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IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 GOVERNMENT OF GUAM, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

CIVIL CASE NO. 02-00022  
  
**ORDER RE: REIMBURSEMENT  
OF EXPENSES FOR RECEIVER**

The following exhibit hereby supplements the prior Letter of Engagement for Services/  
agreement between the Court and the Receiver with regard to the reimbursement of expenses.  
See exhibit attached hereto.

Dated this 23rd day of May 2008, *nunc pro tunc* to April 4, 2008.

**IT IS SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood  
Chief Judge



SOLID WASTE  
MANAGEMENT  
CONSULTANTS

April 3, 2008

RECEIVED

APR - 8 2008

*AS Palacios*

CHIEF JUDGE'S CHAMBERS  
DISTRICT COURT OF GUAM

Honorable Frances Tydingco-Gatewood  
Chief Judge  
District Court of Guam  
520 West Soledad Avenue  
Hagåtña, Guam 96910

Re: Expenses and Room and Board Plan for Receiver Services

Dear Judge Tydingco-Gatewood:

The purpose of the letter is to present our plan for charges related to the expenses Gershman, Brickner & Bratton, Inc. (GBB) will incur as Receiver pursuant to your Court Order of March 17, 2008, and pursuant to GBB's engagement letter dated March 17, 2008. Accordingly, we herein present our plan for room and board while travelling to and from Guam and during our time in Guam, and for other room and board expenses we may incur for travelling to and from other locations when performing Receiver services.

Invoicing and Reporting

Attached to this letter is an expense schedule that will be the basis for certain charges relevant to this matter. In addition to our fees and the cost of our room and board arrangements, we will incur some other expenses in connection with our work for the Court in this matter. For example, such expenses would include out-of-pocket expenses for transfers (taxi/buses) incurred at non-originating airport locations and meeting expenses that may involve room rentals and meals with others outside of GBB. For these or other expenses not specifically outlined on the attached schedule, we will itemize the expense and provide any reasonable documentation needed by the Court to determine the reasonableness of the expense.

Room and Board Expenses Cap

As part of our quarterly reports to you, GBB will review charges for room and board and compare actual expenses for room and board to what would have been charged using the posted government rates for contractors on [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) for each day of travel for each person. Expenses to be included in this comparison to the appropriate per diem amounts would be for room, board, travel to/from originating airport, parking at originating airport, and tips. GBB will cap the expenses for which reimbursement is requested at an amount not to exceed what would have been paid to us if we had utilized the applicable government rate for contractors as described above.

Gershman, Brickner & Bratton, Inc.

8550 Arlington Boulevard, Suite 203  
Fairfax, Virginia 22031-4620  
(703) 573-5800 FAX (703) 698-1306  
E-MAIL: [gbb@gbbinc.com](mailto:gbb@gbbinc.com)

Honorable Frances Tydingo-Gatewood  
April 3, 2008  
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Please review and comment on the approach we outline here and its acceptability. If there are any questions, please do not hesitate to contact me.

Sincerely,



Harvey W. Gershman  
President

Attachment

cc: David Manning, GBB  
Chace Anderson, GBB

**ATTACHMENT**

**GERSHMAN, BRICKNER & BRATTON, INC.  
EXPENSE FEE SCHEDULE FOR RECEIVER ASSIGNMENT PER COURT ORDER  
DATED MARCH 17, 2008**

| <u>Expenses (1)</u>               | <u>Charge</u>                     |
|-----------------------------------|-----------------------------------|
| Personal Car/Company Car          | \$.505 per mile (2)               |
| Local Travel Expenses (3)         | As Incurred                       |
| Room and Board Expenses (4)       | Actual, subject to review and cap |
| Airfare                           | Per Federal Guideline (5)         |
| Car Rental                        | Discount Rate                     |
| Duplicating (black and white)     | \$.15 per Copy                    |
| Duplicating (color)               | \$.25 per Copy                    |
| Long Distance Telephone           | As Incurred                       |
| Messenger and Delivery Service    | As Incurred                       |
| Subcontractors                    | As Incurred                       |
| Computer Charges (6)              | \$15.00 per Hour                  |
| Facsimile Communications Outbound | \$0.50 per page                   |
| Bank wiring transfer fees         | As incurred                       |

(1) A fee of 10% applied to expenses, including subcontractors.

(2) Subject to adjustment per IRS guideline.

(3) This applies only for local travel not related to making airport connections.

(4) Subject to quarterly review to determine if GBB charges exceed posted government rates for contractors on [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) for each day of travel for each person; expenses to be included in this comparison to the appropriate per diem amounts would be for room, board, travel to/from originating airport, parking at originating airport, and tips. In the event charges are greater than the per diem amounts, a credit will be made to the next month's invoice to the Court.

(5) Authorized Methods of Transportation, Common Carrier. When the origin and/or destination is outside of the coterminous U.S. and the scheduled flight time, including stopovers, is in excess of 14 hours, premium or business class air travel is authorized. Frequent flyer mileage earned on project travel will be applied to lower air travel costs during the course of this engagement.

(6) Applicable to non-word processing software and product software services.