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IT IS SO ORDERED.

Dated: January 2, 2024



  
Guy R. Humphrey  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

*In re:* :  
 :  
 KAAAN OZKAN, : Case No. 23-31389  
 : Chapter 13  
 : Judge Humphrey  
*Debtor.* :  
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**ORDER GRANTING IN PART AND DENYING IN PART  
ATTORNEY FEE OF DEBTOR COUNSEL (DOC. 26)**

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Before the court is the *Disclosure of Compensation of Attorney for Debtor and Application for Allowance of Fees in Chapter 13 Case* (doc. 1). The burden of proof lies with counsel to show his fees are reasonable but the court is required to calculate the appropriate lodestar amount. *In re Boddy*, 950 F.2d 334. 338 (1991). The court considered all relevant factors, including those enumerated in 11 U.S.C. § 330(a)(3).

On November 22, 2023 the court entered an order requiring the Debtor’s counsel to file an affidavit and/or a memorandum supporting an award of \$4,350 as attorney fees in this case, or an amended disclosure of compensation. Doc. 18.<sup>1</sup> The requested \$4,350 fee is the current

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<sup>1</sup> As stated in this court’s order (doc. 18):

This case generally lacks other typical Chapter 13 issues including, but not limited to, mortgage loan claims, land contracts, significant tax issues, secured claim arrearages, small business income, or unusual special plan provisions. For this reason, the requested maximum no-look fee appears excessive or unreasonable in light of the comparatively limited issues and complexity

maximum “no-look fee” provided by the United States Bankruptcy Court for the Southern District of Ohio. Local Bankruptcy Rule (“LBR”) 2016-1(b)(2)(A), as amended by General Order 50-1 (effective for cases filed on or after February 24, 2021).<sup>2</sup> On December 22, 2023 co-counsel for the Debtor, Mandy Ann Jamison, filed a *Brief Concerning Appropriateness of No-Look Fee Pursuant to Court Order* (doc. 25). On the same day, Debtor’s counsel, Russ B. Cope, filed an amended *Disclosure of Compensation of Attorney for Debtor and Application for Allowance of Fees in Chapter 13 Case* (doc. 26), reducing the “no look fee” requested to \$4,050.

Mr. Cope and Ms. Jamison did not provide an itemization of the work for the court to consider in determining the appropriateness of the \$4,350 or the reduced no-look fee of \$4,050. Absent any explanation of how the legal services in this case are materially different from other cases that generally lack other typical Chapter 13 issues, the court is awarding the calculated lodestar of \$3,900. The court’s order in *In re Spurlock*, which was entered in August 2022, found that \$3,660 was an appropriate fee for a similar case involving primarily the payment of a secured vehicle claim. 642 B.R. 269 (Bankr. S.D. Ohio 2022). **However, based upon the court’s independent research of current legal fees charged in this community, the court determines that the value of the work performed in a case that generally lacks other typical Chapter 13 issues is now \$3,900.**

The Debtor’s counsel represents that they had to address a pre-petition garnishment against the Debtor; however, the court finds that this work on its own does not justify an award of fees in addition to the total lodestar fee of \$3,900 as calculated by the court.

For all these reasons, the court **grants in part and denies in part** the *Application for Allowance of Fees in Chapter 13 Case* (doc. 1). The court finds the reasonable and necessary fee in this case is **\$3,900**.

**IT IS SO ORDERED.**

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presented by the circumstances in this case. See *In re Spurlock*, [642 B.R. 269 (Bankr. S.D. Ohio 2022)].

Specifically, and in summary, the monthly plan payment of \$220, aside from the Trustee’s administrative fee, will go to pay Debtor’s counsel’s unpaid fee of \$2,716. Based on the debtor’s disposable income, the confirmed plan provided a 40% dividend to non-priority unsecured creditors. Docs. 9 & 20.

<sup>2</sup> For a detailed discussion of the operation of the no-look fee in this District, see *In re Spurlock*, 642 B.R. 269, 279-85 (Bankr. S.D. Ohio 2022).

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