

2002 FEB 23 PM 2:05

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779-SA  
Chapter 11

Debtor.

**SUPPLEMENT TO FIRST INTERIM FEE APPLICATION  
OF MOUNCE, GREEN, MYERS, SAFI & GALATZAN, P.C.,  
ATTORNEYS FOR THE DEBTOR IN POSSESSION**

Mounce, Green, Myers, Safi & Galatzan, ("Mounce"), attorneys for Furr's Supermarkets, Inc., (the "Debtor"), submits this application for allowance and payment of compensation pursuant to Bankruptcy Code §§330, 331 and 503(b)(2) for work done from September 21, 2001, through January 8, 2002, (the "First Application Period"). In support of this fee application Mounce states:

1. First Fee Application. The Debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code on February 8, 2001, (the "Petition Date"). This is the first fee application filed by Mounce in this bankruptcy case. Mounce seeks compensation for the First Application Period.

2. Amount of Fees, Costs and Expenses. For the First Application Period, Mounce seeks allowance of compensation for services rendered by Mounce for Debtor, plus costs of \$6,032.23, consisting of \$5,848.50 for professional fees and \$183.73 for reimbursable costs and expenses, for the defense of Debtor in *Manuel Perez and Patricia Perez, Individually and as Parents and Next Friends and Administrators of the Estate of Victor Perez, Deceased, and as Legal Guardians of Destiny Perez, a Minor, Rosa Maria Soto, Individually and as Parent and Next Friend and Administratrix of the Estate of Cynthia Soto, Deceased and as Legal Guardians of Destiny Perez, a Minor v. Rafael Segura and Lilia Segura, Individually and as Parents and Next Friends of*

Wahl

*Rafael Segura, a Minor, Isabel Hinojosa, Emmanuel Sierra, Marlene Jimenez, Inocencio Rosales, Raymundo Renteria, and Furr's Supermarkets, Inc. d/b/a La Feria.* Cause No. 2001-2810, in the 34<sup>th</sup> Judicial District Court, El Paso County, Texas. As of March 1, 2002, Mounce had received payment from Debtor of \$0.00 for services and costs, leaving an unpaid balance of \$6,032.23. Total fees, costs and expenses Mounce charged the Debtor each month during the First Application Period are summarized on Exhibit "A" hereto. The billing rates, number of hours charged, and amount of fees that Mounce billed the Debtor for each attorney during the First Application Period are summarized on Exhibit "B" hereto.

3. Billing Statements, Itemization and Description of Services Rendered. Copies of the monthly billing statements Mounce rendered to the Debtor for services rendered during the First Application Period are attached to this supplement (together, the "Billing Statements"). The Billing Statements summarize all charges for professional services, reimbursable costs and expenses, and set forth the hourly rates for each attorney employed by Mounce who rendered services to Debtor for work during the First Application Period. The accounting of services, costs, and expenses as set out in the Billing Statements is true and correct to the best of Mounce's knowledge, information, and belief.

4. Customary Billing Rates and Other Charges. During the First Application Period, the billing rates Mounce charged for attorneys were charged at the attorneys' normal and customary billing rates in effect when Mounce commenced its representation of the Debtor. Mounce, in accordance with its customary billing practices, also charged for costs and expenses, and actual out-of-pocket expenses for other expenses such as postage and long distance telephone. Mounce did not charge for hand deliveries, secretarial overtime, or filing documents with the Clerk of the Court.

5. Debtor's Employment of Mounce. On November 8, 2001, the Debtor filed its application to employ Mounce as its attorneys in this case.

6. Services Rendered During the First Application Period were Actual and Necessary; Fees Charged are Reasonable. During the First Application Period Mounce performed legal services in the defense of this case for the Debtor as requested by the Debtor. The amount charged for fees is reasonable based on the nature, extent, and value of the services and the amount of time spent providing the services. The services rendered were actual and necessary.

7. General Description of Services Rendered. In general the services Mounce rendered for the Debtor during the First Application Period have included basic defense of Debtor in this wrongful death lawsuit filed in El Paso.

8. Other Factors. Mounce also supports this First Application with a discussion of various other factors, as follows:

(a) Expertise and experience in the defense of Furr's. Mark C. Walker played a substantial role in defense of Debtor in many prior cases.

(b) Method used to compute time charges. Mounce attorneys billed their time in one-tenth hour increments.

(c) Method used for determining hours to be actually billed for services and for making billing adjustments. Mounce attorneys and legal staff kept daily time records in the ordinary course of business, from which Mounce prepared the Billing Statements. Draft bills were adjusted downward from time to time before being rendered, based on perceived inefficiencies or for other reasons.

(d) Results Achieved and Benefit to the Estate. During the First Application Period, Mounce defended Debtor in the wrongful death suit.

9. Services Rendered Solely for the Debtor; No Fee Sharing Arrangement. Mounce performed all professional services for which Mounce seeks allowance and payment of compensation for the Debtor, and not on behalf of any creditor or any committee or other person. Mounce has not shared or agreed to share any compensation received or to be received by it for services rendered in or in connection with this case with any person except with employees of Mounce in the ordinary course of business.

10. Certification of Review by the Debtor. Mounce hereby certifies that the Debtor have received, reviewed and approved this First Fee Application.

**WHEREFORE,** Mounce respectfully requests that the Court allow compensation to Mounce for the First Application Period, as a priority, administrative expense, of \$6,032.23 consisting of \$5,848.50 for professional fees and \$183.73 for reimbursable costs and expenses, and authorize the Debtor to pay to Mounce the unpaid balance of the allowed compensation.

**MOUNCE, GREEN, MYERS,  
SAFI & GALATZAN**  
A Professional Corporation  
P. O. Box 1977  
El Paso, Texas 79950-1977  
Telephone: (915) 532-2000  
Facsimile: (915) 541-1548

By:   
Mark C. Walker  
Attorney for Defendant/Debtor

I hereby certify that a copy of the foregoing Fee Application was mailed to:

Mr. Ron Andazola  
Assistant U.S. Trustee  
P.O. Box 608  
Albuquerque, New Mexico 87103

### EXHIBIT "A"

The following summarizes the amount of fees and expenses billed by attorneys and legal assistants for Furr's Supermarkets, Inc., for the First Application Period (September 21, 2001 through March 1, 2002).

<b>Billing Period</b>	<b>Fees</b>	<b>Costs and Expenses</b>	<b>Total</b>
10/8/01	\$3,048.50	\$80.95	\$3,129.45
11/8/01	\$1,736.00	\$66.74	\$1,802.74
12/6/01	\$ 749.00	\$14.22	\$ 763.22
1/8/02	\$ 262.50	\$15.96	\$ 278.46
2/7/02	\$ 52.50	\$ 5.86	\$ 58.36

## EXHIBIT "B"

The following summarizes the billing rates, number of hours billed, and amount billed by each attorney and legal assistant employed by Furr's Supermarkets, Inc., for the First Application Period (September 21, 2001 through March 1, 2002).

<b>Attorney/Legal Assistant</b>	<b>Billing Rate</b>	<b>Hours Billed</b>	<b>Amount Billed</b>
Mark C. Walker	\$175.00	18.7	\$3,272.50
Clyde A. Pine	\$175.00	5.4	\$ 945.00
Olga Burkett (legal assistant)	\$ 70.00	23.3	\$1,631.00

MOUNCE, GREEN, MYERS,  
SAFI & GALATZAN

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 1977

EL PASO, TEXAS 79950-1977

FIN 74-2503802

(915) 532-2000

February 7, 2002

FURR'S SUPERMARKETS, INC.  
C/O MR. DAVID THUMA  
JACOBVITZ, THUMA & WALKER  
500 MARQUETTE NW, STE 650  
ALBUQUERQUE, NM 871020

6973- 426 MCW

SERVICES RENDERED REGARDING MANUEL PEREZ v. FURR'S INC dba  
LA FERIA

For Legal Services Rendered by Mark C. Walker:

1/08/02 MCW .30 Receipt and review of correspondence  
from Attorney Legate, prepare letter to  
David Thuma regarding trial, case  
status, defense.

MCW Partner .30 hours at \$175.00 \$52.50

TOTAL FEES \$52.50

COSTS AND EXPENSES

12/28/01 Long Distance Telephone Charges \$.40

THIS STATEMENT IS DUE AND PAYABLE UPON ITS RECEIPT.  
MAKE CHECK PAYABLE TO MOUNCE, GREEN, MYERS, SAFI & GALATZAN.  
PLEASE SHOW CLIENT MATTER NO. ON YOUR CHECK. THANK YOU

DETACH HERE AND RETURN WITH YOUR REMITTANCE

STATEMENT DATE

2/07/02

ACCOUNT NUMBER

6973- 426

PLEASE NOTE ANY  
ADDRESS AND/OR  
TELEPHONE NUMBER  
CHANGE BELOW.

AMOUNT OF  
YOUR CHECK

MAKE CHECK  
PAYABLE TO:

MOUNCE, GREEN, MYERS,  
SAFI & GALATZAN

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 1977

EL PASO, TEXAS 79950-1977

REMITTANCE COPY

1/07/02	505 269 6078 MCW Long Distance Telephone Charges	\$ .81
1/09/02	505 248 6544 OBUR Photocopies	\$ .10
1/09/02	MCW Outgoing Telecopier MCW	\$2.53
1/10/02	505 766 9287 Long Distance Telephone Charges	\$1.21
1/10/02	OBUR 505 248 6544 Long Distance Telephone Charges	\$ .81
	OBUR 505 771 0700	

TOTAL COSTS AND EXPENSES

\$5.86

CURRENT CHARGES

-----  
\$58.36

PRIOR STATEMENT(S) BALANCE

\$5,973.87

PAY THIS AMOUNT

-----  
\$6,032.23

STATEMENT OF ACCOUNT

10/08/01 Bill	3,129.45
11/08/01 Bill	1,802.74
12/06/01 Bill	763.22
1/08/02 Bill	278.46
2/07/02 Bill	58.36
	-----
	\$6,032.23

Any Payments Received After February 7, 2002  
Will Appear on Your Next Statement

MOUNCE, GREEN, MYERS,  
SAFI & GALATZAN

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 1977

EL PASO, TEXAS 79950-1977

FIN 74-2503802

(915) 532-2000

January 8, 2002

FURR'S SUPERMARKETS, INC.  
C/O MR. DAVID THUMA  
JACOBVITZ, THUMA & WALKER  
500 MARQUETTE NW, STE 650  
ALBUQUERQUE, NM 871020

6973- 426 MCW

SERVICES RENDERED REGARDING MANUEL PEREZ v. FURR'S INC dba  
LA FERIA

For Legal Services Rendered by Mark C. Walker:

12/12/01 MCW .30 Telephone conference with Attorney  
Legate regarding discovery hearing.  
12/13/01 MCW .30 Telephone conference with Attorney  
Legate regarding discovery disputes,  
motion to compel.  
- MCW .30 Prepare letter to Mr. Wollock regarding  
defense issues.

For Legal Services Rendered by Olga Burkett:

12/07/01 OLB .40 Review and analysis of correspondence

THIS STATEMENT IS DUE AND PAYABLE UPON ITS RECEIPT.  
MAKE CHECK PAYABLE TO MOUNCE, GREEN, MYERS, SAFI & GALATZAN.  
PLEASE SHOW CLIENT MATTER NO. ON YOUR CHECK. THANK YOU

DETACH HERE AND RETURN WITH YOUR REMITTANCE

STATEMENT DATE

1/08/02

ACCOUNT NUMBER

6973- 426

PLEASE NOTE ANY  
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AMOUNT OF  
YOUR CHECK

MOUNCE, GREEN, MYERS,  
SAFI & GALATZAN

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 1977

EL PASO, TEXAS 79950-1977

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PAYABLE TO

REMITTANCE COPY

received from Elaine S. Hengen Assistant City Attorney, to determine the validity of her refusal to provide us with a certified copy of the accident report on this case.

OLB .40 Telephone conference with Elaine S. Hengen, Assistant City Attorney, Concerning our need for a certified copy of the accident report and the content of her letter to us.

OLB .40 Drafted a subsequent letter to the El Paso Police Department concerning the need to obtain a certified copy of the accident report in this case.

12/19/01 OLB .30 Telephone conference with Cindy at the El Paso Police Department regarding a certified copy of the police report which we need.

MCW Partner	.90	hours at	\$175.00	\$157.50
OLB Paralegal	1.50	hours at	\$70.00	\$105.00

TOTAL FEES

\$262.50

COSTS AND EXPENSES

12/07/01	Photocopies		\$ .10
	MCW		
12/07/01	Outgoing Telecopier	MCW	\$2.53
	505 766 9287		
12/10/01	Photocopies		\$ .10
	MCW		
12/13/01	Long Distance Telephone Charges		\$ .40
	505 761 0811	MCW	
12/14/01	Long Distance Telephone Charges		\$ .40
	505 988 3877	MHER	
12/14/01	Long Distance Telephone Charges		\$ .40
	505 998 3877	MHER	
12/14/01	Outgoing Telecopier	MCW	\$2.53
	505 766 9287		
12/17/01	Long Distance Telephone Charges		\$ .40
	505 766 9272	MCW	
12/18/01	Photocopies		\$ .10

12/20/01	MCW Petty Cash	\$8.00
12/27/01	Copy Police Report MCW Photocopies	\$.80
12/27/01	MCW Photocopies	\$.20
	MCW	

TOTAL COSTS AND EXPENSES

\$15.96

CURRENT CHARGES

-----  
\$278.46

PRIOR STATEMENT(S) BALANCE

\$5,695.41

PAY THIS AMOUNT

-----  
\$5,973.87

STATEMENT OF ACCOUNT

10/08/01	Bill	3,129.45
11/08/01	Bill	1,802.74
12/06/01	Bill	763.22
1/08/02	Bill	278.46
		-----
		\$5,973.87

Any Payments Received After January 8, 2002  
Will Appear on Your Next Statement

MOUNCE, GREEN, MYER  
SAFI & GALATZAN

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
P.O. BOX 1977  
EL PASO, TEXAS 79950-1977

FIN 74-2503802

(915) 532-2000

December 6, 2001

FURR'S SUPERMARKETS, INC.  
C/O MR. DAVID THUMA  
JACOBVITZ, THUMA & WALKER  
500 MARQUETTE NW, STE 650  
ALBUQUERQUE, NM 871020

6973- 426 MCW

SERVICES RENDERED REGARDING MANUEL PEREZ v. FURR'S INC dba  
LA FERIA

For Legal Services Rendered by Mark C. Walker:

11/03/01 MCW	.40	Review and analyze plaintiffs' first amended petition, letter to Thuma regarding same.
MCW	2.40	Begin drafting motion for summary judgment based on lack of control, and research cases in support.
11/15/01 MCW	.30	Telephone conference with and letter to Legate regarding discovery extension.
11/19/01 MCW	.30	Telephone conference with David Thuma regarding case status, motion for summary judgment, pleadings.
11/23/01 MCW	.30	Receipt and review of correspondence

THIS STATEMENT IS DUE AND PAYABLE UPON ITS RECEIPT.  
MAKE CHECK PAYABLE TO MOUNCE, GREEN, MYERS, SAFI & GALATZAN.  
PLEASE SHOW CLIENT MATTER NO. ON YOUR CHECK. THANK YOU

DETACH HERE AND RETURN WITH YOUR REMITTANCE

STATEMENT DATE
12/06/01

ACCOUNT NUMBER
6973- 426

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AMOUNT OF YOUR CHECK

MOUNCE. GREEN. MYERS.

MAKE CHECK

11/28/01 MCW .30 from Attorney Legate regarding motion to compel, hearing, prepare letter in response.  
 Telephone conference with and letter to Attorney Legate regarding discovery extension.

For Legal Services Rendered by Olga Burkett:

11/05/01 OLB .40 Numerous telephone conference with Sam Legate's office concerning our special exceptions hearing.  
 OLB .30 Telephone conference with Pam at the 34th Judicial Court concerning the special exceptions hearing.

MCW Partner 4.00 hours at \$175.00 \$700.00  
 OLB Paralegal .70 hours at \$70.00 \$49.00

TOTAL FEES \$749.00

COSTS AND EXPENSES

10/25/01 Outgoing Telecopier MCW \$1.00  
 544 7529

10/26/01 Outgoing Telecopier MCW \$1.00  
 544 7529

11/08/01 Outgoing Telecopier MCW \$2.53  
 505 766 9287

11/10/01 Photocopies \$1.50  
 MCW

11/10/01 Photocopies \$3.30  
 MCW

11/10/01 Photocopies \$.10  
 MCW

11/12/01 Mileage to 911 Raynor (yd) MCW \$2.38  
 7 @ .34

11/15/01 Long Distance Telephone Charges \$.81  
 505 766 9272 MCW

11/27/01 Photocopies \$1.60  
 MCW

TOTAL COSTS AND EXPENSES	\$14.22
CURRENT CHARGES	----- \$763.22
PRIOR STATEMENT(S) BALANCE	\$4,932.19
PAY THIS AMOUNT	----- \$5,695.41

STATEMENT OF ACCOUNT

10/08/01 Bill	3,129.45
11/08/01 Bill	1,802.74
12/06/01 Bill	763.22
	-----
	\$5,695.41

Any Payments Received After December 6, 2001  
Will Appear on Your Next Statement

MOUNCE, GREEN, MYERS,  
SAFI & GALATZAN

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
P.O. BOX 1977  
EL PASO, TEXAS 79950-1977

FIN 74-2503802

(915) 532-2000

November 8, 2001

FURR'S SUPERMARKETS, INC.  
C/O MR. DAVID THUMA  
JACOBVITZ, THUMA & WALKER  
500 MARQUETTE NW, STE 650  
ALBUQUERQUE, NM 871020

6973- 426 MCW

SERVICES RENDERED REGARDING MANUEL PEREZ v. FURR'S INC dba  
LA FERIA

For Legal Services Rendered by Mark C. Walker:

10/01/01	MCW	.30	Prepare letter to court regarding special exceptions hearing.
	MCW	.20	Prepare order setting hearing.
10/02/01	MCW	.40	Receipt and review of police report, prepare letter to Mr. Thuma regarding same.
10/07/01	MCW	.30	Prepare letter to David Thuma regarding lease, maintenance, control of premises.
10/10/01	MCW	.50	Review and revise FSI's responses to requests for disclosure, interrogatories, requests for production.

THIS STATEMENT IS DUE AND PAYABLE UPON ITS RECEIPT.  
MAKE CHECK PAYABLE TO MOUNCE, GREEN, MYERS, SAFI & GALATZAN.  
PLEASE SHOW CLIENT MATTER NO. ON YOUR CHECK. THANK YOU

DETACH HERE AND RETURN WITH YOUR REMITTANCE

STATEMENT DATE
11/08/01

ACCOUNT NUMBER
6973- 426

PLEASE NOTE ANY  
ADDRESS AND/OR  
TELEPHONE NUMBER  
CHANGE BELOW.

AMOUNT OF YOUR CHECK

MAKE CHECK

MOUNCE, GREEN, MYERS.

	MCW	.30	Prepare letter to Legate regarding same.
	MCW	.30	Prepare letter to David Thuma regarding same, current investigation.
10/18/01	MCW	.30	Receipt and review of order setting hearing, prepare letter to Attorney Legate regarding same.
10/23/01	MCW	.20	Review and analyze plaintiffs' motion to compel, with correspondence from Legate.
	MCW	.30	Prepare letter to Legate in response.
10/26/01	MCW	.30	Telephone conference with Attorney Legate regarding incident, facts, store.
10/31/01	MCW	.20	Prepare letter to Legate regarding discovery extension.

For Legal Services Rendered by Olga Burkett:

10/01/01	OLB	.60	Reviewed and analyzed the accident report and supplemental reports received from the City of El Paso.
	OLB	1.20	Updated the witness index with the new information received in the accident report from the City of El Paso.
10/03/01	OLB	.40	Telephone conference with Terry Wallock at FSI in Albuquerque concerning the identity of store employees on the date of this loss.
	OLB	2.80	Drafted Defendant's Responses to Plaintiff's Request for Discovery.
	OLB	1.50	Drafted Defendant's Responses to Plaintiff's Request for Production.
10/04/01	OLB	2.90	Drafted Defendant's Answers to Plaintiff's Interrogatories.
	OLB	.50	Updated the discovery index.
	OLB	.80	Updated the witness index.
10/08/01	OLB	.30	Telephone conference with Sam Legate's office concerning the identity of the store in question alleged by the Plaintiff.
10/09/01	OLB	.90	Reviewed and analyzed all discovery requests sent to the Plaintiffs and other Defendant's in this case to determine whether we specifically

requested the identification of the Furr's store in question.  
 10/10/01 OLB .70 Reviewed and analyzed the incident reports we obtained from the El Paso Police Department.  
 OLB .60 Drafted additional Answers to Plaintiff's Interrogatories.  
 OLB .60 Drafted additional Responses to Plaintiff's Request for Production.  
 OLB 1.20 Drafted additional Responses to Plaintiff's Request for Disclosure.  
 10/15/01 OLB .50 Reviewed and analyzed the information received from the Office of the Attorney General concerning our open records request.  
 10/16/01 OLB .30 Telephone conference with Dolores at James Scherr's office concerning the discovery documents sent to Plaintiffs.

MCW Partner 3.60 hours at \$175.00 \$630.00  
 OLB Paralegal 15.80 hours at \$70.00 \$1,106.00

TOTAL FEES \$1,736.00

COSTS AND EXPENSES

10/03/01 Photocopies \$2.00  
 MCW  
 10/03/01 Photocopies \$.40  
 MCW  
 10/03/01 Photocopies \$41.30  
 MCW  
 10/03/01 Long Distance Telephone Charges \$.81  
 505 761 0811 OBUR  
 10/05/01 Long Distance Telephone Charges \$1.21  
 505 243 7848 VROS  
 10/05/01 Long Distance Telephone Charges \$.81  
 505 472 3888 VROS  
 10/08/01 Photocopies \$.50  
 MCW  
 10/08/01 Long Distance Telephone Charges \$.81  
 505 761 0811 OBUR  
 10/10/01 Photocopies \$.10

10/10/01	MCW Photocopies	\$8.80
10/10/01	MCW Mileage to 911 Raynor (im) olga 10 @ .34	\$3.40
10/10/01	El Paso Police Department Police Report MCW	\$1.50
10/11/01	Photocopies MCW	\$2.40
10/11/01	Photocopies MCW	\$.40
10/11/01	Outgoing Telecopier MCW 544 7529	\$1.00
10/15/01	Photocopies MCW	\$.40
10/26/01	Photocopies MCW	\$.50
10/26/01	Photocopies MCW	\$.30
10/26/01	Photocopies MCW	\$.10

TOTAL COSTS AND EXPENSES

\$66.74

CURRENT CHARGES

-----  
\$1,802.74

PRIOR STATEMENT(S) BALANCE

\$3,129.45

PAY THIS AMOUNT

-----  
\$4,932.19

STATEMENT OF ACCOUNT

10/08/01	Bill	3,129.45
11/08/01	Bill	1,802.74
		-----
		\$4,932.19

Any Payments Received After November 8, 2001  
Will Appear on Your Next Statement

MOUNCE, GREEN, MYERS  
SAFI & GALATZAN

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 1977

EL PASO, TEXAS 79950-1977

FIN 74-2503802

(915) 532-2000

October 8, 2001

FURR'S SUPERMARKETS, INC.  
C/O MR. DAVID THUMA  
JACOBVITZ, THUMA & WALKER  
500 MARQUETTE NW, STE 650  
ALBUQUERQUE, NM 871020

6973- 426 MCW

SERVICES RENDERED REGARDING MANUEL PEREZ v. FURR'S INC dba  
LA FERIA

For Legal Services Rendered by Clyde A. Pine:

9/21/01 CAP .40 Review original petition in state court  
case.  
CAP .70 Research on proper for for filing notice  
of removal in light of out-of-district  
bankruptcy case and bankruptcy local  
rule.  
CAP .80 Research on "related to" jurisdiction  
issues and other jurisdictional and  
removal issues in light of matters at  
hand.  
CAP 1.90 Begin to prepare drafts of notice of  
removal, notice of notice of removal,

THIS STATEMENT IS DUE AND PAYABLE UPON ITS RECEIPT.  
MAKE CHECK PAYABLE TO MOUNCE, GREEN, MYERS, SAFI & GALATZAN.  
PLEASE SHOW CLIENT MATTER NO. ON YOUR CHECK. THANK YOU

DETACH HERE AND RETURN WITH YOUR REMITTANCE

STATEMENT DATE

10/08/01

ACCOUNT NUMBER

6973- 426

PLEASE NOTE ANY  
ADDRESS AND/OR  
TELEPHONE NUMBER  
CHANGE BELOW.

AMOUNT OF  
YOUR CHECK

MAKE CHECK  
PAYABLE TO

MOUNCE, GREEN, MYERS,  
SAFI & GALATZAN

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 1977

EL PASO, TEXAS 79950-1977

REMITTANCE COPY

and civil cover sheet with supplement for district court.  
 9/24/01 CAP 1.30 Complete drafts of notice of removal, notice of notice of removal, and civil cover sheet with supplement.  
 CAP .30 Research on automatic stay issues.

For Legal Services Rendered by Mark C. Walker:

9/21/01 MCW .30 Correspondence with David Therma regarding defense, pleadings, investigation.

MCW 1.30 Prepare answer subject to notice of

removal.  
 MCW .40 Prepare requests for disclosure to Mr. and Mrs. Perez.  
 MCW .40 Prepare requests for disclosure to Ms. Soto.  
 MCW 1.50 Prepare interrogatories, requests for disclosure, Requests for Admission to Perez, individually.  
 MCW 1.30 Prepare interrogatories, requests for production. Requests for Admission to Perez, as next friend of Destiny Perez.  
 MCW 1.30 Prepare interrogatories, requests for production, Requests for Admission to Soto, for estate of Cynthia Soto.  
 MCW 1.30 Prepare interrogatories, requests for production, Requests for Admission to estate of Perez.  
 9/22/01 MCW 1.00 Review interrogatories, requests for production, rd, to FSI from plaintiffs, prepare objections and preliminary responses.  
 MCW .30 Prepare letter to Mr. Wollock regarding defense pleadings, litigation plan.  
 MCW .20 Prepare letter to Attorney Legate regarding pleadings, discovery.

MCW .20 Prepare letter to Mr. Wollock regarding same.

For Legal Services Rendered by Olga Burkett:

9/21/01 OLB 1.60 Reviewed and analyzed the documents obtained from the district clerk's file and compared to the docket sheet to determine whether we are lacking any pleadings or discovery and to determine what documents were filed.

          OLB .80 Did a search through the district clerk's files to obtain those documents we were lacking from this file.

9/26/01 OLB .30 Drafted a letter to Elaine Hengen at the City Attorney's office concerning the accident report requested, the transmittal of our check, and the request for a copy of the videotape the police department has.

          OLB .30 Drafted a letter for the El Paso Police Department requesting copies of incident or activity reports for two years prior to this accident at the FSI location.

          OLB .80 Prepared a witness index with the limited information we have thusfar.

          OLB .40 Updated the discovery and pleadings indexes.

          OLB .50 Numerous telephone conferences with Terry Wallock at FSI in Alburquerque to obtain information on the store in question-store director, list of employees, lease for premises, etc.

          OLB .60 Drafted a memorandum for the file concerning the status on the investigation of this case.

CAP Shareholder	5.40	hours at	\$175.00	\$945.00
MCW Shareholder	9.90	hours at	\$175.00	\$1,732.50
OLB Paralegal	5.30	hours at	\$70.00	\$371.00

## TOTAL FEES

\$3,048.50

## COSTS AND EXPENSES

9/06/01	Long Distance Telephone Charges	\$ .40
	505 857 6400 OBUR	
9/13/01	Long Distance Telephone Charges	\$1.62
	505 761 0811 MCW	
9/21/01	Photocopies	\$ .30
	MCW	
9/21/01	Long Distance Telephone Charges	\$ .81
	505 761 0811 MCW	
9/21/01	Long Distance Telephone Charges	\$ .81
	505 766 9272 MCW	
9/24/01	Photocopies	\$13.80
	MCW	
9/24/01	Photocopies	\$4.80
	MCW	
9/24/01	Photocopies	\$ .10
	MCW	
9/24/01	Photocopies	\$4.00
	MCW	
9/24/01	Long Distance Telephone Charges	\$1.21
	505 761 0811 VROS	
9/24/01	Long Distance Telephone Charges	\$ .40
	505 761 0884 VROS	
9/24/01	Certified Mail MCW	\$4.17
	70001 0360 0000 2062 5730	
9/24/01	Certified Mail MCW	\$4.17
	70001 0360 0000 2062 5747	
9/26/01	Photocopies	\$ .30
	MCW	
9/26/01	Photocopies	\$ .10
	MCW	
9/26/01	Long Distance Telephone Charges	\$ .40
	505 944 2749 OBUR	
9/26/01	Long Distance Telephone Charges	\$ .81
	505 761 0811 OBUR	
9/26/01	Long Distance Telephone Charges	\$2.02
	505 761 0811 OBUR	
9/26/01	City of El Paso	\$6.98
	Copy of Accident Report MCW	

9/27/01 District Clerk	\$30.00
Jury Request MCW	
9/28/01 Petty Cash	\$3.75
Copy Citations & Orders MCW	

TOTAL COSTS AND EXPENSES

\$80.95

CURRENT CHARGES

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\$3,129.45

PAY THIS AMOUNT

\$3,129.45

Any Payments Received After October 8, 2001  
Will Appear on Your Next Statement