the best of the DIP's knowledge, Attorney has no conflict of interest with regard to any creditor or other party in interest or with any representative of any creditor or other party in interest that would prevent her from representing DIP in this case.

Pursuant to Bankruptcy Rule 6003, the DIP asks for authorization to immediately employ Attorney rather than waiting 21 days following the filing of the petition in order to avoid immediate and irreparable harm to DIP.

June 6, 2018

Banowsky Brothers Furniture,  
Inc., Debtor-in-Possession  
By: /s/ Charles A. Banowsky  
Charles A. Banowsky, President

CERTIFICATE OF SERVICE BY MAIL,  
HAND DELIVERY, OR ELECTRONIC FILING

I certify that the foregoing Application for Immediate Authorization to Hire Attorney to Represent Debtor-In-Possession was served upon the U.S. Trustee and other parties in interest by hand delivery or by first-class, postage prepaid United States Mail[names and addresses of each person or entity served omitted from illustration] and upon the following parties in interest by electronic mail [names of each person or entity served omitted from illustration] on this June 6, 2018.

/s/ Charles A. Banowsky  
Charles A. Banowsky

AFFIDAVIT

State of North Carolina    )  
  )  
County of Guilford         )

Lisa M. Forsyth states under oath as follows:

1. I am admitted to practice law in North Carolina. I was first admitted on May 5, 2006. My North Carolina Bar number is XXX-YYY. I am admitted to practice before the U.S. District Court of the Middle District of North Carolina.
  
2. I am an owner/member of the law firm Forsyth & Jones, PLLC located in High Point, North Carolina. The firm employs two owner/members, two associate attorneys, and two paralegals.
  
3. In my law practice, I have specialized in commercial disputes and workouts. I have also appeared before the U.S. Bankruptcy Court for the Middle District of North Carolina in approximately 30 Chapter 11 cases on behalf of creditors or debtor-in-possession. I have represented the debtor-in-possession in ten of those cases.
  
4. I was retained to represent Banowsky Brothers Furniture Inc., on May 10, 2018 and provided legal advice to that corporation regarding the advisability of filing a Chapter 11 petition. I assisted the corporation in the preparation of the Chapter 11 petition and supporting schedules that were filed on June 6, 2018.
  
5. Neither I nor any other lawyer in my firm have represented any creditor or other anticipated party in interest in this Chapter 11 case and I have no reason to believe that any conflict of interest exists that would disqualify me from representing the debtor-in-possession.
  
6. My standard hourly rate for representation of commercial debtors is \$300 per hour. I am the only owner/member of the firm who will work on this case. I anticipate that I may be assisted by either or both of the associate attorneys employed by our firm and by either or both of the paralegals employed by our firm. Associates of our firm are billed at \$175 per hour and paralegals at \$100 per hour. In my opinion, these hourly rates are within the range of standard and accepted hourly rates ordinarily charged by attorneys of similar experience

in our region and that such rates are reasonable.

FURTHER AFFIANT SAYETH NOT.

/s/ Lisa M. Forsyth

Lisa M. Forsyth  
Forsyth & Jones, PLLC  
Counsel for Banowsky Brothers  
Furniture, Inc.  
801 Court Ave.  
High Point, NC 27260  
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[lmforsyth@f&J.net](mailto:lmforsyth@f&J.net)  
Bar # NC XXX-YYY

Sworn to and subscribed before me, the undersigned notary, this 6<sup>th</sup> day of June, 2018.

/s/ Lara E. Stone      (SEAL)

Lara E. Stone

Notary public

My commission expires on September 20, 2022.