



SO ORDERED.

SIGNED this 20 day of May, 2005.

*Janice Miller Karlin*  
JANICE MILLER KARLIN  
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS  
AT TOPEKA, KANSAS

<b>In Re:</b>	)	
<b>LADY BALTIMORE FOODS, INC.,</b>	)	
	)	<b>Joint Administration</b>
<b>Debtor</b>	)	
_____	)	<b>Case No.: 02-43428-jmk</b>
<b>LADY BALTIMORE OF MISSOURI,</b>	)	
<b>INC.,</b>	)	
<b>Debtor,</b>	)	
	)	
	)	<b>Case No. 02-43429-jmk</b>
	)	

**ORDER PARTLY APPROVING AND PARTLY DENYING SIXTH INTERIM  
APPLICATION BY SPENCER FANE BRITT & BROWNE LLP  
FOR ALLOWANCE OF  
COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF ACTUAL  
AND NECESSARY EXPENSES INCURRED  
FOR THE PERIOD NOVEMBER 1, 2004 THROUGH MARCH 31, 2005**

This matter comes before the Court upon the Sixth Interim Application by Spencer Fane Britt & Browne LLP (SFBB), Counsel for the Official Committee of Unsecured Creditors (Committee) for Allowance of Compensation for Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred for the Period November 1, 2004 through March 31, 2005 (the “Application”).<sup>1</sup> The Court, after being duly advised in the premises, and after noting that no objections have been filed, finds that the Application should be approved except in the amount of \$186.50, for the reasons noted below.

### **Charge to Estate for Paraprofessional to Electronically File Documents**

In this fee application, there are nine instances<sup>2</sup> where the Committee separately bills the estate .2 hours, per instance, for electronically filing a document with the Court.<sup>3</sup> As this Court has previously noted, if the services performed by a paraprofessional consist of typing, data entry, checking court dockets or court dates, manually assembling, collating, marking, processing, photocopying or mailing documents, organizing files, making copies, delivering or mailing papers, or making or receiving routine telephone calls, the task is clerical in nature and not compensable. Such tasks are traditionally charged to overhead and included in the professionals’ hourly rate, as they can and should be performed by competent legal secretaries without additional charge to the

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<sup>1</sup>Doc. 717.

<sup>2</sup>In one instance, on February 22, 2005, only .1 hour was charged for the electronic filing.

<sup>3</sup>In a few instances, the amount attributable to electronic filing, as opposed to some other task, such as preparation of a motion, is not separately itemized, and therefore the Court has assumed that electronic filing takes .2 hours, since that is the amount of time typically claimed when time has been separately itemized. The Court has noted entries for electronic filing on November 17, 2004, December 8, 2004, December 14, 2004, December 22, 2004, December 28, 2004, February 23, 2005, February 25, 2005, March 1, 2005 and March 14, 2005. The Court further notes that the paraprofessional’s hourly rate was \$105 until December 31, 2004, and was raised to \$115 after that date.

client. The Court believes that electronic filing of pleadings with the Court is another such service that can be performed by a trained legal secretary.<sup>4</sup> The time billed to the estate for electronic filing is \$186.50, and therefore, that portion of the fee application is denied.

**IT IS THEREFORE ORDERED** that the Application is hereby approved in part and denied in part; and

**IT IS FURTHER ORDERED** that the Debtors are authorized to release and direct payment to SFBB the sum of \$23,553.50 for services rendered by SFBB on behalf of the committee for the period November 1, 2004 through March 31, 2005 for which SFBB has not been paid; and

**IT IS FURTHER ORDERED** that the Debtors are hereby authorized to release and direct payment to SFBB the sum of \$364.15 for expenses incurred by SFBB on behalf of the Committee for the Sixth Interim Period for which SFBB has not been paid.

**IT IS SO ORDERED.**

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<sup>4</sup>*In re Valley Historic Ltd. Partnership*, 307 B.R. 508, 516-17 (Bankr. E.D. Va. 2003) (holding that scanning a notice or filing it electronically with the court are clerical functions that should not be separately charged by a paralegal, for those are simply part of the overhead of the law firm. A paralegal should be engaged in matters, under the supervision of an attorney, that require some independent judgment or are matters that an attorney would be expected to perform but can, under an attorney's supervision, be performed by an individual with specialized training or experience. "Clerical functions such as typing, filing, photocopying, faxing, scanning or filing documents either electronically or traditionally, are not such functions.")