

SILVERMANACAMPORA LLP  
100 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 479-6300  
David J. Mahoney, Esq.

Hearing Date: March 26, 2013  
Time: 10:00 a.m.

Objections Due: March 19, 2013  
Time: 4:00 p.m.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

AGAPE WORLD, INC.,  
AGAPE MERCHANT ADVANCE LLC,  
AGAPE COMMUNITY LLC,  
AGAPE CONSTRUCTION MANAGEMENT LLC,  
AGAPE WORLD BRIDGES LLC, AND  
114 PARKWAY DRIVE SOUTH LLC,

Chapter 7  
Case No. 09-70660 (DTE)  
Substantively Consolidated

Debtors.  
-----X

**NOTICE OF PRESENTMENT OF PROPOSED  
ORDER GRANTING FIRST INTERIM APPLICATIONS FOR  
ALLOWANCE OF INTERIM COMPENSATION AND REIMBURSEMENT  
OF EXPENSES FOR MEDIATORS PURSUANT TO 11 U.S.C. §§330 AND 331**

**PLEASE TAKE NOTICE**, that pursuant to the November 29, 2012 Order of the Honorable Alan S. Trust, annexed hereto as **Exhibit 1** (and related orders of the Court) Harold D. Jones, Esq., Andrew M. Thaler, Esq., and Ted A. Berkowitz, Esq. (collectively, the "Mediators"), will present the order annexed hereto as **Exhibit 2** to the Honorable Alan S. Trust, United States Bankruptcy Judge, in his Courtroom 960, at the United States Bankruptcy Court for the Eastern District of New York, located at 560 Federal Plaza, Central Islip, New York 11722, on **March 26, 2013 at 10:00 a.m.**, granting interim applications (the "Applications") for allowance of interim compensation and reimbursement of expenses for mediators pursuant to 11 U.S.C. §§330 and 331 as follows:

<b>Applicant</b>	<b>Fees and Expenses</b>	<b>Amount Requested</b>
Harold D. Jones, Esq., as Mediator in Agape World, Inc., <i>et al.</i>	Interim Application for Fees and Expenses for the period of October 18, 2012 to January 31, 2013	Fees: \$ 22,450.00 Expenses: \$ 47.80 Total: \$ 22,497.80
Andrew M. Thaler, Esq., as Mediator in Agape World, Inc., <i>et al.</i>	Interim Application for Fees and Expenses for the period of October 18, 2012 to January 31, 2013	Fees: \$ 14,767.50 Expenses: \$ 139.00 Total: \$ 14,906.50

Applicant	Fees and Expenses	Amount Requested
Ted. A. Berkowitz, Esq., as Mediator in Agape World, Inc., <i>et al.</i>	Interim Application for Fees and Expenses for the period of December 5, 2012 to January 31, 2013	Fees: \$ 16,100.00 Expenses: \$ 0.00 <hr/> Total: \$ 16,100.00

**PLEASE TAKE FURTHER NOTICE**, copies of the Mediators' Applications will be on file with, and may be inspected at, the Clerk of the Court, United States Bankruptcy Court for the Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York during its regular business hours or by accessing the Court's website at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov) for registered users of the PACER system, or on the Trustee's website at [www.agapeworldbankruptcy.com](http://www.agapeworldbankruptcy.com), no later than fifteen (15) days prior to the presentment date. Copies may also be obtained by contacting counsel for the Trustee in writing at SILVERMANACAMPORA LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attn: David J. Mahoney, Esq.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, must be (i) made in writing; (ii) electronically filed with the Court; (iii) mailed to Chambers of the Honorable Alan S. Trust, United States Bankruptcy Judge for the Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York, Courtroom 960; (iv) mailed to SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attn: David J. Mahoney, Esq.; (v) mailed to the Office of the United States Trustee, 290 Federal Plaza, Central Islip, New York 11722; (vi) mailed to Jones & Schwartz, P.C., One Old Country Road, Suite 384, Carle Place, New York 11514, Attn: Harold D. Jones, Esq.; (vii); mailed to Thaler Gertler LLP, 90 Merrick Avenue, Suite 400, East Meadow, New York 11554, Attn: Andrew M. Thaler, Esq.; and (viii) mailed to Farrell Fritz, P.C., 1320 RXR Plaza, Uniondale, New York 11556-1320, Attn: Ted. A. Berkowitz, Esq., so as to be actually received no later than **March 19, 2013**.

**PLEASE BE ADVISED, that if an objection is timely filed to the relief requested, or if the Court determines that a hearing is appropriate, the Court will schedule a hearing. Notice of such a hearing will be provided by Kenneth P. Silverman, Esq., chapter 7 trustee of the Debtors' estate.**

Dated: Jericho, New York  
February 28, 2013

**SILVERMANACAMPORA LLP**  
Attorneys for Kenneth P. Silverman, Esq.,  
Chapter 7 Trustee

By: s/ David J. Mahoney  
David J. Mahoney  
Member of the Firm  
100 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 479-6300

# **EXHIBIT 1**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Agape World, Inc.,  
Agape Merchant Advance LLC,  
Agape Community LLC, Agape  
Construction Management LLC,  
Agape World Bridges LLC, and  
114 Parkway Drive South LLC,

Debtors.

-----X

Kenneth P. Silverman,  
Chapter 7 Trustee of Agape World, Inc., *et al.*

Plaintiff,

Chapter 7

Case No. 09-70660-478  
Substantively Consolidated

Adv. Pro. No. [see attached]

- against -

[see attached],

Defendant(s).

-----X

**ORDER ASSIGNING MATTERS TO MEDIATION**

WHEREAS, the adversary proceedings listed on the attached Exhibit "A" (the "Adversary Proceedings") were commenced by Kenneth P. Silverman, Chapter 7 Trustee of Agape World, Inc., *et al.*; and

WHEREAS, the Summons and Complaint in each Adversary Proceeding were served on each of the Defendant(s); and

WHEREAS, each Defendant has filed an Answer; and

WHEREAS, this Court has entered Pretrial Scheduling Orders in accordance with Rule 7016 of the Federal Rules of Bankruptcy Procedure, incorporating Rule 16 of the Federal Rules of Civil Procedure which, *inter alia*, scheduled pretrial conferences in accordance with Fed. R.

Civ P. 16(a) (the "Pre Trial Orders"); and

**WHEREAS**, each of the Adversary Proceedings is ready to be assigned a trial date; and

**WHEREAS**, as part of the Court's authority to control its docket, and as authorized by law, in order to attempt to resolve all disputes by and between the Mediation Parties.

the Court has determined to assign to mediation the adversary proceeding of each Defendant listed on the annexed Exhibit "A." (Mediation is a process whereby parties to a legal dispute will meet in private with a trained and neutral third party who is an attorney who assists them in attempting to reach an amicable resolution of their controversy.); and

**WHEREAS**, hereafter, Kenneth P. Silverman, Chapter 7 Trustee of Agape World, Inc., et al. (the "Trustee" or "Plaintiff") and the Defendants shall collectively be referred to herein as the "Mediation Parties". Therefore, it is hereby

**ORDERED**, that pursuant to E.D.N.Y. LBR 9019-1, all disputes by and between the Mediation Parties are hereby referred to mediation; and it is further

**ORDERED**, that each Defendant(s) on the annexed Exhibit "A" shall appear<sup>1</sup> for mediation (the "Mediation") on January 15, 2013, at 9:00 a.m., in Courtroom 970,<sup>2</sup> United States Bankruptcy Court, Eastern District of New York, The Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York; and it is further

**ORDERED**, that if any Defendant on the annexed Exhibit "A" shall fail to appear at the Mediation, the Court may, without further notice or hearing, strike the Answer of any Defendant that fails to appear at the Mediation; and it is further

**ORDERED**, that any partnership, corporation or other legal entity which is a Mediation Party must designate for attendance a representative who has complete authority to resolve the

---

<sup>1</sup>If you received a copy of this Order your adversary proceeding has been sent by the Court to mediation and you must appear in person on the date and time scheduled by the Court.

<sup>2</sup>Please note that Courtroom 970 is next-door to Courtroom 960 which is where Judge Trust normally has hearings.

dispute(s), subject only to such approval of the Bankruptcy Court as may be necessary or appropriate; and it is further

**ORDERED**, that each Defendant shall bring with him/her/it such records and information which they wish to have the Mediator consider during the Mediation in helping to arrive at a settlement; and it is further

**ORDERED**, that the Trustee and/or a representative who has authority to resolve the dispute(s) on behalf of the Trustee must attend each Mediation session; and it is further

**ORDERED**, that Andrew Thaler, Esq., Louis A. Scarcella, Esq., and Harold Jones, Esq. are hereby each designated as mediators (each a "Mediator" and collectively, the "Mediators"); and it is further

**ORDERED**, that a Mediator shall be assigned by the Court to conduct the mediation of each individual adversary proceeding at the time of the mediation sessions; and

**ORDERED**, that the Mediators shall each be compensated using funds from the Agape World bankruptcy estate at an hourly rate of not to exceed \$500.00; no Defendant shall pay any mediator fees and it is further

**ORDERED**, that all fees due each Mediator from the estate shall be paid upon motion by notice of presentment filed pursuant to E.D.N.Y. LBR 2002-1 and served upon the Trustee, all parties who have requested notice of pleadings filed in the main bankruptcy case of Agape World, Inc., *et al.*, and the United States Trustee, and approval thereof by the United States Bankruptcy Court; and it is further

**ORDERED**, that the Agape World, Inc., *et al.* bankruptcy estate shall provide a Spanish language translator to be available at each mediation session upon the request of any Defendant. The Agape World bankruptcy estate shall compensate the interpreter at a daily rate of \$920.00; no Defendant shall pay any translator fees; and it is further

**ORDERED**, that each Mediator shall submit a status report on settlements achieved

following the conclusion of each mediation session; and it is further

**ORDERED**, that to the extent the procedures for mediation are not set forth herein, the mediation shall be governed by E.D.N.Y. LBR 9019-1; and it is further

**ORDERED**, that each Mediator and his/her agents shall have the same immunity as judges and court employees have under Federal law and the common law from liability for any act or omission in connection with the Mediation, and from compulsory process to testify or produce documents in connection with the Mediation; and it is further


**ORDERED**, that the Mediation shall be considered a settlement negotiation for the purpose of all federal and state rules protecting disclosures made during such conferences from later discovery or use in evidence; the entire procedure shall be confidential, and no stenographic or other record shall be made except to memorialize a settlement record.; all communications and conduct, oral or written, during the Mediation by any party or a party's agent, employee, or attorney are confidential and, where appropriate, are to be considered work product and privileged; such conduct, statements, promises, offers, views and opinions shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding involving the parties; provided, however, that evidence otherwise subject to discovery or admissible is not excluded from discovery or admission in evidence simply as a result of it having been used in connection with this Mediation process; and it is further



**ORDERED**, that on or before **November 30, 2012**, the Trustee shall serve a copy of this Order on each Mediator, each Defendant on the annexed Exhibit "A", and counsel, if any, for each Defendant on the annexed Exhibit "A".

Dated: November 29, 2012  
Central Islip, New York



  
\_\_\_\_\_  
Alan S. Trust  
United States Bankruptcy Judge

**Exhibit "A"**

**ADVERSARY PROCEEDINGS ASSIGNED TO MEDIATION:**

11-08504-ast Silverman v. Centeno  
11-08514-ast Silverman v. Podlaha  
11-08524-ast Silverman v. Roca  
11-08527-ast Silverman v. Ortiz  
11-08544-ast Silverman v. Sarzosa  
11-08546-ast Silverman v. Valentin  
11-08553-ast Silverman v. Santiago  
11-08556-ast Silverman v. Marovic  
11-08574-ast Silverman v. Wagner  
11-08580-ast Silverman v. Iocovozzi  
11-08596-ast Silverman v. D'Amara  
11-08603-ast Silverman v. Manrique  
11-08604-ast Silverman v. Ponce  
11-08616-ast Silverman v. Willard et al  
11-08618-ast Silverman v. Subek  
11-08620-ast Silverman v. Cevallos  
11-08632-ast Silverman v. Keith

# **EXHIBIT 2**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 7

Agape World, Inc.,  
Agape Merchant Advance LLC,  
Agape Community LLC, Agape  
Construction Management LLC,  
Agape World Bridges LLC, and  
114 Parkway Drive South LLC,

Case No. 09-70660 (DTE)  
Substantively Consolidated

Debtors.

-----X

**ORDER GRANTING APPLICATIONS FOR  
ALLOWANCE OF INTERIM COMPENSATION AND  
REIMBURSEMENT OF EXPENSES**

Upon consideration of Applications for Allowance of Interim Compensation and Reimbursement of Expenses (the “Applications”) for professional services rendered and expenses incurred during the period commencing October 18, 2012 through January 31, 2013; and appropriate notice having been given and due consideration having been given to any responses thereto; and sufficient cause having been shown therefore, it is hereby

**ORDERED**, that the Applications are granted to the extent set forth in Schedule A.

Case No.: 1-09-70660-DTE

Case Name: Agape World, Inc., Agape Merchant Advance LLC, Agape Community LLC,  
Agape Construction Management LLC, Agape World Bridges LLC, and 114  
Parkway Drive South LLC

**CURRENT FEE PERIOD**

<b>Applicant</b>	<b>Date/ Document Number of Application</b>	<b>Fees Requested</b>	<b>Fees Allowed (Including Fees Held Back)</b>	<b>Fees Held Back</b>	<b>Fees Payable by Debtor</b>	<b>Expenses Requested</b>	<b>Expenses Allowed and Payable by Debtor</b>
Harold D. Jones, Mediator	February 19, 2013	\$22,450.00				\$ 47.80	
Andrew Thaler, Mediator	February 14, 2013	\$14,767.50				\$ 139.00	
Ted Berkowitz, Mediator	February 22, 2013	\$16,100.00				\$ 0.00	

SCHEDULE A(1)

DATE: \_\_\_\_\_

INITIALS: \_\_\_\_\_ USBJ

Case No.: 1-09-70660-DTE

Case Name: Agape World, Inc., Agape Merchant Advance LLC, Agape Community LLC, Agape Construction Management LLC, Agape World Bridges LLC, and 114 Parkway Drive South LLC

**ALL FEE PERIODS (INCLUDING THIS ONE)**

<b>Applicant</b>	<b>Total Fees Requested</b>	<b>Total Fees Paid/To Be Paid By Debtor</b>	<b>Total Fees Held Back</b>	<b>Total Expenses Requested</b>	<b>Total Expenses Awarded and Paid/To Be Paid By Debtor</b>
Harold D. Jones, Mediator	\$22,450.00			\$ 47.80	
Andrew Thaler, Mediator	\$14,767.50			\$ 139.00	
Ted Berkowitz, Mediator	\$16,100.00			\$ 0.00	

SCHEDULE A(2)

DATE: \_\_\_\_\_

INITIALS: \_\_\_\_\_ USBJ