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COUNSEL FOR CHAPTER 11 TRUSTEE

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

In re:

ARA MACAO HOLDINGS, L.P.,

Debtor.

Chapter 11

Case No. 3:18-bk-03615-PS

**CHAPTER 11 TRUSTEE'S
APPLICATION TO EMPLOY
MOGLIA ADVISORS AS HIS
FINANCIAL AND
RESTRUCTURING ADVISOR**

Pursuant to 11 U.S.C. §§ 327(a) and 328(a), Bankruptcy Rule 2014, and Local Bankruptcy Rule 2014-1, Chapter 11 trustee S. Cary Forrester (the "**Trustee**") hereby applies to employ the firm of Moglia Advisors ("**Moglia**") as his financial and restructuring advisor. In support of this application, the Trustee relies upon the attached Declaration of Alex Moglia and represents as follows:

1. Petitioning creditors filed the involuntary petition initiating this case under Chapter 11 of the United States Bankruptcy Code on April 6, 2018. On the same day they filed their motion for the immediate appointment of a Chapter 11 trustee [DE 8];

2. On May 7, 2018, the debtor filed its motion to convert the case to a voluntary proceeding under Chapter 11 [DE 63], which was granted by the Court on May 8, 2018 [DE 68];

3. On June 12, 2018, the Court entered its order appointing a Chapter 11 Trustee for the estate [DE 106], and on June 21, 2018, the Court entered its order approving the appointment of G. Grant Lyon as Chapter 11 trustee [DE 112];

4. On July 2, 2018, the Official Committee of Unsecured Creditors filed a motion for election of trustee [DE 126]. The election was held on August 2, 2018, at which time S. Cary Forrester was elected as Chapter 11 trustee [DE 196];

5. The Trustee requires the services of a financial and restructuring adviser to assist in preserving and maximizing the value of the estate, providing advice in regard to Debtor's business affairs, and formulating a plan of reorganization. The services to be provided by Moglia include, without limitation, the following:

- Assist in preparing required court filings, including Monthly Operating Reports;
- Assist in the formulation of a plan of reorganization;
- Assist in the preparation of information and data for inclusion in the plan of reorganization and accompanying disclosure statement;
- Assist in negotiations with stakeholders;
- Assist in the review and reconciliation of filed and scheduled claims;
- Provide testimony at the plan confirmation hearing and other court hearings, as needed;
- Provide such other such assistance as the Trustee may request.

6. The Trustee desires to employ Moglia as his financial and restructuring advisor, effective as of September 20, 2018.

7. Moglia is a financial advisory and restructuring firm that is well-qualified to serve as the Trustee's advisor. Moglia and its senior professionals have an excellent reputation for providing high-quality financial advisory and restructuring services to stakeholders in bankruptcy reorganizations and other debt restructurings.

8. Moglia has not provided, and will not provide, professional services to any of the creditors, limited partners, other parties-in-interest, or their attorneys with regard to any matter related to this case.

9. To the best of the Trustee's knowledge, and except as set forth below, neither Moglia nor its members and employees have any connection with the Debtor, the Trustee, any creditor, any party in interest, their attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee;

10. The declaration of Alex Moglia pursuant to § 1103 of the Code and Rule 2014(a), is attached hereto as **Exhibit "A"** and incorporated herein.

11. The hourly rates charged by Moglia are as follows:

<u>Name of Professional</u>	<u>Hourly Rate</u>
Alex Moglia	\$425
Alan Friedman	\$390
Other Professionals	\$75-390

12. Travel time will be billed at 50% of the hourly rates.

13. The foregoing rates are subject to annual review and adjustment;

14. Moglia will be paid a retainer of \$20,000 upon the entry of an order approving its engagement. Moglia will also bill for its out-of-pocket costs;

WHEREFORE, the Trustee requests that the Court enter its order authorizing him to employ Moglia as his financial and restructuring adviser on

the basis set forth above, and that he have such other and further relief as may be proper under the circumstances.

Dated September 26, 2018

FORRESTER & WORTH, PLLC

/s/ SCF (006342)

S. Cary Forrester

Counsel for Chapter 11 Trustee

Copy of the foregoing served by mail or e-mail September 26, 2018, to:

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EXHIBIT "A"

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CHAPTER 11 TRUSTEE

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DECLARATION OF ALEX MOGLIA

Pursuant to 11 U.S.C. § 327 and Bankruptcy Rule 2014(a), Alex Moglia hereby declares under penalty of perjury as follows:

1. I am the founder of Moglia Advisors (“Moglia”), a financial and restructuring consulting firm headquartered in Schaumburg, Illinois;
2. I hold a juris doctorate degree from the University of Chicago Law School and also attended the University of Chicago Graduate School of Business. I left the practice of law in 1983;
3. I was born in Argentina, lived in Brazil, and have worked on projects in the Americas, Europe, and Asia. I am fluent in five languages, including English and Spanish;
4. I was a member of the Board of Directors of the American Bankruptcy Institute and founded, and chaired, its Finance & Banking Committee;

5. Our offices are located at 1325 Remington Road, Suite H, Schaumburg, Illinois, 60173;

6. To the best of my knowledge, information, and belief, and except as otherwise set forth below, Moglia has no connection with the Debtor, the Chapter 11 Trustee, any creditor, any party in interest, their attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, and represents no interest that is adverse to the Debtor or the estate;

7. I was contacted by the petitioning creditors either before or shortly after this case was filed and interviewed as a possible candidate for the position of Chapter 11 trustee;

8. Moglia is being employed as the Chapter 11 Trustee's financial and restructuring advisor. Its duties will include the following:

- Assist in preparing required court filings, including Monthly Operating Reports;
- Assist in the formulation of a plan of reorganization;
- Assist in the preparation of information and data for inclusion in the plan of reorganization and accompanying disclosure statement;
- Assist in negotiations with stakeholders;
- Assist in the review and reconciliation of filed and scheduled claims;
- Provide testimony at the plan confirmation hearing and other court hearings, as needed;
- Provide such other such assistance as the Chapter 11 Trustee may request.

9. Moglia will bill for its time at the rates of at the rates of \$75 to \$425 per hour, depending on the billing rate of the individual providing the service. Moglia will also be reimbursed for its out-of-pocket expenses;

10. Moglia has not agreed to share its compensation with anyone;

11. Moglia will be paid a retainer of \$20,000 upon the entry of an order approving its engagement;



Alex Moglia