

VBA BANKRUPTCY LAW SECTION
Bench-Bar Brown Bag Lunch Meeting
with Hon. Colleen A. Brown, U.S. Bankruptcy Judge

Tuesday, April 24 ~ 12:00 pm – 1:00 pm
United States Bankruptcy Court, 2nd Floor Courtroom in Burlington
~ Participation may be in person or by telephone ~

TOPICS FOR DISCUSSION

1. Update re Mediation - how is it working? Anything anyone would like to suggest be changed before the Standing Order is incorporated into Local Rules? (a few details already raised in Rules Task Force) Judge Brown
2. Local Rules update / CLE notice: projected completion date of the final draft of the Local Rule is May 30, 2012, plan to hold ½ day CLE at commencement of comment period (probably in first half of June) to go through the new proposed rules so the bar has an opportunity to ask questions and gather the information it needs to provide input during comment period. Looking for suggestions for date and location for the CLE. Michelle Kainen
Judge Brown
3. Kudos to Michelle Kainen, Tavian Mayer, Jennifer Emens-Butler, Andre Bouffard, Deb Leahy, and Hobart Popick for very well presented - and well received - CLEs in March!
4. Courtroom technology - since we are using the District Court courtroom and they use different technology than Bankruptcy Court, there have been a few glitches; we are working through them; our goal is to provide the best access to hearings that we can and we appreciate the bar's patience. Kathleen Ford
5. Telephonic appearances: Although we have changed protocol such that attys call in to Meet Me, attys who wish to appear by telephone are still required to contact the courtroom deputy at least 1 full business day in advance to make arrangements to do so. (This is required by the Local Rule – and also allows us to contact attorneys planning to appear by telephone if there are any changes to the protocol, or issues, on a given day.) Kathleen Ford
6. Chapter 13 Update:
 - How should the Chapter 13 Trustee be paid when a case is dismissed or converted prior to confirmation? (The Antonacci decision from the District of Nevada [attached] held that Trustees should be paid on a commission basis rather than under § 503(b). The Rules Task Force will be looking at this issue.) We would like input from the bar.
 - The Executive Office of the US Trustee has approved Jan Sensenich application for his office to be a “Provider of a Personal Financial Management Instructional Course.” (It is a 6 month provisional approval.) They hope to offer the first class in late May. Details to follow Jan Sensenich

These Bench-Bar lunch meetings are coordinated by the Bankruptcy Court
If you have a question about them, contact Kathy Ford at 802-776-2003 or at kathleen_ford@vtb.uscourts.gov
No fee and no pre-registration required. ~ Soft drinks and bottled water will be provided.


Honorable Linda B. Riegler
United States Bankruptcy Judge



Entered on Docket
December 27, 2011

Electronically Filed on

12/27/11

RICK A YARNALL
Chapter 13 Bankruptcy Trustee
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

KIMBERLY ANN ANTONACCI

Debtor.

BK-S-08-23349-LBR
Chapter 13

**ORDER ALLOWING TRUSTEE FEES UNDER 28
U.S.C. § 586(e)**

Hearing Date: December 20, 2011
Hearing Time: 10:00 A.M

On August 11, 2011, the court conducted a hearing on the standing chapter 13 trustee's legal authority entitling him to administrative fees on cases that are dismissed or converted prior to confirmation. At that hearing the U.S. Trustee was ordered to file a brief on its position regarding whether a chapter 13 trustee is entitled to claim fees under 28 U.S.C. § 568 or 11 U.S.C. § 503 on cases that are converted or dismissed prior to confirmation. This matter having come on for argument on

1 December 20, 2011, with Daniel Riggs Esq. appearing on behalf of Rick A. Yarnall, Chapter 13 Trustee,
2 Athanasios E. Agelakopoulos appearing on behalf August B. Landis, Acting United States Trustee, and
3 other appearances as noted on record, argument having been heard, and based upon the papers and
4 pleadings on filed herein, and good cause appearing:

5 IT IS HEREBY ORDERED that the standing Chapter 13 trustee shall collect the percentage fee
6 allowed under section 586(e) of Title 28 on all payments received in cases in which the standing trustee
7 serves as the standing trustee.


8 IT IS FURTHER ORDERED that the standing Chapter 13 trustee shall collect 28 U.S.C. §
9 586(e) fees even on cases that are dismissed or converted prior to confirmation.

10 IT IS FURTHER ORDERED that the standing Chapter 13 trustee shall not collect administrative
11 fees under section 503(b) of Title 11 due to the limitations placed on these fees under section 326(b) of
12 Title 11.

13 IT IS FINALLY ORDERED, in this case, that the standing trustee's percentage fee under 28
14 U.S.C. § 586(e) shall be calculated at the time the case was dismissed; totaling \$552.50 in trustee fees.
15 The trustee is ordered to immediately return any remaining funds to the Debtor.

16
17 IT IS SO ORDERED.

18 Respectfully Submitted by:

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20 
21 Daniel Riggs, Esq.
22 Nevada Bar No. 12270
23 Attorney for Rick A. Yarnall,
Chapter 13 Bankruptcy Trustee

Date: 12/27/11

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1 Approved/Disapproved

2 Waived Signature

Date: _____

3 Christopher P. Burke, Esq.
4 Counsel for Debtor

5 Athanasios E. Agelakopoulos
6 Athanasios E. Agelakopoulos, Esq.
7 Counsel for the United States Trustee

Date: December 23, 2011

8 In accordance with LR 9021, counsel submitting this document certifies that the order accurately
9 reflects the court's ruling and that (check one):

10 ☐ The court has waived the requirement set forth in LR 9021(b)(1).

11 ☐ No party appeared at the hearing or filed an objection to the motion.

12 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
13 hearing, and any unrepresented parties who appeared at the hearing, and each has
14 approved or disapproved the order, or failed to respond, as indicated below [list each
15 party and whether the party has approved, disapproved, or failed to respond to the
16 document]:

17 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this
18 order with the motion pursuant to LR 9014(g), and that no party has objected to the form
19 or content of the order.

20 Christopher P. Burke, Esq. approved ☐ disapproved ☐ failed to respond ☐

21 Athanasios E. Agelakopoulos, Esq. approved ☒ disapproved ☐ failed to respond ☐

22 Leah Abeyta
23 Leah Abeyta
An Employee of Rick A. Yarnall
Chapter 13 Bankruptcy Trustee

Date: 12/27/11

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