

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 7
)
PEREGRINE FINANCIAL GROUP, INC.,) Case No. 12-27488
)
Debtor.) Honorable Judge Carol A. Doyle
)
) Hearing Date: March 18, 2020
) Hearing Time: 10:00 a.m.

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **March 18, 2020 at 10:00 a.m.**, the undersigned shall appear before the Honorable Judge Carol A. Doyle, in Courtroom 742, 219 South Dearborn Street, Chicago, Illinois, and then and there present the **TRUSTEE’S FOURTH MOTION TO AUTHORIZE THE EXPANSION OF CHAPTER 7 TRUSTEES RETENTION OF MICHAEL J. LICCAR & COMPANY, LLC AS ACCOUNTANTS AND TAX CONSULTANTS**, at which time you may appear if you deem fit.

Dated: March 5, 2020

Respectfully submitted,

Ira Bodenstein, not personally, but as chapter 7 trustee for the estate of Peregrine Financial Group, Inc.

By: /s/ Christina M. Sanfelippo
One of his attorneys

Robert M. Fishman (#3124316)
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CERTIFICATE OF SERVICE

Christina M. Sanfelippo, an attorney, hereby certifies that she caused to be served a true copy of the above and foregoing **TRUSTEE'S FOURTH MOTION TO AUTHORIZE THE EXPANSION OF CHAPTER 7 TRUSTEE'S RETENTION OF MICHAEL J. LICCAR & COMPANY, LLC AS ACCOUNTANTS AND TAX CONSULTANTS** upon the attached Electronic Mail Notice List through the ECF System and on the attached Service List in the manner so indicated on this 5th day of March, 2020.

/s/ Christina M. Sanfelippo

CM/ECF Email Notice List for Case 12-27488:

The following is the list of **parties** who are currently on the list to receive email notice/service for this case:

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 7
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PEREGRINE FINANCIAL GROUP, INC.,) Case No. 12-27488
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) Honorable Judge Carol A. Doyle
Debtor.)
) Hearing Date: March 18, 2020
) Hearing Time: 10:00 a.m.

**TRUSTEE’S FOURTH MOTION TO AUTHORIZE THE EXPANSION OF
CHAPTER 7 TRUSTEE’S RETENTION OF MICHAEL J. LICCAR & COMPANY, LLC
AS ACCOUNTANTS AND TAX CONSULTANTS**

Ira Bodenstein, not personally, but as chapter 7 trustee (the “Trustee”) for the estate of Peregrine Financial Group, Inc. d/b/a PFG Best (the “Debtor”), by his attorneys, hereby moves (the “Motion”) to expand the retention of Michael J. Liccar & Company, LLC (“Liccar”) as the Trustee’s accountants and tax consultants. In support of this Application, the Trustee respectfully represents as follows:

BACKGROUND

1. On July 10, 2012 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code, 11 U.S.C. § 101, *et. seq.* Ira Bodenstein is the duly appointed chapter 7 trustee of the Debtor’s estate.

2. This Court has jurisdiction to hear this matter and enter a final order granting the relief requested herein pursuant to 28 U.S.C. §§ 157 and 1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

3. Prior to the Petition Date, the United States Commodity Futures Trading Commission (“CFTC”) filed a lawsuit in the United States District Court for the Northern

District of Illinois (“District Court”) alleging that the Debtor and its founder, Russell Wasendorf Sr., committed fraud, customer-funds violations and made false statements (the “Lawsuit”). In connection with the Lawsuit, on July 10, 2012, the District Court entered an Order Appointing a Temporary Receiver. Shortly thereafter, the Debtor commenced the above-captioned case.

4. On November 28, 2012, the Trustee filed his *Application to Employ Michael J. Liccar & Company, LLC (formerly d/b/a Liccar & Co. LLC) as Accountants and Tax Consultants* [Dkt. No. 291] (the “First Application”). Pursuant to the First Application, the Trustee sought to employ Liccar to assist him in preparing the Debtor’s 2011 federal and state income tax returns.

5. On December 12, 2012, the Court granted the First Application. [Dkt. No. 299.]

6. On November 5, 2013, the Trustee filed his *Second Application to Employ Michael J. Liccar & Company, LLC as Accountants and Tax Consultants* [Dkt. No. 1854] (the “Second Application”). Pursuant to the Second Application, the Trustee sought to employ Liccar to assist him in preparing the Debtor’s 2012 federal and state income tax returns.

7. On November 20, 2013, the Court granted the Second Application. [Dkt. No. 2041.]

8. On June 24, 2015, the Trustee filed a *Motion to Authorize the Expansion of Chapter 7 Trustee’s Retention of Michael J. Liccar & Company, LLC as Accountants and Tax Consultants* [Dkt. No. 3897] (the “First Expansion Motion”). Pursuant to the First Expansion Motion, the Trustee sought to expand Liccar’s retention to assist him in preparing the Debtor’s 2013 and 2014 federal and state income tax returns.

9. On July 8, 2015, the Court granted the First Expansion Motion. [Dkt. No. 3986.]

10. On April 12, 2016, the Trustee filed a *Motion to Authorize the Expansion of Chapter 7 Trustee's Retention of Michael J. Liccar & Company, LLC as Accountants and Tax Consultants* [Dkt. No. 4928] (the "Second Expansion Motion"). Pursuant to the Second Expansion Motion, the Trustee sought to expand Liccar's retention to assist him in preparing the Debtor's 2015 and 2016 federal, state, and city income tax returns.

11. On May 4, 2016, the Court granted the Second Expansion Motion. [Dkt. No. 4939.]

12. On February 12, 2018, the Trustee filed a *Motion to Authorize the Expansion of Chapter 7 Trustee's Retention of Michael J. Liccar & Company, LLC as Accountants and Tax Consultants* [Dkt. No. 5289] (the "Third Expansion Motion"). Pursuant to the Third Expansion Motion, the Trustee sought to expand Liccar's retention to assist him in preparing the Debtor's required 2017 and 2018 federal, state, and city income tax returns.

13. On February 21, 2018, the Court granted the Third Expansion Motion. [Dkt. No. 5295.]

RELIEF REQUESTED

14. By this Motion, the Trustee seeks to expand Liccar's retention as the Trustee's accountants and tax consultants to assist him in preparing the Debtor's required 2019 and 2020 federal and state of Illinois tax returns.

15. The Trustee further requests authority to pay any amounts that may be due to the federal and state taxing authorities in connection with the Debtor's 2019 and 2020 tax returns.

16. Liccar has informed the Trustee that, pursuant to section 327(e) of the Bankruptcy Code, it does not represent or hold any interest adverse to the Debtor and is "disinterested" within the meaning of section 101(14) of the Bankruptcy Code. In addition, as provided in the

First Application, Liccar has waived its rights to prepetition amounts owed by the Debtor of \$24,191.40.

17. Liccar has indicated its willingness to serve as accountant and tax consultant to the Trustee and to receive compensation and reimbursement in accordance with its standard billing practices for services rendered and expenses incurred on behalf of the Trustee, in accordance with the provisions of sections 330 and 331 of the Bankruptcy Code and pursuant to that the Court's *Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Trustees' Professionals* [Dkt. No. 85] (the Interim Compensation Order'). The principal professional designated to assist the Trustee is Paul Jacobazzi whose hourly rate is \$300.00 per hour. Other professionals who may assist have rates ranging from \$75.00 to \$300.00 per hour.

18. The amount to be charged for completing the 2019 and 2020 federal consolidated tax return will not exceed \$27,000. The amount to be charged for completing the 2019 and 2020 state of Illinois tax returns will not exceed \$3,000. In addition, any research necessary for completion of the tax returns will be billed separately at \$300.00 per hour.

NOTICE

19. Notice of this Application has been served upon the United States Trustee and the parties on the attached service list. The Trustee submits that the notice provided is sufficient and appropriate under the circumstances and that no further notice is required. To the extent that this Court determines otherwise, the Trustee requests that further notice be waived and that notice be limited to that already provided.

WHEREFORE, the Trustee respectfully requests that this Court enter an order, substantially in the form attached hereto: (a) authorizing the Trustee to expand his retention of Liccar on the terms and conditions set forth herein; (b) authorizing the Trustee to pay any amounts due in connection with the Debtor's 2019 and 2020 tax returns; and (c) granting such other and further relief as is just and proper.

Dated: March 5, 2020

Respectfully submitted,

Ira Bodenstein, not personally, but as chapter 7 trustee for the estate of Peregrine Financial Group, Inc.

By: /s/ Christina M. Sanfelippo
One of his attorneys

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:) Case Number: 12-27488
)
Peregrine Financial Group, Inc.) Chapter: 7
)
) Honorable Carol A. Doyle
)
Debtor(s))

**ORDER GRANTING TRUSTEE'S FOURTH MOTION TO AUTHORIZE THE EXPANSION
OF
CHAPTER 7 TRUSTEE'S RETENTION OF MICHAEL J. LICCAR & COMPANY, LLC
AS ACCOUNTANTS AND TAX CONSULTANTS**

Upon consideration of the motion (the "Motion") (capitalized terms not defined herein shall have the meaning ascribed to them in the Motion) of Ira Bodenstein, not personally, but as chapter 7 trustee (the "Trustee") for the estate of Peregrine Financial Group, Inc. d/b/a PFG Best (the "Debtor"), for the entry of an order expanding the retention of Michael J. Liccar & Company, LLC as the Trustee's accountants and tax consultants; sufficient notice having been provided under the circumstances; the Court having core jurisdiction to hear and determine the Motion; and the Court being otherwise fully advised in the premises; it is Ordered:

1. The Motion is granted, as provided herein.
2. The Trustee is authorized to expand the retention of Michael J. Liccar & Company, LLC as the Trustee's accountants and tax consultants on the terms and conditions set forth in the Motion.

Enter:

Honorable Carol A. Doyle
United States Bankruptcy Judge

Dated:

Prepared by:

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