

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

LYDIA CLADEK, INC.,

Case No. 3:10-bk-02805-PMG

Chapter 11

Debtor.

ORDER GRANTING APPLICATION FOR APPROVAL OF EMPLOYMENT
OF JON E. KANE AND MATEER & HARBERT P.A. AS COUNSEL FOR THE
OFFICIAL COMMITTEE OF UNSECURED CREDITORS NUNC PRO TUNC
TO JULY 9, 2010

THIS MATTER came before the Court on the 27 day of July, 2010 upon the *Application for Approval of Employment of Jon E. Kane and Mateer & Harbert, P.A. as Counsel for the Official Committee of Unsecured Creditors Nunc Pro Tunc to July 9, 2010* [D.E. #168] (the “Application”), seeking approval of the employment of Jon E. Kane and Mateer & Harbert P.A. as counsel for the Official Committee of Unsecured Creditors (the “Committee”) of Lydia Cladek, Inc. (the “Debtor”).

The Court, having reviewed the Application and the *Unsworn Declaration of Jon E. Kane, Mateer & Harbert, P.A., as Proposed Counsel for the Official Committee of Unsecured Creditors of Lydia Cladek, Inc.* (the “Kane Declaration”), and the disclosures made by Jon E. Kane in the Kane Declaration, finds that: (1) Jon E. Kane is duly qualified to practice in this Court pursuant to Local Rule 2090-1(a); (2) Jon E. Kane and Mateer & Harbert, P.A. (a) hold no interest adverse to the Debtor or the estate in the matters upon which they sought to be engaged; (b) are disinterested persons as that term is defined pursuant to 11 U.S.C. § 101(14) and as required by 11 U.S.C. §§ 327 and 328;

(c) have disclosed any connections with parties as required by Bankruptcy Rule 2014; (3) the employment of Jon E. Kane and Mateer & Harbert, P.A. is necessary and would be in the best interest of the Committee, the bankruptcy estate, and all parties in interest; and (4) this Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334. The entry of this Order and proceedings related thereto constitute a “core proceeding” under 28 U.S.C. § 157(b)(2)(A).

Accordingly, it is

ORDERED as follows:

1. The Application is GRANTED.
2. None of the representations or engagements set out in the Kane Declaration constitutes a conflict-of-interest or impairs the disinterestedness of Jon E. Kane or Mateer & Harbert, P.A. or otherwise precludes the Committee’s retention of Jon E. Kane and Mateer & Harbert, P.A. in this case.
3. The Committee is authorized, pursuant to 11 U.S.C. §§ 328 and 1103, to employ Jon E. Kane and Mateer & Harbert, P.A. as counsel for the Committee *nunc pro tunc* to July 9, 2010 upon the terms for the purposes set forth in the Application.
4. Compensation of Jon E. Kane Mateer & Harbert, P.A. for legal services rendered and reimbursement of expenses incurred in connection with this Chapter 11 case shall be awarded upon application and a hearing consistent with the requirements of 11 U.S.C. §§ 328, 330 and 331, and the Orders of this Court.

5. By granting this Application, the Court is not approving any compensation in advance. This Court retains jurisdiction to consider the fees and expenses sought by Jon E. Kane and Mateer & Harbert, P.A.

DATED at Jacksonville, Florida, this 27 day of July, 2010.



Paul M. Glenn
Chief United States Bankruptcy Judge

Copies furnished to:

Lydia Cladek, Inc.
Lawrence Lilly, Esq.
Jacob A. Brown, Esq.
Jon E. Kane, Esq.
Untied States Trustee