IT IS SO ORDERED.

Dated: December 9, 2025

Tyson A. Crist
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:	:	
Harold Lewis Jordan, Jr. Kristina Jordan,	:	Case No. 24-31699 Chapter 13 Judge Crist
Debtors.	:	

ORDER AWARDING ADDITIONAL ATTORNEY FEES (DOC. 48)

This matter comes before the Court on the *Application for Additional Attorney Fees (LBR 2016-1)* (Doc. 48) filed on July 7, 2025 (the "First Application") by Debtor's counsel. Notably, Debtor's counsel filed another, separate *Application for Additional Attorney Fees (LBR 2016-1)* (Doc. 49) on the same day (the "Second Application").[1]

In the First Application currently before the Court counsel sought attorney fees of $757.50 for services provided from November 21, 2024, to January 14, 2025. In the Second Application counsel sought attorney fees of $400.00 for services provided from November 22, 2024, to January 2, 2025, a period of time fully encompassed by the First Application. The First Application concerns preparation and filing of Motions to Avoid Liens (Docs. 29-32) on

[1] Debtor's counsel took the same approach in filing separate fee applications for the same time period in *In re Horton*, Case No. 24-30915 (Docs. 55 & 56) in which the Court is entering a substantially similar order.

November 21, 2024, and the Second Application concerns preparation and filing of an Objection to Claim of the IRS (Doc. 33) on November 22, 2024. The same two people, Sarah White and Clay Woods, did the work reflected in both the First and Second Applications. The only differentiator was the legal task at issue. The Certificates of Service to the First and Second Applications reflect that the Applications were only served by U.S. mail upon the Debtors.

Together, through the First and Second Applications, Debtor's counsel is seeking a total of $1,157.50 in compensation. Had the Applications been combined and filed as one fee application, the total amount of fees requested would have exceeded the $1,000 threshold in Federal Rule of Bankruptcy Procedure 2002(a)(6) ("Bankruptcy Rule"). This amount triggers the requirement to provide "the debtor, the trustee, [and] all creditors, . . . at least 21 days' notice by mail of . . . a hearing on a request for compensation or for reimbursement of expenses." *See also In re Ivey*, 568 B.R. 85, 93-95 (Bankr. E.D. Ark. 2017) (concluding that debtor's attorney "did not comply with Rule 2002(a)(6) in serving all creditors"). Likewise, because Bankruptcy Rule 2002(a)(6) would have applied, Local Bankruptcy Rule ("LBR") 2016-1(b)(3)(B) would have required service of the fee application upon "the debtor, the United States trustee, the trustee, all creditors and parties in interest[.]" In other words, filing two fee applications at the same time for services provided over the same time period effectively circumvented the $1,000 threshold under Bankruptcy Rule 2002(a)(6) and LBR 2016-1(b)(3)(B).

Regardless of whether counsel files one or two fee applications, the impact on the estate is the same—" 'every dollar expended on legal fees results [in] a dollar less that is available for distribution to the creditors.' " *In re Spurlock*, 642 B.R. 269, 285 (Bankr. S.D. Ohio) (Humphrey, J.) (quoting *In re Dille*, No. 18-42994, 2021 Bankr. LEXIS 538, at *6, 2021 WL 864201, at *2 (Bankr. W.D. Mo. Mar. 8, 2021) (citing *In re Ulrich*, 517 B.R. 77, 80 (Bankr. E.D. Mich. 2014))). As a result, Bankruptcy Rule 2002(a)(6), as well as LBR 2016-1(b)(3)(B), requires notice to all creditors when the amount of attorney's fees requested reaches a set threshold—$1,000 since 2000—so that there is at least the opportunity for scrutiny by not just the Debtor, Trustees, and the Court, but also by all creditors and parties in interest. Fed. R. Bankr. P. 2002(a)(6) (Advisory Committee Notes on 2000 amendments). This is discussed in the legislative history of the Bankruptcy Code, albeit in the context of § 329. *See In re Miszko*, 627 B.R. 809, 816 (Bankr. S.D.N.Y. 2021) (" 'Payments to a debtor's attorney provide serious potential for evasion of creditor protection provisions of the bankruptcy laws, and serious

potential for overreach by the debtor's attorney, and should be subject to careful scrutiny.' " (quoting H.R. Rep. 95-595, at 329 (1977))). Bankruptcy Rules 2002(a)(6) and 2016, together, "allow for the Court and interested parties to carefully scrutinize an attorney's request for payment under § 330(a)." *Id.* at 816-17; *see also Mitan v. Duval* (*In re Mitan*), 178 F. App'x 503, 507 (6th Cir. 2006) ("Bankruptcy Rule 2002(a) specifically identifies several milestones or potential events in a bankruptcy proceeding and requires notice to accompany each of them.").

The Bankruptcy Code, particularly 11 U.S.C. § 331, which governs interim compensation and applies to "a debtor's attorney," provides that the attorney "may apply to the court not more than ***once*** every 120 days after an order for relief in a case under this title, or more often if the court permits . . . ." 11 U.S.C. § 331 (emphasis added). This provision has been held to apply to chapter 13 cases. *See* 3 Collier on Bankruptcy ¶ 331.07 (16th ed. 2025) (noting several cases outside the Sixth Circuit have disagreed but concluding that this position is inconsistent with § 103(a), a plain reading of § 331, and other case law (citing *In re Blackburn*, 623 B.R. 318, 320 (Bankr. W.D. Mich. 2020) (granting, in part, an interim fee application in a chapter 13 case))).

For example, in *Dean v. Lane* (*In re Lane*), 598 B.R. 595, 597-98 (B.A.P. 6th Cir. 2019), in which an appeal from an order allowing compensation to the chapter 13 debtor's attorney was dismissed, the award of postconfirmation fees was held to be an "interim fee award under 11 U.S.C. § 331 to compensate the firm for representing the Debtor 'in connection with the bankruptcy case,' 11 U.S.C. § 330(a)(4), and . . . that award remain[ed] modifiable throughout the 'case' " *Id.* (citing *Specker Motor Sales Co. v. Eisen*, 393 F.3d 659, 662-63 (6th Cir. 2004) (interim fee awards remain modifiable)). Further, "the appropriate 'judicial unit' (in the parlance of *Jackson Masonry*) is the Debtor's bankruptcy case, rather than the firm's application or contested matter[.]" *In re Lane*, 598 B.R. at 598 (referring to *Ritzen Grp., Inc. v. Jackson Masonry, LLC* (*In re Jackson Masonry, LLC*), 906 F.3d 494 (6th Cir. 2018) and quoting *Kemp, Klein, Umphrey, Endelman and May v. Veltri Metal Prod., Inc.* (*In re Veltri Metal Prod., Inc.*), 189 F. App'x 385, 387 (6th Cir. 2006)). "Once an applicant's role in the proceedings is at an end" and "further applications will not be forthcoming" an award of attorney fees " 'should be treated as final.' " *Id*. This case law indicates that § 331 is applicable in chapter 13 cases.[2]

[2] The Court is not suggesting that there is a requirement to file final fee applications in chapter 13 cases.

That said, and as noted above, § 331 does also provide that "a debtor's attorney" may apply to the court "more often if the court permits[.]" This Court's Local Bankruptcy Rule 2016-1(b), which concerns compensation of attorneys in chapter 13 cases, does not directly address the frequency of fee applications in chapter 13 cases, other than to set deadlines by which certain preconfirmation fees—initial fee applications—and postconfirmation fees—additional attorney fees—must be sought. In particular, no-look opt out fee applications must "be filed no later than sixty (60) days from the entry date of the confirmation order" and additional attorney fees must "be requested by separate application and shall be filed no later than six (6) months after completion of the services for which compensation is sought." LBR 2016-1(b)(2)(C) and (b)(3). The Court is reticent to wade further into the topic of frequency of chapter 13 fee applications at this time. Instead, the Court is simply noting that the First and Second Applications did not comply with Bankruptcy Rule 2002(a)(6), and therefore LBR 2016-1(b)(3)(B), because they were filed at the same time, covered the same time periods, and totaled more than $1,000 in fees sought.

In addition to the notice and service issue, filing two fee applications at the same time for services provided over the same time period could have an impact on the estate[3] and could introduce inefficiencies given there could be overlaps in providing the services to the Debtor, and it could result in splitting out time entries that could make it more difficult to accurately bill the fees. In addition, it requires the Court to review and compare two applications for the same time period to ensure there are no duplications, overlaps, or other issues with respect to the fees requested, which potentially increases the time spent in review. While there is utility in tracking fee and hour totals by task or the type of legal service provided for the purpose of comparing the amount of fees charged for each type of service, e.g., a motion to avoid a lien, an objection to claim, a motion to retain, a motion to modify, a motion to sell, etc., the fees can still be sought within one overall fee application with subtotals that is served in accordance with Bankruptcy Rule 2002(a)(6) and LBR 2016-1(b)(3)(B).

In this instance, given that the Court has previously approved the Second Application through an Order (Doc. 60) entered on September 16, 2025, the Court will approve the First

[3] In this case, counsel has not charged for preparation of the fee applications, which ameliorates the concern of increasing administrative expenses that multiple fee applications can implicate.

Application. However, going forward, if fee applications are filed contemporaneously, cover the same time period, and total more than $1,000, counsel should provide notice of both fee applications (and obviously notice of a combined single application exceeding the threshold amount) to all creditors in accordance with the requirements of Bankruptcy Rule 2002(a)(6) and LBR 2016-1(b)(3)(B) (as to postconfirmation additional attorney fees).[4]

Accordingly, given that more than 21 days have passed since the filing of the First Application, and that no objections or responses have been timely filed, and upon the Court's own individual review of the First Application and admonitions set forth above, the Court hereby finds that debtor's counsel, Richard E. West, is awarded the amount of $757.50 for attorney fees and $0.00 for expenses– $757.50 total for services performed in connection with this Chapter 13 that are covered in the First Application.

IT IS SO ORDERED.

Copies to: Default List

[4] Note that pursuant to General Order 56-2, dated January 29, 2024, notice to non-governmental creditors may be limited "after 70 days following the order for relief or the date of order converting the case to chapter . . . 13, to "the entities set forth in Rule 2002(h)(1), the United States trustee, any entity that filed a request for all notices, and all governmental units holding claim whether or not a proof of claim has been filed" and notice to all creditors may be limited "after 180 days following the order for relief" to "the entities set forth in Rule 2002(h)(1), the United States trustee, and any entity that filed a request for all notices." Mainly, this serves to limit service to creditors that hold claims for which proofs of claim have been filed, as opposed to serving all creditors. *See* Fed. R. Bankr. P. 2002(h)(1).