

**File a Motion:**

02-10109-JJF Fansteel Inc.

40-7580

**U.S. Bankruptcy Court**

**District of Delaware**

**Notice of Electronic Filing**

The following transaction was received from Mumford, Kerri K entered on 7/29/2003 at 7:51 PM EDT and filed on 7/29/2003

**Case Name:** Fansteel Inc.  
**Case Number:** 02-10109-JJF  
**Document Number:** 1137

**Docket Text:**

Motion to Authorize *APPLICATION FOR AN ORDER PURSUANT TO SECTION 1103(a) OF THE BANKRUPTCY CODE AUTHORIZING THE EMPLOYMENT AND RETENTION NUNC PRO TUNC OF LANDIS RATH & COBB AS CO-COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS* Filed by Official Committee of Unsecured Creditors Objections due by 8/18/2003.

(Attachments: # (1) Notice # (2) Proposed Form of Order # (3) Exhibit A# (4) Affidavit # (5) Service List) (Mumford, Kerri)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**APP.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=7/29/2003] [FileNumber=1775629-0] [6013ccab20a7f736a9e3beb36afa143a59724b9380084059ac4865f31430ef3cf891f62610cae0ae8859677dc49d649d05afe5d6db23f9670da6bf48388f78c9]]

**Document description:**Notice

**Original filename:**NOT.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=7/29/2003] [FileNumber=1775629-1] [0fc7b78aa19386dbf95c7fd3086c1d4ee1ee815f37cdc3fef80d131bfe3619769398f3a290d5dc009169b17e4709b371d9ba844ba5b4a449e75525745a99b720]]

**Document description:**Proposed Form of Order

**Original filename:**ORD.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=7/29/2003] [FileNumber=1775629-2] [620a44e72478afae3f13d267aca2f2fd4797bc1147c2117229285c6a00aa4bc99461d0aef460a7068cffe069b4a04023fdde32497be2650492d24216d0b37dfe]]

**Document description:**Exhibit A

**Original filename:**EX A.pdf

**Electronic document Stamp:**

BKRP01

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**Document description:**Affidavit

**Original filename:**AFF.pdf

**Electronic document Stamp:**

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**Document description:**Service List

**Original filename:**SERICE.pdf

**Electronic document Stamp:**

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**02-10109-JJF Notice will be electronically mailed to:**

Frank C Aiello faiello@jafferaitt.com,

David L. Buchbinder david.l.buchbinder@usdoj.gov, david.l.buchbinder@usdoj.gov

Teresa K.D. Currier currier@klettrooney.com, tercurrier@aol.com

John D. Demmy jdd@stevenslee.com,

Richard Mark Gladstein richard.gladstien@usdoj.gov,

Matthew A. Gold courts2@argopartners.net

James E. Huggett jhuggett@klehr.com

Laura Davis Jones ljones@pszyj.com, efile1@pszyj.com;debefile@pszyj.com

Carl N. Kunz III ckunz@morrisjames.com,

Adam G. Landis landis@klettrooney.com, landis@lrclaw.com

Kimberly Ellen Connolly Lawson klawson@reedsmith.com

Kathleen P. Makowski kmakowski@saul.com, saulbankruptcy@saul.com

Kevin J Mangan kmangan@monlaw.com

Bruce W. McCullough bmccullough@mccmck.com, bankruptcy@mccmck.com

Michael Paul Migliore mmigliore@pszyj.com, efile1@pszyj.com

Emily Ann Miller vtabak@hhlaw.com;ecdolan@hhlaw.com

Kathleen M. Miller kmiller@skfdelaware.com, mcm@skfdelaware.com

Kerri K Mumford mumford@klettrooney.com, mumford@lrclaw.com

Frederick S Phillips Frederick.Phillips@usdoj.gov,

Jeffrey N. Rich jrich@kl.com

Sergio I. Scuteri sscuteri@farrlawnet.com

Rosalie L. Spelman rspelman@pszyj.com, efile1@pszyj.com

William David Sullivan bankruptcyemail@elzefon.com

United States Trustee USTPREGION03.WL.ECF@USDOJ.GOV

John R. Weaver jweaver@fcc.net

Jason M. Weyand weyand.jason@pbgc.gov, efile@pbgc.gov

**02-10109-JJF Notice will not be electronically mailed to:**

Brad C. Epperly  
3737 Woodland Avenue  
Suite 437  
West Des Moines, IO 50266

Kenneth Freed  
14226 Ventura Boulevard  
Sherman Oaks, CA 91423

Barbara K. Hamilton  
Becket and Lee LLP  
P.O. Box 3001  
Malvern, PA 19355-0701

Elliott H. Herskowitz  
P.O. Box 626  
Planetarium Station  
New York, NY 10024-0540

S. William Livingston  
Covington & Burling

Rosalie L. Spelman

Pachulski Stang Ziehl Young Jones  
919 N. King Street  
16th Floor  
Wilmington, DE 19899

Robert Sz wajkos  
250 N. Pennsylvania Avenue  
Morrisville, PA 19067

Kevin Welch  
5th Floor, Capital Plaza Tower  
Frankfort, KY 40601

Elizabeth Weller  
2323 Bryan Street, Suite 1720  
Dallas, TX 75201

Joseph P. Wohrle  
12121 Wilshire Boulevard, Suite 900  
Los Angeles, CA 90025

Jan A.T. van Amerongen Jr.  
Jan A. T. van Amerongen, Jr.  
Legal Arts Building  
1225 King Street, Suite 301  
Wilmington, DE 19801

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

FANSTEEL, INC., *et al.*,

Debtors.

Chapter 11

Case No. 02-10109 (JJF)

(Jointly Administered)

Hearing Date: To Be Determined

Objection Deadline: August 18, 2003 at 4:00 p.m.

**APPLICATION FOR AN ORDER PURSUANT TO SECTION 1103(a)  
OF THE BANKRUPTCY CODE AUTHORIZING THE EMPLOYMENT  
AND RETENTION *NUNC PRO TUNC* OF LANDIS RATH & COBB AS  
CO-COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

The Official Committee of Unsecured Creditors (the "Committee") of the above-captioned debtors and debtors-in-possession (collectively, the "Debtors"), hereby submits this Application For An Order Pursuant To Section 1103(a) Of The Bankruptcy Code Authorizing The Employment And Retention *Nunc Pro Tunc* Of Landis Rath & Cobb LLP, As Co-Counsel To the Official Committee of Unsecured Creditors (the "Application"). In support of this Application, the Committee respectfully represents as follows:

**BACKGROUND**

1. On January 15, 2002, (the "Petition Date"), the Debtors filed with the United States Bankruptcy Court for the District of Delaware their respective voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101, et seq. (the "Bankruptcy Code").

2. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

3. On January 22, 2002, United States District Judge Joseph J. Farnan, Jr. signed an Order Granting Emergency Motion For Withdrawal of Reference, which order withdrew the reference of the Debtors' Chapter 11 cases, effective upon the date of the Order.

4. On January 29, 2002, the United States Trustee (the "UST") appointed the Committee.

5. On March 14, 2002, this Court entered an order authorizing the employment and retention of Klett Rooney Lieber & Schorling ("KRLS") as co-counsel to the Committee. Effective on July 19, 2003 (the "Retention Date"), Adam G. Landis and Kerri K. Mumford, the KRLS attorneys handling this matter left KRLS to form and join, respectively, the firm of Landis Rath & Cobb LLP ("LRC"). Because of Mr. Landis' and Ms. Mumford's prior work with the Committee, their knowledge of the Debtors and this Chapter 11 case, the Committee has requested that LRC represent it in these cases. As of the Retention Date, the Committee will not ask KRLS to provide further services to it, and KRLS will have no role other than to file any required documents relating to its outstanding fee applications.

#### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding and this Application is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicate for this Application is 11 U.S.C. § 1103(a).

#### **RELIEF REQUESTED**

7. The Committee desires to retain and employ LRC as its co-counsel in these Chapter 11 cases. By this Application, the Committee requests that the Court enter an order authorizing the Committee to retain and employ LRC, *nunc pro tunc* to the Retention Date,

pursuant to Section 1103 of the Bankruptcy Code, as their co-counsel to perform the legal services that will be necessary during these Chapter 11 cases.

### **LRC'S QUALIFICATIONS**

8. The Committee has selected LRC as its co-counsel because of LRC's knowledge of and familiarity with the Committee and the Debtors' business and financial affairs, LRC's expertise in the field of debtor and creditor law and business reorganizations under Chapter 11 of the Bankruptcy Code and experience handling matters in the District of Delaware. LRC's attorneys have represented debtors, creditors' committees, bank groups, and other major players in numerous bankruptcy cases in the District of Delaware and in other jurisdictions.

9. While representing the Committee at KRLS, attorneys at LRC have become familiar with the Debtors' business affairs and capital structure and have assisted the Committee throughout these bankruptcy proceedings. Accordingly, LRC has the necessary background to deal effectively with many of the potential legal issues that may arise in the context of the Debtors' Chapter 11 cases. Thus, in order to maximize the value of the Debtors' estates, and because of LRC's recognized expertise in bankruptcy law, the Committee desires that LRC represent it in these cases.

10. The Committee's employment of LRC is appropriate and necessary to enable the Committee to execute faithfully its duties as a statutory committee of unsecured creditors and to implement a successful reorganization.

### SERVICES TO BE PROVIDED BY LRC

11. The Committee anticipates that, in connection with these Chapter 11 cases, LRC will render general legal services as needed, including, but not limited to, the following:

- (a) Render legal advice with respect to the powers and duties of the Committee and the other participants in the Debtors' cases;
- (b) Assist the Committee in its investigation of the acts, conduct, assets, liabilities and financial condition of the Debtors, the operation of the Debtors' businesses and any other matter relevant to the Debtors' jointly-administered cases, as and to the extent such matters may affect the Debtors' creditors;
- (c) Participate in negotiations with parties-in-interest with respect to any disposition of the Debtors' assets, plan of reorganization and disclosure statement in connection with such plan, and otherwise protect and promote the interests of the Debtors' creditors;
- (d) Prepare all necessary applications, motions, answers, orders, reports and papers on behalf of the Committee, and appear on behalf of the Committee at Court hearings as necessary and appropriate in connection with the Debtors' cases;
- (e) Render legal advice and perform general legal services in connection with the foregoing; and
- (f) Perform all other necessary legal services in connection with these jointly-administered chapter 11 cases.

12. LRC has indicated a willingness to act on the Committee's behalf in the capacities designated above. In addition, LRC has discussed a delegation of duties and responsibilities with lead counsel, Freeborn & Peters, to ensure that efforts will not be duplicated or needless expense incurred by co-counsel.

13. Subject to this Court's approval, LRC will charge for its legal services on an hourly basis in accordance with its ordinary and customary hourly rates as in effect on the date services are rendered. These rates may change from time to time in accordance with LRC's

billing practices and procedures. LRC will maintain detailed, contemporaneous time records of time and any action and necessary expense incurred in connection with the rendering of legal services described above by category and nature of services rendered.

14. LRC intends to apply to the Court for payment of compensation and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules of this Court, the administrative professionals order entered in these cases, and any other orders entered in these cases for all services performed and expenses incurred after the Retention Date.

15. The Committee proposes to pay LRC its customary hourly rates in effect from time to time for services rendered, as set forth in the Affidavit of Adam G. Landis (the "Landis Affidavit") attached hereto as Exhibit "A," and to reimburse LRC according to its customary reimbursement policies, which rates and policies the Committee believes to be reasonable. All payments are subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules and such further orders of this Court.

#### **BASIS FOR RELIEF**

16. Section 1103 of the Bankruptcy Code provides:

(a) At a scheduled meeting of a committee appointed under section 1102 of this title, at which a majority of the members of such committee are present, and with the court's approval, such committee may select and authorize the employment of such committee of one or more attorneys... to represent or perform services for such committee.

(b) An attorney or accountant employed to represent a committee ... may not, while employed by such committee, represent any other entity having an adverse interest in connection with the case.

11 U.S.C. § 1103.

17. To the best of the Committee's knowledge, and except as disclosed herein and in the attached Landis Affidavit, LRC has not represented the Committee, the Debtors, their

creditors, equity security holders, or any other parties-in-interest, or their respective attorneys, in any matter relating to the Debtors or their estates and is a "disinterested person" within the meaning of Sections 327(a) and 101(14) of the Bankruptcy Code.

18. The Committee believe that the employment of LRC is necessary and in the best interest of the Debtors and their estates.

**NOTICE AND NO PRIOR APPLICATION**

19. Notice of this Application has been given to (a) the United States Trustee; (b) the Debtors; (c) counsel to the Debtors; (d) the Debtors' pre and postpetition secured lenders and (e) and all entities that have filed a request for service of pleadings in these jointly-administered cases. The Committee respectfully submits that, given the administrative nature of the relief requested, no other notice of the relief requested herein need be given.

20. No previous application for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Committee respectfully requests the entry of an Order, in the form attached herewith, (i) authorizing the retention of LRC to represent the Committee in these jointly-administered chapter 11 cases, and (ii) granting the Committee such other and further relief as is just and proper.

DATED: July 29, 2003

THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS OF  
FANSTEEL, INC., *et al.*

By:

  
William R. Kopp, Chair

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

IN RE:

FANSTEEL, INC., *et al.*,

Debtors.

Chapter 11

Case No. 02-10109 (JJF)

(Jointly Administered)

Hearing Date: To Be Determined

Objection Deadline: August 18, 2003 at 4:00 p.m.

**NOTICE OF APPLICATION**

PLEASE TAKE NOTICE that on July 29, 2003, the Official Committee of Unsecured Creditors of Fansteel, Inc., *et al.* (the "Committee"), filed the Application For An Order Pursuant To Section 1103(a) Of The Bankruptcy Code Authorizing The Employment And Retention *Nunc Pro Tunc* Of Landis Rath & Cobb LLP, As Co-Counsel To the Official Committee of Unsecured Creditors (the "Application").

PLEASE TAKE FURTHER NOTICE that responses or objections to the Application, if any, must be in writing and filed with the Office of the Clerk of the United States Bankruptcy Court for the District of Delaware so as to be received by the undersigned counsel for the Committee on or before August 18, 2003 at 4:00 p.m. Prevailing Eastern Time (the "Objection Deadline").

PLEASE TAKE FURTHER NOTICE that if no objections to the Application are timely filed and served in accordance with the above procedures, an order may be entered granting the relief requested in the Application without further notice or hearing. If an objection

is timely filed and served in accordance with the above procedures, a hearing on the Application will be held at the convenience of the Court

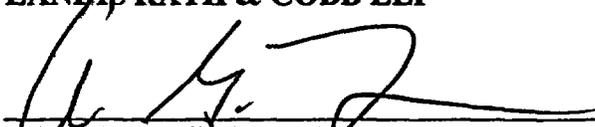
Dated: July 29, 2003

**FREEBORN & PETERS**  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677  
Telephone: (312) 360-6000  
Facsimile: (312) 360-6596

Counsel to Official Committee of Unsecured Creditors

- and -

**LANDIS RATH & COBB LLP**



Adam G. Landis (No. 3407)  
Kerri K. Mumford (No. 4186)  
919 Market Street, Suite 600  
Wilmington, DE 19801  
Telephone: (302) 467-4400  
Facsimile: (302) 467-4450

Proposed Counsel to the Official Committee of Unsecured Creditors

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

FANSTEEL, INC., *et al.*,

Debtors.

Chapter 11

Case No. 02-10109 (JJF)

(Jointly Administered)

ORDER [RE: D.I. 1]

Upon consideration of the Application For An Order Pursuant To Section 1103(a) Of The Bankruptcy Code Authorizing The Employment And Retention *Nunc Pro Tunc* Of Landis Rath & Cobb LLP, As Co-Counsel To the Official Committee of Unsecured Creditors (the "Application");<sup>1</sup> and the Court being satisfied, based upon the representations made in the Application and the Affidavit of Adam G. Landis that Landis Rath & Cobb LLP ("LRC") represents or holds no interests adverse to the Debtors or to their estates as to the matters upon which to be engaged and is disinterested under Section 101(14) of the Bankruptcy Code, and that the employment of LRC is necessary and is in the best interests of the Debtors and their estates; and it appearing that sufficient notice of the Application has been given; and good cause having been shown, it is hereby

ORDERED that the Application is GRANTED; and it is further

ORDERED that LRC is retained and employed as of July 19, 2003; and it is further

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<sup>1</sup> All terms not herein defined shall have the same meaning as set forth in the Application.

ORDERED that LRC shall be compensated in accordance with the procedures set forth in Sections 330 and 331 of the Bankruptcy Code, applicable Federal Rules of Bankruptcy Procedure, Local Rules of the Court, the administrative order governing professional fees in these cases, and any such procedures as may be fixed by order of this Court.

Dated: \_\_\_\_\_, 2003

\_\_\_\_\_  
The Honorable Joseph J. Farnan, Jr.  
United States District Court Judge

**EXHIBIT "A"**

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

IN RE:

FANSTEEL, INC., *et al.*,

Debtors.

Chapter 11

Case No. 02-10109 (JJF)

(Jointly Administered)

**AFFIDAVIT OF ADAM G. LANDIS IN SUPPORT OF APPLICATION FOR  
AN ORDER PURSUANT TO SECTION 1103(a) OF THE BANKRUPTCY CODE  
AUTHORIZING THE EMPLOYMENT AND RETENTION *NUNC PRO TUNC*  
OF LANDIS RATH & COBB AS CO-COUNSEL TO THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS**

STATE OF DELAWARE            )  
  ) SS  
COUNTY OF NEW CASTLE    )

ADAM G. LANDIS, being duly sworn, does depose and say as follows:

1. I am a partner in the firm of Landis Rath & Cobb LLP ("LRC") and I am duly authorized to make this Affidavit on behalf of LRC. I submit this Affidavit in accordance with Section 1103 of Title 11 of the United States Code and Rules 2014(a) and 5002 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") in connection with the application (the "Application") for an order authorizing the Official Committee of Unsecured Creditors (the "Committee") to retain and employ LRC as co-counsel in these bankruptcy proceedings, pursuant to Section 1103 of the Bankruptcy Code.

2. I am admitted to practice law in the states of Delaware and New York, and the Commonwealth of Massachusetts, the United States District Courts for the District of Delaware, the Southern and Eastern Districts of New York, and the Third Circuit Court of Appeals.

3. Unless otherwise defined, capitalized terms and phrases not otherwise defined herein shall have the same meanings ascribed to such terms in the Application.

## INTRODUCTION

4. On January 15, 2002, (the "Petition Date"), the Debtors filed with the United States Bankruptcy Court for the District of Delaware their respective voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101, et seq. (the "Bankruptcy Code").

5. On March 14, 2002, this Court entered an order authorizing the employment and retention of Klett Rooney Lieber & Schorling ("KRLS") as co-counsel to the Committee. Effective on July 19, 2003 (the "Retention Date"), I left KRLS to form LRC. I was the shareholder of KRLS responsible for these cases and Kerri K. Mumford, an associate, worked with me extensively on this matter. Ms. Mumford has left KRLS and now works for LRC. Because of Mr. Landis' and Ms. Mumford's extensive knowledge of the Committees, Debtors, their operations and this Chapter 11 case, the Committee has requested that LRC represent them in these cases. I understand that as of the Retention Date, the Committee will not ask KRLS to provide further services to it, and KRLS will have no role other than to file any required documents relating to its outstanding fee applications.

6. LRC is a "disinterested person," as the term is defined in Section 101(14) of the Bankruptcy Code because LRC, its partners, associates and employees: (a) are not creditors, equity security holders, or insiders of the Debtors; (b) are not and were not, within the two years before the Petition Date, directors, officers or employees of the Debtors.

7. LRC has not historically represented the Debtors or the Committee. LRC began representing the Committee on July 19, 2003, when LRC was formed. Since that date, LRC has continued to advise the Committee with respect to restructuring and bankruptcy matters and has

prepared certain documents, motions, applications, and affidavits relating to these Chapter 11 cases.

8. LRC is not a creditor of the Debtors. LRC employs six attorneys and has a sophisticated and diversified practice that includes representation of many financial institutions, and commercial entities, some of which or their affiliates may be creditors or parties in interest in the Debtors' pending Chapter 11 cases. Consequently, LRC's attorneys may in the past have represented and may in the future represent entities that are or related to claimants or interest holders of the Debtors in matters unrelated to the Debtors' Chapter 11 cases. No LRC attorney, however, represents or will represent any party other than the Committee in connection with these Chapter 11 cases.

#### **LRC DISCLOSURE PROCEDURES**

9. In connection with LRC's proposed retention in these cases, and in preparing this Affidavit, I followed a set of procedures developed by LRC to ensure compliance under these circumstances with the requirements of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules and orders of this Court (the "LRC Disclosure Procedures").

10. Under the LRC Disclosure Procedures, I have reviewed the names of significant parties in interest in this case. This list of names includes certain of the Debtors':

- major creditors, including the Debtors' scheduled secured and unsecured creditors;
- major customers;
- employees;
- landlords;
- equipment lessors;
- utility companies;
- officers and directors; and
- parties to significant contracts

(all such entities, collectively, the "Potential Parties").

11. I make this Affidavit based in material part on that list, as well as LRC's business records, including its conflict database, and the responses to conflict checks circulated throughout LRC (generally, the "LRC Conflict Identification System"). LRC maintains and updates the LRC Conflict Identification System in the ordinary course of its business, and it is the regular practice of the firm to make and maintain such records.

12. The LRC Conflict Identification System was created to include: (a) every matter for which the firm is now or has been engaged; (b) the entity by which the firm is now or has been engaged; (c) the identity of related parties; (d) the identity of adverse parties; and (e) the responsible attorney in the firm who handles the matter.

13. It is LRC's policy that no new matter may be accepted or opened without the attorney responsible for such matter completing and submitting to the LRC Conflict Identification System all information necessary to check each matter for conflicts, including the identity of the prospective client, the matter and, to the extent known, all adverse, potentially adverse and related parties. Accordingly, the LRC Conflict Identification System is updated for every new matter undertaken by LRC. Of course, the LRC Conflict Identification System relies upon the completeness of the information submitted by individual attorneys in any new matter.

### **LRC'S CONENCTIONS WITH POTENTIAL PARTIES**

14. Based upon my review of the Potential Parties, I have determined that there are no conflicts identified in the LRC Conflict Identification System.

15. Except as set forth herein, LRC does not have any connection with the Debtors, any creditor or party in interest, or their respective attorneys and accountants, the United States Trustee or any person employed in the office of the United States Trustee.

16. LRC does not represent, has not represented, and will not represent any entity, other than the Committee, in matters related to these Chapter 11 cases.

17. The proposed retention of LRC is not prohibited by or improper under Rule 5002 of the Bankruptcy Rules.

18. Neither I, nor LRC, nor any partner or associate thereof, as far as I have been able to ascertain, holds or represents an interest adverse to the Debtors or their estates in the matters for which LRC is proposed to be retained. Accordingly, I believe LRC is a "disinterested person" as defined in Section 101(14) of the Bankruptcy Code.

19. The Debtors have numerous relationships and creditors. Consequently, although every reasonable effort has been made to discover and eliminate the possibility of conflict, including the efforts outlined above, LRC is unable to state with absolute certainty whether one of its clients or an affiliated entity holds a claim or otherwise is a party in interest in these Chapter 11 cases. To the extent that any information disclosed herein requires supplementation, amendment or modification upon LRC's completion of further analysis or as additional information becomes available to it, a supplemental affidavit will be submitted to the Court.

20. Based upon the foregoing, I believe that LRC and the professionals it employs are qualified to represent the Committee in the matters for which LRC is proposed to be retained.

## COMPENSATION

21. Subject to this Court's approval, LRC will charge for its legal services on an hourly basis in accordance with its ordinary and customary hourly rates in effect on the date services are rendered. The primary LRC attorneys who will be representing the Committee and their corresponding rates are: Adam G. Landis, partner, at \$405 per hour; and Kerri K. Mumford, associate, at \$180 per hour. These rates may increase from time to time in accordance with LRC's established billing practices and procedures, and other LRC partners and associates may be involved in the Debtors' cases, as required. LRC will maintain detailed, contemporaneous records of time and any actual and necessary expenses incurred in connection with the rendering of legal services described in the Application by category and nature of the service rendered, consistent with the Bankruptcy Code, Bankruptcy Rules, Local Rules and the United States Trustee's Guidelines.

22. LRC intends to apply to the Court for payment of compensation and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules of this Court, the administrative order entered governing the payment of estate professionals in these cases, and any other orders entered in these cases.

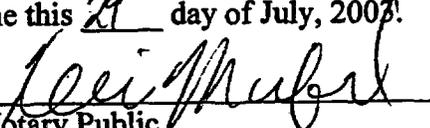
23. No promises have been received by LRC, or any partner or associate thereof, as to payment or compensation in connection with these cases other than in accordance with the provisions of the Bankruptcy Code. Neither LRC nor any of its attorneys has entered into an agreement or understanding to share compensation with respect to the representation of the Committee as described in Rule 2016 of the Bankruptcy Rules.

24. LRC has agreed to accept as compensation such sums as may be allowed by the Court based upon the professional time spent, the rates charged for such services, the necessity

of such services to the administration of the estates, the reasonableness of the time spent in relation to the results achieved, and the complexity, importance and nature of the problems, issues or tasks addressed in these cases.

  
Adam G. Landis

SWORN TO AND SBUSCRIBED before  
me this 21 day of July, 2007.

  
Notary Public

**Kerri K. Mumford**  
**Attorney at Law**  
**Notary Public, State of Delaware**  
**My Commission Has No Expiration Date**  
**29 Del C §4323(a)(3)**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

FANSTEEL, INC., *et al.*,

Debtors.

Chapter 11

Case No. 02-10109 (JJF)

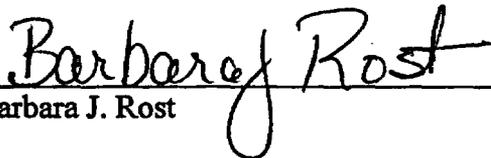
(Jointly Administered)

**AFFIDAVIT OF  
BARBARA J. ROST, LEGAL ASSISTANT**

I, Barbara J. Rost, do hereby certify that I am, and at all times during the service of process, have been, an employee of Landis Rath & Cobb LLP, not less than 18 years of age and not a party to the matter concerning which service of process was made. I certify further that I caused service of the following:

**APPLICATION FOR AN ORDER PURSUANT TO SECTION 1103(a) OF THE  
BANKRUPTCY CODE AUTHORIZING THE EMPLOYMENT AND RETENTION  
NUNC PRO TUNC OF LANDIS RATH & COBB AS CO-COUNSEL TO THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS**

to be made on the parties on the attached list on July 29, 2003 via hand delivery in the City of Wilmington and via first class U.S. mail on the remainder.

  
Barbara J. Rost

SWORN AND SUBSCRIBED before me this 29<sup>th</sup> day of July, 2003.

  
NOTARY PUBLIC

Kerri K. Mumford  
Attorney at Law  
Notary Public, State of Delaware  
My Commission Has No Expiration Date  
29 Del C §4323(a)(3)