

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
 )  
RED TOP RENTALS, INC. ) CAUSE NO. 09-05229-JKC-11  
 )  
DEBTOR. )  
\_\_\_\_\_)  
 )  
 )

**APPLICATION FOR AUTHORITY TO EMPLOY  
RICHEY, MILLS & ASSOCIATES, LLP AS  
FINANCIAL CONSULTANT FOR THE DEBTOR**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

In support of the above-entitled application (the “Application”), Red Top Rentals, Inc., (the “Debtor”), by and through its proposed undersigned counsel, respectfully states as follows:

1. The above-captioned case was commenced by the filing of a voluntary petition (the “Petition”) for relief under Title 11, Chapter 11 of the United States Bankruptcy Code on April 20, 2009 (the “Petition Date”). Since the Petition Date, the Debtor has continued in the possession of its property pursuant to 11 U.S.C. §§1107 and 1108.

2. It is necessary for the Debtor to employ a financial consultant and advisor experienced in bankruptcy matters, turnarounds and business reorganization and restructurings to initially consult with the Debtor and assist the Debtor and Debtor’s counsel in assessing the current state of financial affairs of the business and projecting the short-term cash flows of the business; preparing documentation necessary to obtain, if necessary, approval for the Debtor’s use of cash collateral and other property and assist the Debtor and Debtor’s counsel in the negotiations, and any hearings, to obtain approval to use cash collateral and other property. Thereafter, as necessary and appropriate or as requested; (1) advise, counsel and assist the

Debtor in preparing, modifying and implementing a business and financial turnaround plan; (2) advise the Debtor on bankruptcy accounting; (3) assist the Debtor with reporting to the bankruptcy court, creditors and to the Office of the U.S. Trustee on operations and financing matters; (4) assist the Debtor and Debtor's counsel in monitoring, investigating and assessing financial and operating information and other matters relative to the formulation and negotiation of a plan of reorganization and recapitalization or in the event the Debtor cannot reorganize, a plan providing for sale and/or liquidation; (5) assist the Debtor with preparation and presentation of its financial forecasts and business plan and assist the Debtor and Debtor's counsel in the negotiation of a plan of reorganization and disclosure statement; (6) assist the Debtor, as may be necessary or appropriate, in the process of securing new and/or replacement financing and/or capital; and (7) provide the Debtor and Debtor's counsel such other assistance and services as the Debtor, creditors, or the court may request and that are appropriate and necessary depending on the specific facts, issues and circumstances during the course of the bankruptcy proceedings.

3. The Debtor has selected Richey Mills for the reason that Stan Mills and his firm have extensive experience in reorganization and restructuring proceedings and are well qualified to render the services that will be required and are necessary. Richey Mills' partners and associates are experienced in bankruptcy matters, business turnarounds and reorganizations and the firm has the capacity for performing the work.

4. At this time it is not possible to estimate the amount of time that will be required to perform the services referred to herein and therefore not possible to estimate the total cost thereof. At the time of filing, Richey Mills held a retainer in the amount of \$32,298.99. Richey Mills will calculate their fees for professional services based upon hourly rates which vary by professional depending on their experience and responsibility. The rates currently range from \$125 to \$325 per hour. Richey Mills' rates are subject to normal adjustment from time to time

for increases in costs and other factors. In addition to compensation for professional services that are rendered, Richey Mills will seek reimbursement for reasonable and necessary expenses incurred in connection with its employment. A fee rate schedule is attached hereto as **Attachment A** and made a part hereof.

5. To the best of the Debtor's knowledge, neither Richey Mills nor its members or associates have connections with the Debtor, any of its creditors, and other parties-in-interest in this case, their respective attorneys and accountants, the United States Trustee or with any person employed in the office of the United States Trustee. Richey Mills does not hold or represent any interest adverse to the interest of the estate with respect to the matters for which Richey Mills is employed. To the best of the Debtor's knowledge Richey Mills is a "disinterested person" as that term is defined in 11 USC §101(14). The Verified Statement of Stan Mills is attached hereto as **Attachment B** and made a part hereof.

6. The Debtor is requesting that the employment of Richey Mills be approved *nunc pro tunc*, effective from the Petition Date since, at the Debtor's request, Richey Mills has already commenced work before this Application could be considered by the Court.

#### **REQUEST FOR RELIEF**

The Debtor requests that it be authorized to employ Richey Mills as Debtor's financial consultant and advisor *nunc pro tunc* to render services as required by the Debtor with compensation to be determined at the hourly rates in effect at the time of rendering the particular service and that the Debtor be authorized to pay Richey Mills the fees and expenses billed subject to application and final approval of the bankruptcy court; and further requests all other relief that is just and appropriate.

Respectfully submitted,

**TUCKER | HESTER, LLC**

/s/ Jeffrey M. Hester  
Jeffrey M. Hester

William J. Tucker  
Jeffrey M. Hester  
Niccole R. Sadowski  
TUCKER | HESTER, LLC  
429 N. Pennsylvania Street, Suite 100  
Indianapolis, Indiana 46204-1816  
317.833.3030  
jeff@tucker-hester.com