

D.N.J. LBR 2016-3. Application for Interim Compensation and Reimbursement of Expenses in a Chapter 11 Case; Monthly Fee Statement

(a) Motion for authority. A debtor seeking authorization for allowance of compensation of professional persons on a monthly basis must file a motion for an administrative fee order. The debtor must serve a copy of the order on all parties served with the motion; all affected professional persons; and all parties listed in subdivision (b)(1).

(b) Monthly fee statement.

(1) Not later than the 25th day of the month following the month for which compensation is sought, a professional person seeking compensation under an administrative fee order must file and serve, by electronic transmission, hand delivery, or overnight delivery, or by any means directed by the court, a monthly fee and expense statement on the following parties:

(A) the officer designated by the debtor as responsible for such matters;

(B) the debtor;

(C) any official committee;

(D) the United States trustee;

(E) any secured creditor;

(F) any post-petition lender;

(G) any party requesting notice of all proceedings; and

(H) any other party designated by the court.

(2) A monthly fee statement must comply with Local Bankruptcy Rule [2016-1\(a\)](#).

(c) Objection. An objection to a monthly fee statement must be filed and served on the professional person and the parties listed in subdivision (b)(1) not later than 14 days after service of the statement. The objection must set forth the nature of the objection and the amount of fees and expenses at issue. Grounds for objection include: (i) the debtor's failure to timely file monthly operation reports; and (ii) the debtor's failure to remain current with administrative expenses and fees under 28 U.S.C. § 1930.

(d) Payment.

(1) On the expiration of the objection deadline under subdivision (c), a professional person may file and serve on the parties listed in subdivision (b)(1) Local Form *Certification of No Objection* or *Certification of Partial Objection*, and then receive 80% of the fees and 100% of the expenses not subject to an objection. The professional person may seek authorization as part of the next interim or final fee application to receive the remaining 20% of fees not subject to an objection.

(2) If the parties resolve an objection and if the professional person files and serves on the parties listed in subdivision (b)(1) a statement indicating that the objection is withdrawn and describing the terms of the resolution, the debtor may pay in accordance with subdivision (d)(1) that portion of the monthly fee statement which is no longer subject to an objection.

(3) If the parties are unable to reach a resolution of the objection not later than 14 days after the deadline for filing an objection under subdivision (c), the professional person may either (i) file a response to the objection together with a request for payment of the fees and expenses to which the objection applies; or (ii) forgo payment of those fees and expenses until the next interim or final fee application or another date directed by the court.

(e) Fee application.

(1) A professional person who has received monthly payments under an administrative fee order must, at four month intervals or such other intervals directed by the court, file and serve on the parties listed in subdivision (b)(1) an interim application under § 331 of the Code for allowance of the compensation and reimbursement of the expenses sought in the monthly statements issued during the applicable period.

(2) The interim fee application must include a summary of the monthly fee statements that are the subject of the request and any other information requested by the court.

2015 Comment

The text of this Rule was formerly part of the Appendix to Local Bankruptcy Rule 2016-1(h), which incorporated the Guidelines Governing Procedures for Payment of Interim Compensation and Reimbursement of Expenses to Professionals in Chapter 11 Cases.