

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

In re: Michael D. Vick,

Debtor.

Case Number 08-50775-FJS
Chapter 11

**APPLICATION TO AUTHORIZE EMPLOYMENT OF AN
INVESTIGATIVE FINANCIAL CONSULTANT TO THE
OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

NOW COMES the Official Committee of Unsecured Creditors in the above-captioned case (the "Committee"), by counsel, pursuant to § 1103 of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure, and files this Application to Authorize Employment of an Investigative Financial Consultant to the Official Committee of Unsecured Creditors (the "Application"). Through the Application, the Committee seeks to employ The James Mintz Group ("Mintz Group") as its investigative financial consultant in this proceeding, and in support thereof respectfully states as follows:

1. On July 7, 2008, Michael D. Vick (the "Debtor") filed, in the United States Bankruptcy Court for the Eastern District of Virginia, Newport News Division, a petition of relief under chapter 11 of title 11 of the United States Code. No trustee has been appointed and the Debtor remains in possession and control of his assets and affairs pursuant to 11 U.S.C. § 1107.

Ross C. Reeves (VSB Number 13628)
John D. McIntyre (VSB Number 35925)
Laura C. Pyle (VSB Number 73338)
WILLCOX & SAVAGE, P.C.
One Commercial Place, Suite 1800
Norfolk, Virginia 23510
757-628-5500 (T)
757-628-5566 (F)
Counsel for the Official Committee of Unsecured Creditors

2. On or about July 15, 2008, the Norfolk, Virginia office of the United States Trustee convened a meeting for purposes of organizing a Committee of Unsecured Creditors in this case. The United States Trustee officially formed the Committee at that meeting.

3. On August 19, 2008, the Debtor filed his Schedules and Statement of Financial Affairs (collectively, the "Schedules"). The Schedules remain incomplete and, in the judgment of the Committee, will require independent verification. Upon information and belief, documents relating to the Debtor's financial affairs and transactions are in the possession or control of various third parties and not all of the Debtor's assets have been disclosed.

4. At a scheduled meeting of the Committee, during which a majority of members were present, the Committee determined the need to engage an investigative financial consultant, in order for it to perform its statutory duties. Following lengthy interviews of and presentations by qualified candidates, the Committee has selected the Mintz Group to serve in this role.

5. Contemporaneously with the Mintz Group Application, the Committee is filing an Application to Authorize Employment of a Financial Advisor to analyze financial information, including any information uncovered by the Mintz Group.

6. The Mintz Group is an international investigative firm that specializes in uncovering hidden or undisclosed facts, assets, and evidence. The firm is qualified to investigate the Debtor's financial affairs in this proceeding because it has significant experience in locating assets and reconstructing financial transactions.

7. The terms of the Mintz Group's proposed engagement are set forth in the engagement letter (the "Mintz Contract") attached hereto as **Exhibit A**. These terms, which are subject to the approval requested in this Application, may be summarized as follows:

- a. **Purpose and Duties.** The Mintz Group will investigate the Debtor's assets, undertaking such investigations as have been approved by the Committee or its counsel. Such investigations will include, but not be limited to, searching public records, interviewing witnesses, and otherwise uncovering hidden assets.
- b. **Staffing.** James B. Mintz and Marc Fader will be the investigators primarily responsible for conducting the investigations referenced herein. Mr. Mintz is the founder of the Mintz Group and has nearly thirty years' experience in financial investigations. Mr. Fader is an attorney who specializes in financial investigations.
- c. **Compensation.** The Mintz Group will request compensation, subject to Court approval, at an hourly rate. The Mintz Group's investigators have hourly rates that range from \$150 to \$450 per hour and, in particular, the Mintz Group anticipates hourly rates of \$275 to 450 per hour for the individuals involved in this engagement. The Mintz Group has agreed to absorb all travel costs. All applications for compensation of fees will be accompanied by detailed time records.

8. As set forth in the Affidavit of James Mintz, attached hereto as **Exhibit B** (the "Mintz Affidavit"), Mintz is disinterested within the meaning of 11 U.S.C. § 101(14). As disclosed in the Mintz Affidavit, the Mintz Group has previously performed investigative services which, at the time, placed it in positions adverse to one or more creditors or law firms representing creditors in this proceeding. These engagements are not ongoing in nature, however. The Mintz Group has not been requested by any party other than the Committee to

perform investigative services in connection with this case and will decline any representation inconsistent with its engagement in this case. No amounts payable are to the Mintz Group by parties in interest in relation to matters involving the Debtor or this case. Other than as disclosed herein and in the Mintz Affidavit, the Mintz Group has no direct affiliation with any other creditor, party in interest, attorney, the U.S. Trustee, or employee of the Office of the U.S. Trustee and, to the best of its knowledge, does not have a disqualifying connection with any party in this case.

WHEREFORE the Official Committee of Unsecured Creditors respectfully requests that this Honorable Court grant it authority to employ The James Mintz Group to render services as described above, and for such other and further relief as it deems just.

Respectfully submitted,

THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS

By: /s/ Laura C. Pyle
Of Counsel

Ross C. Reeves (VSB Number 13628)
John D. McIntyre (VSB Number 35925)
Laura C. Pyle (VSB Number 73338)
WILLCOX & SAVAGE, P.C.
One Commercial Place, Suite 1800
Norfolk, Virginia 23510
757-628-5500 (T)
757-628-5566 (F)
Counsel for the Official Committee of Unsecured Creditors

Certificate of Service

I hereby certify that on September 4, 2008, a true and correct copy of the foregoing Application to Authorize Employment of an Investigative Financial Consultant to the Official Committee of Unsecured Creditors was served, by U.S. Mail, on the following parties in accordance with Local Rule 2014-1:

The U.S. Trustee:

Cecelia A. Weschler, Esquire
U.S. TRUSTEE'S OFFICE
Federal Building, Room 625
200 Granby Street
Norfolk, Virginia 23510-1811

Secured creditors, as listed in the Debtor's Schedules:

1st Source Bank
Attention: Richard Rozenboom, Vice President
100 North Michigan Street
South Bend, IN 46601

Bank of America, N.A.
475 Crosspoint Parkway
P.O. Box 9000
Getzville, NY 14068

IRS
400 North 8th Street, Box 76
M/S Room 898
Richmond, VA 23219

Arthur E. Schmalz, *Counsel for Joel Enterprises*
HUNTON & WILLIAMS, LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

Royal Bank of Canada
Attention: Luke O'Brien
77 King Street West, 3rd Floor
Toronto, Ontario, Canada M5W 1P9

Greg D. Stefan, Esquire
U.S. ATTORNEY'S OFFICE
8000 World Trade Center
101 West Main Street
Norfolk, VA 23510

John T. Vian, *Counsel for Wachovia Bank*
SMITH, GAMBRELL & RUSSELL, LLP
1230 Peachtree Street, N.E., Suite 3100
Atlanta, GA 30309

Other Parties Requesting Notice:

P. Darrell Kimbrell, *Counsel for Radtke Sports*
KIMBRELL & BURGAR, LLC
75 14th Street, NE, Suite 2120
Atlanta, GA 30309

Sarah Robinson Borders, *Counsel for the Atlanta Falcons*
KING & SPALDING, LLP
1180 Peachtree Street, 29th Floor
Atlanta, GA 30309

American Express Centurion Bank
c/o BECKET AND LEE LLP
POB 3001
Malvern, PA 19355-0701

Jeffrey Scharf, Esquire
Mark K. Ames, Esquire
TAXING AUTHORITY CONSULTING SERVICES, P.C.
2812 Emerywood Parkway, Suite 200
Richmond, VA 23294

Gregg H. Levy, Esquire
Michael St. Patrick Baxter, Esquire
Dennis B. Auerbach, Esquire
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue NW
Washington, DC 20004

Susan Power Johnston, Esquire
COVINGTON & BURLING LLP
620 Eighth Avenue
New York, NY 10018

Douglas M. Foley, Esquire
Daniel F. Blanks, Esquire
MCGUIRE WOODS LLP
9000 World Trade Center
101 West Main Street
Norfolk, VA 23510-1655

/s/ Laura C. Pyle

Laura C. Pyle