

1 SCOTT B. COHEN, SBA #014377  
2 PATRICK A. CLISHAM, SBA #023154  
3 **ENGELMAN BERGER, P.C.**  
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6 Proposed Attorneys for the Official  
7 Committee of Unsecured Creditors

8 **IN THE UNITED STATES BANKRUPTCY COURT**  
9 **FOR THE DISTRICT OF ARIZONA**

10 In re  
11 ARA MACAO HOLDINGS, L.P.,  
12 Debtor.

Proceedings Under Chapter 11  
Case No. 3:18-bk-03615-PS

13  
14 **VERIFIED STATEMENT OF PATRICK A. CLISHAM**

15 STATE OF ARIZONA )  
16 ) ss.  
16 County of Maricopa )

17  
18 PATRICK A. CLISHAM, being first duly sworn upon his oath, deposes and states:

19 1. I am an attorney licensed to practice law in the State of Arizona, and execute  
20 this Affidavit on behalf of Engelman Berger, P.C. (“EB Firm”).

21 2. I make this Affidavit in support of the “*Application of the Official Committee of*  
22 *Unsecured Creditors (“Committee”) for Order Approving Employment of Engelman Berger,*  
23 *P.C. as Counsel for the Committee and Rule 2014 Statement of Counsel*” (“Application”)  
24 filed with the Court on June 28, 2018.

25 3. The EB Firm discloses the following limited connections it may have to the  
26 Debtor, the Committee, and any other parties in interest:  
27

1           • The EB Firm represented the petitioning creditors that initiated this  
2 proceeding by filing an involuntary petition against the Debtor (the “Petitioning Creditors”)  
3 and prosecuted the motion that led to the appointment of a chapter 11 trustee on behalf of the  
4 Petitioning Creditors. Certain of the Petitioning Creditors now serve on the Committee.  
5 Since the involuntary petition and trustee motion are now resolved, the EB Firm’s  
6 representation of the Petitioning Creditors has completed.

7           • The Petitioning Creditors intend to apply to this Court to seek recovery  
8 of their fees and costs incurred in the prosecution of the involuntary petition and trustee  
9 motion for the benefit of the estate. In order to ensure that there are no outstanding matters  
10 which would preclude the EB Firm from representing the Committee going forward, the  
11 Petitioning Creditors will engage separate counsel to prosecute such an application.

12           4. The EB Firm believes that the above connections do not preclude it from  
13 representing the Committee in the above-captioned bankruptcy case.

14           5. Accordingly, the EB Firm is a “disinterested person” within the meaning of  
15 Bankruptcy Code § 101(14), and its employment would be in the best interest of the  
16 Committee.

17           6. The EB Firm will render services to the Committee at the EB Firm’s agreed  
18 hourly rates, which may be subject to adjustment from time to time, plus costs. The current  
19 agreed hourly rates of the EB Firm for this matter are:

Scott B. Cohen	\$400
Patrick A. Clisham	\$400
Other Firm Partners	\$360-\$600
Firm Associates	\$225-\$350
Firm Paralegals	\$195

20  
21  
22  
23           7. The EB Firm understands that its compensation in this case is subject to Court  
24 approval. In conformity with Sections 330 and 331 of the Bankruptcy Code, the EB Firm  
25 intends to file interim applications for allowance of fees and reimbursement of costs advanced  
26 as and when appropriate. At the end of the EB Firm’s representation of the Committee, the  
27



## Other:

[3:18-bk-03615-PS Ara Macao Holdings, L.P.](#)

Type: bk

Chapter: 11 i

Office: 3 (Prescott)

Judge: PS

### U.S. Bankruptcy Court

#### District of Arizona

#### Notice of Electronic Filing

The following transaction was received from PATRICK A CLISHAM entered on 6/28/2018 at 3:07 PM AZ and filed on 6/28/2018

**Case Name:** Ara Macao Holdings, L.P.

**Case Number:** [3:18-bk-03615-PS](#)

**Document Number:** [118](#)

#### Docket Text:

Verified Statement of Professional FRBP 2014 *Verified Statement of Patrick A. Clisham* filed by PATRICK A CLISHAM of ENGELMAN BERGER PC on behalf of OFFICIAL COMMITTEE OF UNSECURED CREDITORS. (related document(s)[117] Application to Employ) (CLISHAM, PATRICK)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**00874697.PDF

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=875559564 [Date=6/28/2018] [FileNumber=41970528-0] [6c2c4475d007528e635d457d5a2e8d3f19952ea255e59f02bb7b420c88ce5f07e8c2994c123b45107ca1246cfa7d85b0e6cef22dbe3d5659e8d476c20b7465c0]]

#### 3:18-bk-03615-PS Notice will be electronically mailed to:

MICHAEL W. CARMEL on behalf of Interested Party Eugene Ingles  
michael@mcarmellaw.com, sharon@mcarmellaw.com

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PATRICK A CLISHAM on behalf of Petitioning Creditor Edgewater Resources, LLC  
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**3:18-bk-03615-PS Notice will not be electronically mailed to:**

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