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8
9 **UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

10 In re:) Case No.: 22-11824-ABL
11)
FRONT SIGHT MANAGEMENT, LLC,) Chapter 11
12)
Debtor.) Hearing Date: October 24, 2022
13) Hearing Time: 9:30 a.m.

14 **OMNIBUS RESERVATION OF RIGHTS OF FS DIP, LLC TO FIRST INTERIM**
15 **APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

16 FS DIP, LLC, (“FS DIP”) the debtor-in-possession lender in the above-referenced
17 Chapter 11 case (the “Chapter 11 Case”) of Front Sight Management, LLC (the “Debtor”), by
18 and through its counsel of record, Schwartz Law, PLLC, hereby files its omnibus reservation of
19 rights (the “Reservation of Rights”) with respect to the following parties’ (collectively, the
20 “Parties”) applications for compensation and reimbursement of expenses filed in the instant
21 Chapter 11 Case: (i) *First Interim Fee Application of Kelley Drye & Warren LLP for*
22 *Compensation for Services Rendered and Reimbursement of Expenses Incurred as Counsel to the*
23 *Official Committee of Unsecured Creditors of Front Sight Management LLC for the Period from*
24 *June 13, 2022 Through and Including August 31, 2022* [ECF No. 364] (the “Kelley Drye
25 Application”); (ii) *First Interim Fee Application of Carlyon Cica Chtd., as Nevada Counsel to*
26 *the Official Committee of Unsecured Creditors, for Allowance of Compensation for Professional*
27 *Services Rendered and Reimbursement of Expenses for the Period of June 13, 2022 Through*
28 *August 31, 2022* [ECF No. 362] (the “Carlyon Cica Application”); (iii) *First Interim Fee*

1 *Application of Dundon Advisers LLC for Compensation for Services Rendered and*
2 *Reimbursement of Expenses Incurred as Financial Adviser to the Official Committee of*
3 *Unsecured Creditors of Front Sight Management LLC for the Period from June 15, 2022 Through*
4 *and Including August 31, 2022* [ECF No. 366] (the “**Dundon Application**”); (iv) *Amended First*
5 *Interim Application of BG Law LLP, as Bankruptcy Counsel for the Debtor, for the Allowance of*
6 *Compensation for Professional Services Rendered and Reimbursement of Expenses* [ECF No.
7 383] (the “**BG Application**”); and (v) *Amended First Interim Fee Application of Province, LLC,*
8 *as Financial Advisor for the Debtor, for the Allowance of Compensation for Professional Services*
9 *Rendered and Reimbursement of Expenses* [ECF No. 382] (the “**Province Application**”). In
10 support of its Reservation of Rights, FS DIP respectfully states as follows:

11 **RESERVATION OF RIGHTS**

12 1. The fee applicant bears the burden of proof to show entitlement to the requested
13 fees under 11 U.S.C. § 330. *See In re Eliapo*, 298 B.R. 392, 402 (B.A.P. 9th Cir. 2003), *rev'd in*
14 *part on other grounds*, 468 F.3d 592 (9th Cir. 2006); *In re Ginji Corp.*, 117 B.R. 983, 990 (Bankr.
15 D. Nev. 1990) (“The applicant ... has the burden of proof to show the reasonableness of the fees
16 sought.”).

17 2. Through the Kelley Drye Application, Kelley Drye & Warren LLP seeks
18 allowance of fees of \$484,299.50 for services performed and \$875.87 for expenses incurred for a
19 total of \$485,175.37 during the period of June 13, 2022, through August 31, 2022, for work in the
20 Debtor’s Chapter 11 Case. (*See* ECF No. 364.)

21 3. Through the Carlyon Cica Application, Carlyon Cica Chtd. seeks allowance of
22 fees of \$82,570.00 for services performed and \$1,945.76 for expenses incurred for a total of
23 \$84,515.76 during the period of June 13, 2022, through August 31, 2022, for work in the Debtor’s
24 Chapter 11 Case. (*See* ECF No. 362.)

25 4. Through the Dundon Application, Dundon Advisers LLC seeks allowance of fees
26 of \$114,167.00 for services performed and \$0.00 for expenses incurred for a total of \$114,167.00
27 during the period of June 15, 2022, through August 31, 2022, for work in the Debtor’s Chapter
28 11 Case. (*See* ECF No. 366.)

1 5. Through the BG Application, BG Law LLP seeks allowance of fees of
2 \$577,955.50 for services performed and \$13,580.22 for expenses incurred for a total of
3 \$591,535.72 during the period of May 24, 2022, through August 31, 2022, for work in the
4 Debtor’s Chapter 11 Case. (*See* ECF No. 383.)

5 6. Through the Province Application, Province, LLC seeks allowance of fees of
6 \$581,381.50 for services performed and \$750.07 for expenses incurred for a total of \$582,131.57
7 during the period of May 24, 2022, through August 31, 2022, for work in the Debtor’s Chapter
8 11 Case. (*See* ECF No. 382.)

9 7. FS DIP asserts that under the *Order Establishing Procedures for Interim Monthly*
10 *Compensation and Reimbursement of Expenses for Professionals* [ECF No. 318] it is anticipated
11 fee application objections will be lodged at the time the estate’s professionals seek final approval
12 of their fees and costs. Accordingly, FS DIP reserves the rights to object to any and all the Parties’
13 fees and/or expenses on any and all grounds in connection with subsequent interim and final
14 applications for compensation. *Cf. In re Strand*, 375 F.3d 854, 858 (9th Cir. 2004) (interim fee
15 awards are “always” subject to reexamination during the course of the case).

16 Dated: October 10, 2022.

17 Respectfully Submitted,

18 SCHWARTZ LAW, PLLC

19 /s/ Samuel A. Schwartz

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent electronically via the Court's CM/ECF system on October 10, 2022 to the following:

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24 /s/ Brian J. Braud
25 Brian J. Braud, an employee of
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27
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