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Special Counsel for the Debtor

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

In re:

GENEVA STEEL COMPANY,  
a Utah corporation,

Debtor.

Case No. 99C-21130

(Chapter 11)

**FINAL APPLICATION OF MADSON & METCALF  
FOR COMPENSATION AND REIMBURSEMENT  
PURSUANT TO 11 U.S.C. § 330 FOR THE PERIOD  
FROM FEBRUARY 1, 1999 TO JANUARY 3, 2001**

Madson & Metcalf, special counsel to Geneva Steel Company (the "Debtor"), pursuant to 11 U.S.C. §§ 330, Federal Rule of Bankruptcy Procedure 2016, the Fee Guidelines of the United States Trustee, and the Administrative Order of this Court establishing procedures for compensation and reimbursement in this case (the "Administrative Order"), submits this application (the "Application") for final allowance and payment of: (1) compensation in the total amount of \$19,240.00 for services rendered, and (2) reimbursement in the total amount of \$17,930.49 for expenses incurred.

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I. INTRODUCTION

A. Madson & Metcalf's Employment

1. On April 26, 1999, the Debtor filed an application (the "Employment Application") seeking approval of its employment of Madson & Metcalf as Special Counsel for intellectual property matters. On or about May 27, 1999, the Court entered an order (the "Employment Order") approving the Debtor's employment of Madson & Metcalf nunc pro tunc to February 1, 1999 in connection with intellectual property matters.

2. Madson & Metcalf has not received any retainer in this case.

3. All services performed and expenses incurred for which compensation or reimbursement is sought were performed or incurred for and on behalf of the estate and not for any other person or entity.

4. Madson & Metcalf has not shared or agreed to share compensation or reimbursement awarded in this case with any other person except as among the members and employees of the firm.

5. Madson & Metcalf has not made any agreements with the Debtor or others for compensation or reimbursement relating to this case which have not been disclosed to the Court.

II. PRIOR APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT

The present Application is the sixth and final application for compensation and reimbursement filed by Madson & Metcalf in this case. A first application for compensation and reimbursement for the amount of \$18,784.14 was filed on July 15, 1999. A hearing was held on the fee application on September 1, 1999 before this Court. On September 14, 1999, the Court ordered that Madson & Metcalf be awarded interim compensation in the amount of \$5,872.50 in fees and \$12,944.64 in expenses. A second application for compensation and reimbursement for the amount of \$7,312.93 was filed on November 15, 1999. A hearing was held on the fee application on December 8, 1999 before this Court. On January 31, 2000, the Court ordered that Madson & Metcalf be awarded interim compensation in the amount of \$4,517.50 in fees and \$2,795.42 in expenses. A third application for compensation and reimbursement for the amount of \$2,655.60 was filed on March 15, 2000. A hearing was held on the fee application on April

17, 2000 before this Court. On May 30, 2000, the Court ordered that Madson & Metcalf be awarded interim compensation in the amount of \$2,575.00 in fees and \$80.60 in expenses. A fourth application for compensation and reimbursement for the amount of \$2,955.50 was filed on July 26, 2000. A hearing was held on the fee application on September 14, 2000 before this Court. On October 2, 2000, the Court ordered that Madson & Metcalf be awarded interim compensation in the amount of \$2,575.00 in fees and \$380.50 in expenses. A fifth application for compensation and reimbursement for the amount of \$3,231.58 was filed on November 10, 2000. A hearing was held on the fee application on December 15, 2000 before this Court. On or about January 5, 2001, the Court ordered that Madson & Metcalf be awarded interim compensation in the amount of \$1,710.00 in fees and \$1,521.74 in expenses.

The total amount of interim compensation previously requested and granted is \$17,250.00, and the total amount of reimbursement previously requested and granted is \$17,722.91.

### III. THE PERIOD FROM OCTOBER 1, 2000 TO JANUARY 3, 2001

#### A. Billing Methodology

1. In this Application, Madson & Metcalf is requesting compensation for services provided and reimbursement of expenses incurred from October 1, 2000 to January 3, 2001. A summary of fees and expenses requested, as required by the Fee Guidelines of the United States Trustee, is attached as Exhibit 1. Invoices detailing the services rendered and expenses incurred are attached hereto as Exhibit 2. A summary of the expenses incurred is attached hereto as Exhibit 3.

2. Madson & Metcalf's services in this case are billed on an hourly-rate basis, consistent with customary charges by comparably skilled intellectual property practitioners in non-bankruptcy cases.

3. In rendering services and incurring expenses on behalf of the estate, Madson & Metcalf makes reasonable efforts to use the most economical means and methods that are available and appropriate under the circumstances.

4. The education and experience of the Madson & Metcalf attorneys providing service on behalf of the Debtor are detailed in the professional resumes attached hereto as Exhibit 4.

5. Given the education, experience, and expertise of the Madson & Metcalf attorneys rendering services in this case, the rates charged and reasonable and are the same as or lower than rates Madson & Metcalf typically charges to clients for similar services.

B. Services Performed on Behalf of the Estate

1. From October 1, 2000 to January 3, 2001, Madson & Metcalf has rendered services to the estate for which it seeks compensation in the total amount of \$1990.00. Such services are fully detailed in the monthly invoices attached hereto as Exhibit 2.

2. The services rendered by Madson & Metcalf can be categorized into two categories: intellectual property prosecution/maintenance and bankruptcy fee matters. The intellectual property prosecution/maintenance matters include:

a. Assignment of intellectual property from Geneva Steel Company to Geneva Steel Interim Corporation to Geneva Steel, LLC.

b. Maintenance of the U.S. trademark registration No. 1,618,411 for the stylized "G" logo.

c. General maintenance of pending and issued patents.

3. Each invoice contains a chronological listing of tasks performed specifically identifying the relevant project category. The total amount billed by Madson & Metcalf for each project category from October 1, 2000 to January 3, 2001 is as follows:

Intellectual property prosecution/maintenance:	\$1,025.00
Bankruptcy fee applications:	\$965.00

D. Reimbursement of Expenses

1. From October 1, 2000 through January 3, 2001, Madson & Metcalf incurred actual and necessary expenses in the total amount of \$207.58 in connection with the professional services rendered to the estate. A summary showing the break-down of total expenses by project category and by type of expense is attached hereto as Exhibit 3. Details of

the expenses incurred each month are included in the invoices attached as Exhibit 2. Madson & Metcalf keeps in its files appropriate detail, including receipts, invoices, reimbursement vouchers, and other supporting information concerning the expenses incurred in this representation, and that information is available for review upon request.

2. The largest single category of expenses from October 1, 2000 to January 3, 2001 was for fees charged by the United States Patent and Trademark Office to obtain abstracts of title for five patents and three trademarks. A copy of the actual US PTO credit card payment form with the credit card account number removed for these charges is attached as Exhibit 5. These fees are the customary fees charged by the Patent and Trademark Office. The next largest category of expenses are photocopy charges. Madson & Metcalf charges \$0.20 per page for printing and photocopying expenses, the standard charge for all of Madson & Metcalf's clients. The next largest next largest category of expenses are postage charges. The postage charges are the actual amounts incurred in mailing various correspondence identified in the invoices of Exhibit 2.

3. The expenses incurred by Madson & Metcalf for which reimbursement in this Application is sought are consistent with the U.S. Trustees Guidelines and the rules and orders applicable in this case.

WHEREFORE, Madson & Metcalf prays:

1. That compensation and reimbursement be awarded to Madson & Metcalf in the total amount of \$2,197.58 including \$1,990.00 for professional services rendered and \$207.58 for expenses incurred from October 1, 200<sup>0</sup> to January 3, 2001.

2. That final approval be granted for the compensation and reimbursement in the total amount of \$37,170.49 including \$17,930.49 for professional services rendered and 17,930.49 for expenses incurred.

3. That such amounts be allowed as priority administrative expenses of the estate pursuant to 11 U.S.C. §§ 503(b)(2) and 507(a)(1); and

4. That the Debtor be ordered an authorized, pursuant to 11 U.S.C. §§ 330, to pay such amounts from the estate as set forth herein pursuant to the provisions of the Administrative Order.

DATED this 5<sup>th</sup> day of March, 2001.

MADSON & METCALF

A handwritten signature in black ink, appearing to read "E.R. Witt". The signature is written in a cursive style with a horizontal line underneath it.

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CERTIFICATE OF SERVICE

I certify that on March 5, 2001, a true and correct copy of the foregoing Application was served upon the following parties via U.S. First Class mail, postage pre-paid:

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*Laurie Anne Janner*

ATTACHMENT(S) EXIST  
PLEASE SEE FILE TO EXAMINE