

EXHIBIT “7”

BAPCPA

**U.S. Bankruptcy Court
District of Nevada (Reno)
Bankruptcy Petition #: 10-54568-gwz**

Assigned to: GREGG W ZIVE
Chapter 7
Previous chapter 11
Voluntary
Asset

Date filed: 11/19/2010
Date converted: 09/05/2012
Debtor discharged: 04/09/2015
341 meeting: 10/04/2012
Deadline for objecting to discharge: 12/03/2012

Debtor

DAVID JOHN KAPLAN
POB 5006
RENO, NV 89513-5006
WASHOE-NV
SSN / ITIN: xxx-xx-9754
aka **DAVID J. KAPLAN, TRUSTEE**
aka **DAVID KAPLAN TAX CONSULTANT**
aka **KAPLAN & ASSOCIATES**
aka **KAPLAN TAX CONSULTANTS, INC.**

represented by **CHRISTOPHER PATRICK
BURKE**

702 PLUMAS ST
RENO, NV 89509
(775)333-9277
Email: attycburke@charter.net

Trustee

ALLEN M DUTRA
59 DAMONTE RANCH PKWY, STE B299
RENO, NV 89521
(775) 853-8644

represented by **CURTIS B COULTER**

403 HILL ST
RENO, NV 89501
(775) 324-3380

BRADLEY PAUL ELLEY

120 COUNTRY CLUB DR, STE 5
INCLINE VILLAGE, NV 89451
(775) 831 8800
Fax : (775) 831 8807
Email: bpelleylawbk@sbcglobal.net

MICHAEL LEHNERS

429 MARSH AVE
RENO, NV 89509
(775) 786-1695
Fax : (775) 786-0799
Email: michaellehners@yahoo.com

U.S. Trustee

U.S. TRUSTEE - RN - 11, 11
300 BOOTH STREET, STE 3009

RENO, NV 89509
 TERMINATED: 09/05/2012

U.S. Trustee
U.S. TRUSTEE - RN - 7, 7
 300 BOOTH STREET, STE 3009
 RENO, NV 89509

Filing Date	#	Docket Text
11/19/2010	<u>1</u> (22 pgs)	Chapter 11 Voluntary Petition. Fee Amount \$1039. Filed by DAVID JOHN KAPLAN (rll) (Entered: 11/19/2010)
11/19/2010	<u>2</u> (2 pgs)	Meeting of Creditors to be held on 12/27/2010 at 02:00 PM at Young Bldg,Rm 3024. Objections to Discharge due by 02/25/2011. Last day to file Proof of Claims 03/28/2011. (Entered: 11/19/2010)
11/19/2010	<u>3</u>	Statement of Social Security Number(s). This document contains sensitive information and cannot be viewed by the public. Filed by DAVID JOHN KAPLAN (rll) (Entered: 11/19/2010)
11/19/2010	<u>4</u> (1 pg)	Declaration Of: DAVID JOHN KAPLAN Filed by DAVID JOHN KAPLAN (rll) (Entered: 11/19/2010)
11/19/2010	<u>5</u>	Set Deficient Filing Deadlines. Incomplete Filings due by 12/3/2010. Notice to Individual Consumer Debtor due by 12/3/2010. Summary of schedules due by 12/3/2010. Schedules A-J due by 12/3/2010. Declaration Re: Schedules due by 12/3/2010. Statement of Financial Affairs due by 12/3/2010. Chapter 11 Current Monthly Income Form 22B Due 12/3/2010. Bankruptcy Petition Preparer Signature due 12/3/2010. (rll) (Entered: 11/19/2010)
11/19/2010	<u>6</u> (7 pgs)	Notice of Incomplete and/or Deficient Filing. (rll) (Entered: 11/19/2010)
11/19/2010	<u>7</u>	Receipt Number-Filing Fee 87674, Fee Amount \$1039.00. (Related document(s) <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor DAVID JOHN KAPLAN) (rll) (Entered: 11/19/2010)
11/21/2010	<u>8</u> (7 pgs)	BNC Certificate of Mailing (Related document(s) <u>2</u> Meeting of Creditors Chapter 11 (BNC)) No. of

		Notices: 90. Service Date 11/21/2010. (Admin.) (Entered: 11/21/2010)
11/21/2010	<u>9</u> (8 pgs)	BNC Certificate of Mailing. (Related document(s) <u>6</u> Incomplete and/or Deficient Filing-Ch 11 Individual (BNC)) No. of Notices: 1. Service Date 11/21/2010. (Admin.) (Entered: 11/21/2010)
11/22/2010	10	Previous Dismissal. Chapter: 13. Case Number: 10-53713. Date Filed: 9/17/10. District: NV. Date of Previous Dismissal: 10/29/10. (anc) (Entered: 11/22/2010)
12/03/2010	<u>11</u> (8 pgs)	Amended Voluntary Petition , Notice to Individual Consumer Debtor Filed by DAVID JOHN KAPLAN (rll) (Entered: 12/03/2010)
12/03/2010	<u>12</u> (3 pgs)	Motion to Extend Deadline to File Schedules or Provide Required Information with Proposed Order Filed by DAVID JOHN KAPLAN (rll) (Entered: 12/03/2010)
12/03/2010	<u>13</u> (1 pg)	Notice Filed by DAVID JOHN KAPLAN (Related document(s) <u>12</u> Motion to Extend Deadline to File Schedules filed by Debtor DAVID JOHN KAPLAN) (rll) (Entered: 12/03/2010)
12/03/2010	<u>14</u> (3 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>12</u> Motion to Extend Deadline to File Schedules filed by Debtor DAVID JOHN KAPLAN, <u>13</u> Notice filed by Debtor DAVID JOHN KAPLAN) (rll) (Entered: 12/03/2010)
12/07/2010	<u>15</u> (1 pg)	Order Extending Period Within Which to File Statement and Schedules (Related Doc # <u>12</u>) Incomplete Filings due by 12/10/2010 (dlm) (Entered: 12/07/2010)
12/13/2010	<u>16</u> (5 pgs)	Motion to Extend Deadline to File Schedules or Provide Required Information with Proposed Order Filed by DAVID JOHN KAPLAN (rll) (Entered: 12/13/2010)
12/13/2010	<u>17</u> (1 pg)	Negative Notice Filed by DAVID JOHN KAPLAN (Related document(s) <u>16</u> Motion to Extend Deadline to File Schedules filed by Debtor DAVID JOHN KAPLAN) (rll) (Entered: 12/13/2010)

12/13/2010	<u>18</u> (3 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>16</u> Motion to Extend Deadline to File Schedules filed by Debtor DAVID JOHN KAPLAN, <u>17</u> Notice filed by Debtor DAVID JOHN KAPLAN) (rll) (Entered: 12/13/2010)
12/15/2010	<u>19</u> (1 pg)	Order For Additional Period Within Which to File Statement and Schedules (Related Doc # <u>16</u>) Incomplete Filings due by 12/22/2010 for 5 , Incomplete Filings due by 12/22/2010 for <u>15</u> , (Related document(s) 5 Set Deficient Filing Deadlines, <u>15</u> Order on Motion to Extend Deadline to File Schedules.) (rll) (Entered: 12/15/2010)
12/15/2010	20	Set Deficient Filing Deadlines. Incomplete Filings due by 12/22/2010. 20 Largest Unsecured Creditors due by 12/22/2010. Notice to Individual Consumer Debtor due by 12/22/2010. Summary of schedules due by 12/22/2010. Schedules A-J due by 12/22/2010. Declaration Re: Schedules due by 12/22/2010. Statement of Financial Affairs due by 12/22/2010. Chapter 11 Current Monthly Income Form 22B Due 12/22/2010. List of Equity Security Holders due by 12/22/2010. (rll) (Entered: 12/15/2010)
12/22/2010	<u>21</u> (42 pgs; 2 docs)	Schedule[s] A, Real Property Amount: \$ 380000.00, B, Personal Property Amount: \$ 46400.98, C, Amount \$445500.00, D, Creditors Holding Secured Claims Amount: \$ 310673.47, E, Creditors Holding Unsecured Priority Claims Amount: \$ 0.00, F, Creditors Holding Unsecured Nonpriority Claims Amount: \$ 443856.70, G, H, I, Average Income Amount: \$ 1291.00, J, Current Expenditures Amount: \$ 2494.00, Summary of Schedules, Declaration Concerning Debtor[s] Schedules, Filed by DAVID JOHN KAPLAN (rll) Additional attachment(s) added on 12/23/2010 (Leavitt, RL). (Entered: 12/23/2010)
12/22/2010	<u>22</u> (14 pgs; 2 docs)	Statement of Financial Affairs Filed by DAVID JOHN KAPLAN (Related document(s) 20 Set Deficient Filing Deadlines) (rll) Additional attachment(s) added on 12/23/2010 (Leavitt, RL). (Entered: 12/23/2010)
12/22/2010	<u>23</u> (4 pgs; 2 docs)	Chapter 11 Statement of Current Monthly Income (Form 22B) Filed by DAVID JOHN KAPLAN (rll)

		Additional attachment(s) added on 12/23/2010 (Leavitt, RL). (Entered: 12/23/2010)
12/23/2010	<u>24</u> (5 pgs)	20 Largest Unsecured Creditors Filed by DAVID JOHN KAPLAN (rll) (Entered: 12/23/2010)
12/23/2010	<u>25</u> (4 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>2</u> Meeting of Creditors Chapter 11 (BNC)) (rll) (Entered: 12/23/2010)
12/27/2010	<u>26</u> (27 pgs)	Amended Schedule[s] F, Creditors Holding Unsecured Nonpriority Claims Amount: \$ 23383.70, Summary of Schedules, Declaration Concerning Debtor[s] Schedules, Filed by DAVID JOHN KAPLAN (rll) (Entered: 12/27/2010)
12/28/2010	<u>27</u> (2 pgs)	341 Meeting Concluded (STROZZA (kf), NICHOLAS) (Entered: 12/28/2010)
01/03/2011	<u>28</u> (15 pgs)	Small Business Monthly Operating Report for Filing Period Ending November 30, 2010 Filed by DAVID JOHN KAPLAN (dlm) (Entered: 01/04/2011)
01/24/2011	<u>29</u> (30 pgs)	Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Estate Holds a Substantial or Controlling Interest Filed by DAVID JOHN KAPLAN (cly) (Entered: 01/25/2011)
01/31/2011	<u>30</u> (18 pgs)	Small Business Monthly Operating Report for Filing Period Ending December, 2010' Filed by DAVID JOHN KAPLAN (lms) (Entered: 02/01/2011)
02/03/2011	<u>31</u> (2 pgs)	Request for Special Notice with Certificate of Service Filed by KEVIN HAHN on behalf of WELLS FARGO HOME MORTGAGE (HAHN, KEVIN) (Entered: 02/03/2011)
02/25/2011	<u>32</u> (27 pgs)	Small Business Monthly Operating Report for Filing Period Ending January 2011 Filed by DAVID JOHN KAPLAN (dlm) (Entered: 02/28/2011)
03/17/2011	<u>33</u> (7 pgs)	Adversary case 11-05030. Complaint Filed by DAVID JOHN KAPLAN vs. VADONNA G. RIVERA, JEFFERY RIVERA Fee Amount \$250. (14 (Recovery of money/property - other)(glw) (Entered: 03/17/2011)

04/04/2011	<u>34</u> (27 pgs)	Small Business Monthly Operating Report for Filing Period Ending February, 2011 Filed by DAVID JOHN KAPLAN (glw) (Entered: 04/04/2011)
04/14/2011	<u>35</u> (34 pgs; 2 docs)	Motion to Dismiss Case <i>Under Rule 12(B)(6) and Demand for District Court Adjudication</i> with Certificate of Service Filed by COURTNEY SWEET on behalf of Jeffrey Rivera, VADONNA G. RIVERA (Attachments: <u>1</u> Exhibit A)(SWEET, COURTNEY) Modified on 4/15/2011 to remove SARD statistical data and to reflect docketed on incorrect case. See Adversary 11-5030 (Wenszell, GL). (Entered: 04/14/2011)
04/15/2011	<u>36</u> (1 pg)	Change of Address of Vativ Recovery Solutions, LLC Filed by VATIV RECOVERY SOLUTIONS LLC (VATIV RECOVERY SOLUTIONS, LLC (tn)) (Entered: 04/15/2011)
05/13/2011	<u>37</u> (7 pgs)	First Amended Complaint <i>with Certificate of Service</i> Filed by DAVID JOHN KAPLAN against JEFFERY RIVERA, VADONNA G. RIVERA (glw) (Entered: 05/16/2011)
05/23/2011	<u>38</u> (19 pgs)	Small Business Monthly Operating Report for Filing Period Ending March 2011 Filed by DAVID JOHN KAPLAN (lms) (Entered: 05/24/2011)
05/23/2011	<u>39</u> (19 pgs)	Small Business Monthly Operating Report for Filing Period Ending APRIL 2011 Filed by DAVID JOHN KAPLAN (lms) (Entered: 05/24/2011)
06/20/2011	<u>40</u> (16 pgs)	Monthly Operating Report for Filing Period Ending May 2011 Filed by DAVID JOHN KAPLAN (lms) (Entered: 06/21/2011)
08/09/2011	<u>41</u> (10 pgs)	Amended Schedule[s] B, Personal Property Amount: \$ 45050.98, C, Summary of Schedules, Declaration Concerning Debtor[s] Schedules, Filed by DAVID JOHN KAPLAN (lms) (Entered: 08/09/2011)
09/19/2011	<u>42</u> (3 pgs)	<i>Notice of Attorney Name Change</i> with Certificate of Service Filed by MARK H. GUNDERSON on behalf of JEFFREY RIVERA, VADONNA G. RIVERA (GUNDERSON, MARK) (Entered: 09/19/2011)
09/23/2011		

	<u>43</u> (5 pgs)	Reply <i>In Support of Motion to Dismiss Under Rule 12(B)(6) and Demand for District Court Adjudication</i> with Certificate of Service Filed by MARK H. GUNDERSON on behalf of JEFFREY RIVERA, VADONNA G. RIVERA (Related document(s) <u>35</u> Motion to Dismiss Case filed by Defendant VADONNA G. RIVERA, Interested Party JEFFREY RIVERA.) (GUNDERSON, MARK) (Entered: 09/23/2011)
11/08/2011	44	Disposition and Closing of Adversary Case (dlm) (Entered: 11/08/2011)
03/21/2012	<u>45</u> (14 pgs)	Application to Employ BRADLEY PAUL ELLEY, ESQ. as Attorney with Certificate of Service Filed by DAVID JOHN KAPLAN (dlm) (Entered: 03/22/2012)
03/21/2012	<u>46</u> (4 pgs)	Affidavit Of: BRADLEY PAUL ELLEY Filed by DAVID JOHN KAPLAN (Related document(s) <u>45</u> Application to Employ filed by Debtor DAVID JOHN KAPLAN) (dlm) (Entered: 03/22/2012)
03/28/2012	<u>47</u> (5 pgs)	Errata with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>45</u> Application to Employ filed by Debtor DAVID JOHN KAPLAN) (dlm) (Entered: 03/28/2012)
05/03/2012	<u>48</u> (7 pgs)	Adversary case 12-05029. Complaint Filed by DAVID JOHN KAPLAN vs. SHARON ELIZABETH CONNELL, CARLOS TOMAS ARAIZA, JOSE RAMON NUNO-GODINEZ. Fee Amount \$293. (14 (Recovery of money/property - other)(glw) (Entered: 05/03/2012)
06/01/2012	<u>49</u> (2 pgs)	Notice of Hearing Filed by DAVID JOHN KAPLAN (Related document(s) <u>45</u> Application to Employ filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/01/2012)
06/01/2012	50	Hearing Scheduled/Rescheduled. Hearing scheduled 6/20/2012 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>45</u> Application to Employ filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/01/2012)
06/01/2012	<u>51</u> (6 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>45</u> Application to

		Employ filed by Debtor DAVID JOHN KAPLAN, <u>46</u> Affidavit filed by Debtor DAVID JOHN KAPLAN, <u>49</u> Notice filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/01/2012)
07/17/2012	<u>52</u> (2 pgs)	Order Approving Employment of Attorney by Debtor in Possession. (Related document(s) <u>45</u>) (lms) (Entered: 07/17/2012)
07/27/2012	<u>53</u> (1 pg)	Change of Address Filed by VATIV RECOVERY SOLUTIONS, LLC (sb) (VATIV RECOVERY SOLUTIONS, LLC (sb)) (Entered: 07/27/2012)
07/30/2012	<u>54</u> (9 pgs)	Motion to Convert Case From 11 To Chapter 7. Fee Amount \$15. , Motion to Dismiss Case with Certificate of Service Filed by U.S. TRUSTEE - RN - 11 11 (STROZZA (rl), NICHOLAS) (Entered: 07/30/2012)
07/30/2012	<u>55</u> (3 pgs)	Notice of Hearing Hearing Date: 08/29/2012 Hearing Time: 2:00 p.m. with Certificate of Service (Related document(s) <u>54</u> Motion to Convert Case From 11 To Chapter 7 filed by U.S. Trustee U.S. TRUSTEE - RN - 11, Motion to Dismiss Case.) (STROZZA (rl), NICHOLAS) (Entered: 07/30/2012)
07/31/2012	<u>56</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 8/29/2012 at 02:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>54</u> Motion to Convert Case From 11 To Chapter 7 filed by U.S. Trustee U.S. TRUSTEE - RN - 11, Motion to Dismiss Case) (lms) (Entered: 07/31/2012)
08/02/2012	<u>57</u> (8 pgs)	BNC Certificatc of Mailing - pdf (Related document (s) <u>55</u> UST Notice of Hearing) No. of Notices: 102. Notice Date 08/02/2012. (Admin.) (Entered: 08/02/2012)
08/20/2012	<u>58</u> (9 pgs)	Response with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>54</u> Motion to Convert Case From 11 To Chapter 7 filed by U.S. Trustee U.S. TRUSTEE - RN - 11, Motion to Dismiss Case.) (lms) (Entered: 08/21/2012)
08/29/2012	<u>59</u> (12 pgs)	Affidavit Of: DAVID JOHN KAPLAN <i>In Support</i> with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>58</u> Response filed by

		Debtor DAVID JOHN KAPLAN) (dlm) (Entered: 08/30/2012)
09/05/2012	<u>60</u> (3 pgs)	Order Granting US Trustee's Motion to Convert Case to Chapter 7. (Related document(s) <u>54</u>)(lms) (Entered: 09/05/2012)
09/05/2012	<u>61</u> (2 pgs)	Meeting of Creditors 341(a) meeting to be held on 10/4/2012 at 02:00 PM at Young Bldg,Rm 3087. Deadline to Object to Debtors Discharge or to Challenge Dischargeability of Certain Debts is 12/3/2012 Proof of Claim due by 1/2/2013 (lms) (Entered: 09/05/2012)
09/06/2012	<u>62</u> (4 pgs)	UST Notice of Entry of Order (Related document(s) <u>60</u> Order on Motion to Convert Case from Chapter 11 to Chapter 7, Order on Motion to Dismiss Case.) (STROZZA (kf), NICHIOLAS) (Entered: 09/06/2012)
09/07/2012	<u>63</u> (7 pgs)	BNC Certificate of Mailing (Related document(s) <u>61</u> Meeting of Creditors Chapter 7 Asset Individual (BNC)) No. of Notices: 93. Notice Date 09/07/2012. (Admin.) (Entered: 09/07/2012)
09/09/2012	<u>64</u> (9 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>62</u> UST Notice of Entry of Order (BNC)) No. of Notices: 105. Notice Date 09/09/2012. (Admin.) (Entered: 09/09/2012)
09/20/2012	<u>65</u> (4 pgs)	Statement of Intention Filed by DAVID JOHN KAPLAN (lms) (Entered: 09/21/2012)
09/20/2012	<u>66</u> (4 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>65</u> Statement of Intention filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 09/21/2012)
09/25/2012	<u>67</u>	Fee Waived \$15.00 (Related document(s) <u>54</u> Motion to Convert Case From 11 To Chapter 7 filed by U.S. Trustee U.S. TRUSTEE - RN - 11, Motion to Dismiss Case) (kmm) (Entered: 09/25/2012)
09/27/2012	<u>68</u> (1 pg)	Withdrawal of Claim: 18 with Certificate of Service (U.S. BANK (ts)) Modified on 10/5/2012 to Add with Certificate of Service (Lakas, WM). (Entered: 09/27/2012)

10/23/2012	<u>69</u> (1 pg)	Stipulation to Extend Time to Object to Discharge (DUTRA, ALLEN) (Entered: 10/23/2012)
10/24/2012	<u>70</u> (1 pg)	Stipulated Order Extending Time for Trustee and U.S. Trustee to File an Objection to the Discharge of Debtor(s) until 6/30/2013. (lms) (Entered: 10/24/2012)
10/26/2012	71	Initial Asset Report (DUTRA, ALLEN) (Entered: 10/26/2012)
11/01/2012	<u>72</u> (3 pgs)	Ex Parte Application to Employ Bradley Paul Elley, Esq. as Attorney Filed by ALLEN M DUTRA on behalf of ALLEN M DUTRA (DUTRA, ALLEN) (Entered: 11/01/2012)
11/02/2012	<u>73</u> (4 pgs)	Supporting Application to Employ Bradley Paul Elley as Litigation Counsel for Trustee <i>Declaration of Counsel</i> with Proposed Order Filed by BRADLEY PAUL ELLEY on behalf of ALLEN M DUTRA (Related document(s) <u>72</u> Application to Employ Filed by ALLEN M DUTRA)(ELLEY, BRADLEY) Modified on 11/5/2012 to relate to #72 (Wenzell, GL). (Entered: 11/02/2012)
11/08/2012	<u>74</u> (2 pgs)	Order Granting Ex Parte Application to Employ Attorney for Trustee (Related document(s) <u>72</u>) (lms) (Entered: 11/08/2012)
01/16/2013	<u>75</u> (15 pgs)	Motion for Relief from Stay Property: 7455 DESERT PLAINS DRIVE, SPARKS NV 89436 Receipt Number 91399, Fee Amount \$176. with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE , ROBERT R HEMENWAY (lms) (Entered: 01/16/2013)
01/16/2013	<u>76</u> (11 pgs)	Declaration Of: GARY CAGE with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE) (lms) (Entered: 01/16/2013)
01/29/2013	<u>77</u> (3 pgs)	Notice of Hearing Hearing Date: 2/26/13 Hearing Time: 10:00 am with Certificate of Service Filed by JOHN C HOPE JR Warning: party not known (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY,

		Creditor GARY T. CAGE) (lms) (Entered: 01/29/2013)
01/29/2013	78	Hearing Scheduled/Rescheduled. Hearing scheduled 2/26/2013 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE) (lms) (Entered: 01/29/2013)
02/12/2013	<u>79</u> (18 pgs)	Answer with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE.) (lms) (Entered: 02/13/2013)
02/26/2013	80	Minute Entry Re: hearing on 2/26/2013 2:00 PM. Continued. (related document(s): <u>75</u> Motion for Relief from Stay) Appearances : JOHN C HOPE, DAVID JOHN KAPLAN (Hearing scheduled 04/09/2013 at 10:00 AM at BTB RN-Courtroom 2, Young Bldg.. (lkb) (Entered: 03/04/2013)
03/04/2013	<u>81</u> (8 pgs)	Supplement with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE, ROBERT R HEMENWAY (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE) (lms) (Entered: 03/06/2013)
03/07/2013	<u>82</u> (3 pgs)	Notice of Continued Hearing Date with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE, ROBERT R HEMENWAY (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE) (lms) (Entered: 03/07/2013)
03/07/2013	83	Hearing Scheduled/Rescheduled. Hearing scheduled 5/21/2013 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE) (lms) (Entered: 03/07/2013)
03/15/2013	<u>84</u> (49 pgs; 5 docs)	Motion for Relief from Stay Property: 7455 Desert Plains Drive, Sparks, NV 89436 Fee Amount \$176. with Proposed Order Filed by NATHAN F. SMITH

		on behalf of WELLS FARGO BANK, N.A. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2 part 1# <u>3</u> Exhibit 2 part 2# <u>4</u> Exhibit 3-9)(SMITH, NATHAN) (Entered: 03/15/2013)
03/15/2013	85	Receipt of Filing Fee for Motion for Relief from Stay(10-54568-gwz) [motion,mrlfsty] (176.00). Receipt number 13759442, fee amount \$ 176.00. (U.S. Treasury) (Entered: 03/15/2013)
03/15/2013	<u>86</u> (3 pgs)	Notice of Hearing Hearing Date: 04/23/2013 Hearing Time: 10:00 a.m. with Certificate of Service Filed by NATHAN F. SMITH on behalf of WELLS FARGO BANK, N.A. (Related document(s) <u>84</u> Motion for Relief from Stay filed by Creditor WELLS FARGO BANK, N.A.) (SMITH, NATHAN) (Entered: 03/15/2013)
03/15/2013	<u>87</u> (4 pgs)	Stipulation By GARY T. CAGE, ROBERT R HEMENWAY and Between Debtor with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE, ROBERT R HEMENWAY (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE) (lms) (Entered: 03/15/2013)
03/15/2013	<u>88</u> (3 pgs)	<i>Request for Submission</i> with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE, ROBERT R HEMENWAY (Related document(s) <u>87</u> Stipulation filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE) (lms) (Entered: 03/15/2013)
03/18/2013	89	Hearing Scheduled/Rescheduled. Hearing scheduled 4/23/2013 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>84</u> Motion for Relief from Stay filed by Creditor WELLS FARGO BANK, N.A.) (lms) (Entered: 03/18/2013)
03/20/2013	<u>90</u> (1 pg)	Order Granting Stipulation to Continue Hearing Date. (Related document(s) <u>87</u> Stipulation filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE.) (lms) (Entered: 03/20/2013)
03/20/2013	<u>91</u> (1 pg)	Notice of Dismissal; Notice That All Pending Hearings Are Vacated (lms) (Entered: 03/20/2013)

03/20/2013	<u>92</u> (1 pg)	Notice of Dismissal Sent in Error; Notice That All Pending Hearing Dates Continue To Be Effective. (lms) (Entered: 03/20/2013)
03/20/2013	93	Hearing Scheduled/Rescheduled. Hearing scheduled 5/21/2013 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE) (lms) (Entered: 03/20/2013)
03/20/2013	94	Hearing Scheduled/Rescheduled. Hearing scheduled 4/23/2013 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>84</u> Motion for Relief from Stay filed by Creditor WELLS FARGO BANK, N.A.) (lms) (Entered: 03/20/2013)
03/20/2013		Discharge Pending until 6/30/2013. (Related document(s) <u>70</u> Stipulated/Agreed Order to Extend the Discharge Date) (lms) (Entered: 03/20/2013)
03/22/2013	<u>95</u> (6 pgs)	BNC Certificate of Mailing. (Related document(s) <u>92</u> Notice of Dismissal Sent in Error; Notice That All Pending Hearing Dates Continue To Be Effective) No. of Notices: 103. Notice Date 03/22/2013. (Admin.) (Entered: 03/22/2013)
03/23/2013	<u>96</u> (6 pgs)	BNC Certificate of Mailing. (Related document(s) <u>91</u> Notice of Dismissal; Notice That All Pending Hearings Are Vacated (BNC-BK)) No. of Notices: 90. Notice Date 03/23/2013. (Admin.) (Entered: 03/23/2013)
03/26/2013	<u>97</u> (1 pg)	Second Notice of Dismissal Sent in Error; Notice That All Pending Hearing Dates Continue To Be Effective. (dag) (Entered: 03/26/2013)
03/28/2013	<u>98</u> (6 pgs)	BNC Certificate of Mailing. (Related document(s) <u>97</u> Notice of Dismissal Sent in Error; Notice That All Pending Hearing Dates Continue To Be Effective) No. of Notices: 103. Notice Date 03/28/2013. (Admin.) (Entered: 03/28/2013)
04/09/2013	99	Disposition and Closing of Adversary Case (lms) (Entered: 04/09/2013)
04/09/2013	<u>100</u> (50 pgs; 5 docs)	Amended Motion for Relief from Stay Property: 7455 Desert Plains Drive, Sparks, NV 89436 with

		Proposed Order with Certificate of Service Filed by NATHAN F. SMITH on behalf of WELLS FARGO BANK, N.A. (Related document(s) <u>84</u> Motion for Relief from Stay filed by Creditor WELLS FARGO BANK, N.A.) (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2 part 1 # <u>3</u> Exhibit 2 part 2 # <u>4</u> Exhibit 3-9) (SMITH, NATHAN) (Entered: 04/09/2013)
04/09/2013	<u>101</u> (11 pgs)	Answer with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>84</u> Motion for Relief from Stay filed by Creditor WELLS FARGO BANK, N.A..) (lms) (Entered: 04/10/2013)
04/19/2013	<u>102</u> (13 pgs)	Response with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>100</u> Motion for Relief from Stay (Amended, Renewed) filed by Creditor WELLS FARGO BANK, N.A..) (cly) (Entered: 04/19/2013)
04/22/2013	103	Minute Entry Re: hearing Continued. (related document(s): <u>84</u> Motion for Relief from Stay filed by WELLS FARGO BANK, N.A.) (Hearing scheduled 05/21/2013 at 10:00 AM at BTB RN-Courtroom 2, Young Bldg.. (dcl) (Entered: 04/22/2013)
04/22/2013	<u>104</u> (2 pgs)	Notice of Rescheduled Hearing. With Certificate of Service. (Related document(s) <u>84</u> Motion for Relief from Stay filed by Creditor WELLS FARGO BANK, N.A.) (lms) (Entered: 04/22/2013)
04/24/2013	<u>105</u> (4 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>104</u> Notice of Hearing (BNC)) No. of Notices: 1. Notice Date 04/24/2013. (Admin.) (Entered: 04/25/2013)
04/25/2013	<u>106</u> (5 pgs)	Errata with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>102</u> Response filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 04/25/2013)
05/08/2013	<u>107</u> (31 pgs)	Opposition with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>81</u> Supplement filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE.) (lms) (Entered: 05/09/2013)
05/08/2013		

	<u>108</u> (9 pgs)	Declaration Of: DAVID J. KAPLAN with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>107</u> Opposition filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 05/09/2013)
06/24/2013	<u>109</u> (3 pgs)	Order on Motion for Relief From the Automatic Stay and Adequate Protection Payments. (Related document(s) <u>100</u>) (lms) (Entered: 06/24/2013)
06/28/2013	<u>110</u> (1 pg)	Stipulation to Extend Time to Object to Discharge (DUTRA, ALLEN) (Entered: 06/28/2013)
07/01/2013	<u>111</u> (1 pg)	Stipulated Order Extending Time for Trustee and U.S. Trustee to File an Objection to the Discharge of Debtors(s) until 10/31/2013. (Related document(s) <u>110</u> Stipulation to Extend Time to Object to Discharge.) (lms) (Entered: 07/01/2013)
08/13/2013	<u>112</u> (2 pgs)	Ex Parte Application to Employ MICHAEL LEHNERS as ATTORNEY Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 08/13/2013)
08/13/2013	<u>113</u> (1 pg)	Declaration Of: MICHAEL LEHNERS Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>112</u> Application to Employ filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 08/13/2013)
08/16/2013	<u>114</u> (2 pgs)	Order Approving Application Of Trustee To Employ Attorney (Related document(s) <u>112</u>) (lms) (Entered: 08/16/2013)
08/20/2013	<u>115</u> (4 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>114</u> Order on Application to Employ) (LEHNERS, MICHAEL) (Entered: 08/20/2013)
08/22/2013	<u>116</u> (15 pgs)	Motion to Approve Compromise under Rule 9019 <i>and to approve payment to counsel from settlement proceeds</i> Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 08/22/2013)
08/22/2013	<u>117</u> (15 pgs)	Application for Compensation for BRADLEY ELLIY, Fees: \$33,333.33, Expenses: \$2868.50.

		Filed by MICHAEL LEHNERS, BRADLEY ELLEY (LEHNERS, MICHAEL) (Entered: 08/22/2013)
08/22/2013	<u>118</u> (1 pg)	Notice of Hearing Hearing Date: 10/2/2013 Hearing Time: 10:00 a.m. Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>116</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA, <u>117</u> Application for Compensation) (LEHNERS, MICHAEL) (Entered: 08/22/2013)
08/23/2013	119	Hearing Scheduled/Rescheduled. Hearing scheduled 10/2/2013 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>116</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA, <u>117</u> Application for Compensation) (lms) (Entered: 08/23/2013)
08/26/2013	<u>120</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>116</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA, <u>117</u> Application for Compensation, <u>118</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 08/26/2013)
08/26/2013	<u>121</u> (2 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>116</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA, <u>117</u> Application for Compensation, <u>118</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 08/26/2013)
09/27/2013	<u>124</u> (23 pgs)	Objection with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>116</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA.) (lms) (Entered: 09/30/2013)
09/30/2013	<u>122</u> (14 pgs; 4 docs)	Notice of Settlement with Certificate of Service Filed by COURTNEY G. FORSTER on behalf of JEFFREY RIVERA, VADONNA G. RIVERA (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2 # <u>3</u> Exhibit 3) (FORSTER, COURTNEY) (Entered: 09/30/2013)

09/30/2013	<u>123</u> (3 pgs)	Ex Parte Motion to Seal Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 09/30/2013)
10/01/2013	<u>125</u> (21 pgs)	Reply Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>124</u> Objection filed by Debtor DAVID JOHN KAPLAN.) (LEHNERS, MICHAEL) (Entered: 10/01/2013)
10/01/2013	<u>126</u> (2 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>125</u> Reply filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 10/01/2013)
10/01/2013	<u>127</u> (2 pgs)	Order Granting Ex Parte Motion To Approve The Filing Of Documents Under Seal (Related Doc # <u>123</u>) (lms) (Entered: 10/01/2013)
10/15/2013	<u>128</u> (27 pgs)	Application <i>MOTION TO CONFIRM AMOUNTS NECESSARY TO SATISFY MEDICAL LIENS AND MEDICARE REIMBURSEMENT</i> Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 10/15/2013)
10/16/2013	<u>129</u> (4 pgs)	Order Granting Motion to Approve The Compromise Of A Claim And To Approve Payment Of Counsel From Settlement Proceeds. (Related document(s) <u>116</u>) (lms) (Entered: 10/16/2013)
10/16/2013	<u>130</u> (1 pg)	Notice of Hearing Hearing Date: 12/18/2013 Hearing Time: 10:00 a.m. Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>128</u> Miscellaneous Application filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 10/16/2013)
10/16/2013	<u>131</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>128</u> Miscellaneous Application filed by Trustee ALLEN M DUTRA, <u>130</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 10/16/2013)
10/16/2013	<u>132</u> (2 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>128</u> Miscellaneous Application

		filed by Trustee ALLEN M DUTRA, <u>130</u> Notice of Hearing filed by Trustee ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 10/16/2013)
10/17/2013	<u>133</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 12/18/2013 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>128</u> Miscellaneous Application filed by Trustee ALLEN M DUTRA) (cly) (Entered: 10/17/2013)
10/21/2013	<u>134</u> (6 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>129</u> Order on Motion to Approve Compromise Under Rule 9019) (LEHNERS, MICHAEL) (Entered: 10/21/2013)
10/25/2013	<u>135</u> (1 pg)	Stipulation to Extend Time to Object to Discharge (DUTRA, ALLEN) (Entered: 10/25/2013)
10/29/2013	<u>136</u> (1 pg)	Stipulated Order Extending Time For Trustee And U.S. Trustee To File An Objection To The Discharge Of Debtor(s) until 2/28/2014. (Related document(s) <u>135</u> Stipulation to Extend Time to Object to Discharge.) (lms) Modified on 10/30/2013 to Relate to #135 (Lakas, WM). (Entered: 10/29/2013)
11/12/2013	<u>137</u> (11 pgs)	Application for Compensation for MICHAEL LEHNERS, Fees: \$13422.50, Expenses: \$14.00. Filed by MICHAEL LEHNERS (LEHNERS, MICHAEL) (Entered: 11/12/2013)
11/13/2013	<u>138</u> (1 pg)	Notice of Hearing Hearing Date: 12/17/2013 Hearing Time: 11:00 am Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>137</u> Application for Compensation filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 11/13/2013)
11/13/2013	<u>139</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>137</u> Application for Compensation filed by Trustee ALLEN M DUTRA, <u>138</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 11/13/2013)
11/14/2013	<u>140</u>	

		Hearing Scheduled/Rescheduled. Hearing scheduled 12/17/2013 at 11:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>137</u> Application for Compensation filed by Trustee ALLEN M DUTRA) (lms) (Entered: 11/14/2013)
12/04/2013	<u>141</u>	Hearing Scheduled/Rescheduled. Hearing rescheduled to 12/18/2013 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>137</u> Application for Compensation filed by Trustee ALLEN M DUTRA) (dcl) (Entered: 12/04/2013)
12/17/2013	<u>142</u> (3 pgs)	Reply Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>137</u> Application for Compensation filed by Trustee ALLEN M DUTRA.) (LEHNERS, MICHAEL) (Entered: 12/17/2013)
12/17/2013	<u>143</u> (1 pg)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>142</u> Reply filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 12/17/2013)
12/19/2013	<u>144</u> (3 pgs)	Order Granting Motion To Confirm Amounts Necessary To Satisfy Medical Liens And Medicare Reimbursement. (Related document(s) <u>128</u>) (lms) (Entered: 12/19/2013)
12/19/2013	<u>145</u> (3 pgs)	Order Approving First Interim Application For Fees (Related document(s) <u>137</u>) for MICHAEL LEHNERS, Fees awarded: \$13085.00, Expenses awarded: \$14.00, (lms) (Entered: 12/19/2013)
12/23/2013	<u>146</u> (5 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>145</u> Order on Application for Compensation, Order on Application for Compensation) (LEHNERS, MICHAEL) (Entered: 12/23/2013)
12/23/2013	<u>147</u> (5 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>144</u> Order on Miscellaneous Application) (LEHNERS, MICHAEL) (Entered: 12/23/2013)
02/25/2014		

	<u>148</u> (3 pgs)	Notice with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE, ROBERT R HEMENWAY (lms) (Entered: 02/25/2014)
02/27/2014	<u>149</u> (2 pgs)	Motion to Extend Time to Object to Discharge Filed by ALLEN M DUTRA on behalf of ALLEN M DUTRA (DUTRA, ALLEN) (Entered: 02/27/2014)
03/12/2014	<u>150</u> (10 pgs)	Declaration Of: ROBERT HEMENWAY with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE (lms) (Entered: 03/12/2014)
03/12/2014	<u>151</u> (3 pgs)	Amended Motion to Extend Time to Object to Discharge with Certificate of Service Filed by ALLEN M DUTRA on behalf of ALLEN M DUTRA (Related document(s) <u>149</u> Motion to Extend Time to Object filed by Trustee ALLEN M DUTRA) (DUTRA, ALLEN) (Entered: 03/12/2014)
03/12/2014	<u>152</u> (3 pgs)	Notice of Hearing Hearing Date: 06/04/2014 Hearing Time: 10:00 a.m. with Certificate of Service Filed by ALLEN M DUTRA on behalf of ALLEN M DUTRA (Related document(s) <u>151</u> Motion to Extend Time to Object filed by Trustee ALLEN M DUTRA) (DUTRA, ALLEN) (Entered: 03/12/2014)
03/13/2014	<u>153</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 6/4/2014 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>151</u> Motion to Extend Time to Object filed by Trustee ALLEN M DUTRA) (lms) (Entered: 03/13/2014)
03/14/2014	<u>154</u> (3 pgs)	Motion To Remove Name from E-Mail Service List with Certificate of Service Filed by COURTNEY G. FORSTER on behalf of JEFFREY RIVERA, VADONNA G. RIVERA (FORSTER, COURTNEY) (Entered: 03/14/2014)
03/14/2014	<u>155</u> (2 pgs)	Order Granting Order to Remove Name from E-Mail Service List . (Related documents(s) <u>154</u>) (lms) (Entered: 03/14/2014)
03/17/2014	<u>156</u> (1 pg)	Order Granting Motion For Relief From the Automatic Stay (Related document(s) <u>75</u>) (lms) (Entered: 03/17/2014)
03/18/2014		

	<u>157</u> (2 pgs)	<i>Request for Submission</i> with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE. (lms) (Entered: 03/18/2014)
04/04/2014	<u>158</u> (11 pgs)	Motion to Approve Compromise under Rule 9019 Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL.) (Entered: 04/04/2014)
04/04/2014	<u>159</u> (2 pgs)	Motion for Order Shortening Time Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>158</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA)(LEHNERS, MICHAEL) (Entered: 04/04/2014)
04/04/2014	<u>160</u> (2 pgs)	Affidavit Of: MICHAEL LEHNERS IN SUPPORT OF ORDER SHORTENING TIME Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>159</u> Motion for Order Shortening Time filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL.) (Entered: 04/04/2014)
04/04/2014	<u>161</u> (1 pg)	Attorney Information Sheet Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>159</u> Motion for Order Shortening Time filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/04/2014)
04/10/2014	<u>162</u> (2 pgs)	Order Granting Motion for Order Shortening Time (Related document(s) <u>159</u>). Hearing scheduled 4/22/2014 at 02:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>158</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA.) (lms) (Entered: 04/10/2014)
04/10/2014	<u>163</u> (1 pg)	Notice of Hearing Hearing Date: 4/22/2014 Hearing Time: 2:00 p.m. Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>158</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/10/2014)
04/10/2014	<u>164</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA

		(Related document(s) <u>158</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA, <u>162</u> Order on Motion for Order Shortening Time, <u>163</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/10/2014)
04/10/2014	<u>165</u> (2 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>158</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA, <u>162</u> Order on Motion for Order Shortening Time, <u>163</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/10/2014)
04/24/2014	<u>166</u> (3 pgs)	Order Granting Motion to Approve Compromise Under Rule 9019 (Related document(s) <u>158</u>) (lms) (Entered: 04/24/2014)
04/28/2014	<u>167</u> (5 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>166</u> Order on Motion to Approve Compromise Under Rule 9019) (LEHNERS, MICHAEL) (Entered: 04/28/2014)
05/05/2014	<u>168</u> (10 pgs)	Amended Schedule[s] B, Personal Property Amount: \$ 162050.98, C, Summary of Schedules, Declaration Concerning Debtor[s] Schedules, Filed by DAVID JOHN KAPLAN (lms) (Entered: 05/05/2014)
05/09/2014	<u>169</u> (1 pg)	Motion to Withdraw Document , Motion to Vacate Filed by ALLEN M DUTRA on behalf of ALLEN M DUTRA (Related document(s) <u>151</u> Motion to Extend Time to Object filed by Trustee ALLEN M DUTRA)(DUTRA, ALLEN) (Entered: 05/09/2014)
05/09/2014	<u>170</u> (24 pgs)	Motion for Relief from Stay Property: 7455 DESERT PLAINS DRIVE, SPARKS, NV 89436 Fee Amount \$176. with Proposed Order Filed by HUONG X. LAM on behalf of HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION (LAM, HUONG) (Entered: 05/09/2014)
05/09/2014	<u>171</u> (3 pgs)	Notice of Hearing <i>ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY RE: 7455 DESERT</i>

		PLANS DRIVE, SPARKS, NV 89436 Hearing Date: 06/11/2014 Hearing Time: 10:00 AM Filed by HUONG X. LAM on behalf of HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION (Related document(s) <u>170</u> Motion for Relief from Stay filed by Creditor HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION) (LAM, HUONG) (Entered: 05/09/2014)
05/09/2014	<u>172</u>	Receipt of Filing Fee for Motion for Relief from Stay(10-54568-gwz) [motion,mrlfsty] (176.00). Receipt number 15128206, fee amount \$ 176.00.(re: Doc# <u>170</u>) (U.S. Treasury) (Entered: 05/09/2014)
05/09/2014	<u>173</u> (2 pgs)	Certificate of Service OF NOTICE OF MOTION, MOTION FOR RELIEF FROM AUTOMATIC STAY & [PROPOSED] ORDER TERMINATING THE AUTOMATIC STAY RE: 7455 DESERT PLANS DRIVE, SPARKS, NV 89436 with Certificate of Service Filed by HUONG X. LAM on behalf of HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION (Related document(s) <u>170</u> Motion for Relief from Stay filed by Creditor HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION) (LAM, HUONG) (Entered: 05/09/2014)
05/12/2014	<u>174</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 6/11/2014 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>170</u> Motion for Relief from Stay filed by Creditor HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION) (lms) (Entered: 05/12/2014)
05/12/2014	<u>175</u> (2 pgs)	Notice with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>168</u> Schedules/Declaration re Schedules filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 05/13/2014)
05/14/2014	<u>176</u> (74 pgs)	Opposition Filed by MICHAEL LEHNERS on behalf of ALIEN M DUTRA (Related document(s) <u>170</u> Motion for Relief from Stay filed by Creditor HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION.) (LEHNERS, MICHAEL) (Entered: 05/14/2014)

05/19/2014	<u>177</u> (2 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>176</u> Opposition filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 05/19/2014)
05/19/2014	<u>178</u> (3 pgs)	Amended Notice of Hearing <i>ON MOTION FOR RELIEF FROM AUTOMATIC STAY RE: 7455 DESERT PLAINS DR, SPARKS, NV 89436</i> Hearing Date: 06/11/2014 Hearing Time: 10:00 AM Filed by HUONG X. LAM on behalf of HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION (Related document(s) <u>170</u> Motion for Relief from Stay filed by Creditor HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION) (LAM, HUONG) (Entered: 05/19/2014)
05/19/2014	<u>179</u> (3 pgs)	Certificate of Service <i>OF AMENDED NOTICE OF MOTION, MOTION FOR RELIEF & PROPOSED ORDER TERMINATING THE AUTOMATIC STAY RE: 7455 DESERT PLAINS DR, SPARKS, NV 89436</i> with Certificate of Service Filed by HUONG X. LAM on behalf of HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION (Related document(s) <u>170</u> Motion for Relief from Stay filed by Creditor HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION) (LAM, HUONG) (Entered: 05/19/2014)
05/22/2014	<u>180</u> (3 pgs)	Errata with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>176</u> Opposition filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 05/22/2014)
05/30/2014	<u>181</u> (1 pg)	Amended Motion to Withdraw Document , in addition to Motion to Vacate <i>Hearing</i> with Certificate of Service Filed by ALLEN M DUTRA on behalf of ALLEN M DUTRA (Related document (s) <u>151</u> Motion to Extend Time to Object filed by Trustee ALLEN M DUTRA, <u>169</u> Motion to Withdraw Document filed by Trustee ALLEN M DUTRA, Motion to Vacate)(DUTRA, ALLEN) (Entered: 05/30/2014)
06/09/2014	<u>182</u> (2 pgs)	Notice Rescheduling Hearing. Hearing scheduled 6/17/2014 at 10:00 AM at GWZ-Courtroom 1,

		Young Bldg.. (Related document(s) <u>170</u> Motion for Relief from Stay filed by Creditor HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION) (lms) (Entered: 06/09/2014)
06/09/2014	<u>183</u>	Minute Entry Re: hearing Continued/Rescheduled. (related document(s): <u>170</u> Motion for Relief from Stay filed by HIGHLANDS AT CIMARRON EAST HOMEOWNERS ASSOCIATION) (Hearing rescheduled to 06/17/2014 at 10:00 AM at BTB RN-Courtroom 2, Young Bldg.. (dcl) (Entered: 06/09/2014)
06/11/2014	<u>184</u> (3 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>182</u> Notice of Hearing (BNC)) No. of Notices: 1. Notice Date 06/11/2014. (Admin.) (Entered: 06/11/2014)
06/17/2014	<u>185</u> (6 pgs)	Objection to Claim 5 of UNITED CREDIT RECOVERY in the amount of 1987.56 Filed by DAVID JOHN KAPLAN (lms) (Entered: 06/17/2014)
06/17/2014	<u>186</u> (2 pgs)	Notice of Hearing Hearing Date: 7/23/14 Hearing Time: 10:00 AM Filed by DAVID JOHN KAPLAN (Related document(s) <u>185</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/17/2014)
06/17/2014	<u>187</u> (8 pgs)	Objection to Claim 6 of PALISADES ACQUISITION XVII LLC in the amount of 1,609.38 Filed by DAVID JOHN KAPLAN (lms) (Entered: 06/17/2014)
06/17/2014	<u>188</u> (2 pgs)	Notice of Hearing Hearing Date: 7/23/14 Hearing Time: 10:00 AM Filed by DAVID JOHN KAPLAN (Related document(s) <u>187</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/17/2014)
06/17/2014	<u>189</u> (6 pgs)	Objection to Claim 7 of UNITED CREDIT RECOVERY in the amount of 190.00 Filed by DAVID JOHN KAPLAN (lms) (Entered: 06/17/2014)
06/17/2014	<u>190</u> (2 pgs)	Notice of Hearing Hearing Date: 7/23/14 Hearing Time: 10:00 AM Filed by DAVID JOHN KAPLAN (Related document(s) <u>189</u> Objection to Claim filed

		by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/17/2014)
06/17/2014	<u>191</u> (8 pgs)	Objection to Claim 8 of GE MONEY BANK in the amount of 614.45 Filed by DAVID JOHN KAPLAN (lms) (Entered: 06/17/2014)
06/17/2014	<u>192</u> (2 pgs)	Notice of Hearing Hearing Date: 7/23/14 Hearing Time: 10:00 AM Filed by DAVID JOHN KAPLAN (Related document(s) <u>191</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/17/2014)
06/17/2014	<u>193</u> (12 pgs)	Objection to Claim 15 of ABSOLUTE DENTAL INC. in the amount of 875.00 Filed by DAVID JOHN KAPLAN (lms) (Entered: 06/17/2014)
06/17/2014	<u>194</u> (2 pgs)	Notice of Hearing Hearing Date: 7/23/14 Hearing Time: 10:00 AM Filed by DAVID JOHN KAPLAN (Related document(s) <u>193</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/17/2014)
06/17/2014	<u>195</u> (10 pgs)	Objection to Claim 19 of US BANK N.A. in the amount of 301.61 Filed by DAVID JOHN KAPLAN (lms) (Entered: 06/17/2014)
06/17/2014	<u>196</u> (2 pgs)	Notice of Hearing Hearing Date: 7/23/14 Hearing Time: 10:00 AM Filed by DAVID JOHN KAPLAN (Related document(s) <u>195</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/17/2014)
06/17/2014	<u>197</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 7/23/2014 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>185</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>187</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>189</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>191</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>193</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>195</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/17/2014)
06/24/2014	<u>198</u> (2 pgs)	Ex Parte Application to Employ Curtis Coulter as special counsel Filed by MICHAEL LEHNERS on

		behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 06/24/2014)
06/24/2014	<u>199</u> (1 pg)	Declaration Of: Curtis Coulter Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>198</u> Application to Employ filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 06/24/2014)
06/24/2014	<u>201</u> (18 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>185</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>186</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>187</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>188</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>189</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>190</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>191</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>192</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>193</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>194</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>195</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>196</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/25/2014)
06/24/2014	<u>202</u> (4 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>185</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>186</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>187</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>188</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>189</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>190</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>191</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>192</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>193</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>194</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN, <u>195</u> Objection to Claim filed by Debtor DAVID JOHN KAPLAN, <u>196</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 06/25/2014)

06/24/2014	<u>203</u> (3 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (lms) (Entered: 06/25/2014)
06/25/2014	<u>200</u> (2 pgs)	Order Granting Application to Employ (Related document(s) <u>198</u>) (lms) (Entered: 06/25/2014)
06/27/2014	<u>204</u> (4 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>200</u> Order on Application to Employ) (LEHNERS, MICHAEL) (Entered: 06/27/2014)
06/27/2014	<u>205</u> (3 pgs)	Order Denying Motion For Relief From the Automatic Stay (Related document(s) <u>170</u>) (lms) (Entered: 06/27/2014)
06/30/2014	<u>206</u> (2 pgs)	<i>Request For Submission</i> with Certificate of Service Filed by JOHN C HOPE JR on behalf of GARY T. CAGE, ROBERT R HEMENWAY (dag) (Entered: 06/30/2014)
07/02/2014	<u>207</u> (5 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>205</u> Order on Motion For Relief From Stay) (LEHNERS, MICHAEL) (Entered: 07/02/2014)
07/03/2014	<u>208</u> (2 pgs)	Order Determining Debtor's Compliance with Filing Requirements of 11 U.S.C. Section 521(a)(1) (lms) (Entered: 07/03/2014)
07/05/2014	<u>209</u> (6 pgs)	BNC Certificate of Mailing. (Related document(s) <u>208</u> Order Determining Debtor's Compliance with Filing Requirements of 11 U.S.C. Section 521(a)(1) (BNC)) No. of Notices: 101. Notice Date 07/05/2014. (Admin.) (Entered: 07/05/2014)
07/07/2014	<u>210</u> (1 pg)	Order For Relief From the Automatic Stay (Related document(s) <u>75</u> Motion for Relief from Stay filed by Creditor ROBERT R HEMENWAY, Creditor GARY T. CAGE.) (cly) (Entered: 07/07/2014)
07/25/2014	<u>211</u> (14 pgs)	Motion to Amend with Proposed Order Filed by DAVID JOHN KAPLAN (Related document(s) <u>205</u> Order on Motion For Relief From Stay)(lms) (Entered: 07/28/2014)
07/25/2014		

	<u>212</u> (10 pgs)	Declaration Of: Debtor DAVID JOHN KAPLAN Filed by DAVID JOHN KAPLAN (Related document(s) <u>211</u> Motion to Amend filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 07/28/2014)
07/25/2014	<u>213</u> (3 pgs)	Notice of Hearing Hearing Date: 8/26/14 Hearing Time: 2:00 pm Filed by DAVID JOHN KAPLAN (Related document(s) <u>211</u> Motion to Amend filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 07/28/2014)
07/25/2014	<u>214</u> (5 pgs)	Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>211</u> Motion to Amend filed by Debtor DAVID JOHN KAPLAN, <u>212</u> Declaration filed by Debtor DAVID JOHN KAPLAN, <u>213</u> Notice of Hearing filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 07/28/2014)
07/28/2014	<u>215</u> (29 pgs)	Adversary case 14-05038. Complaint Filed by DAVID JOHN KAPLAN vs. HIGHLAND AT CIMMARRON EAST HOMEOWNERS ASSOCIATION, INC. Fee Amount \$350. (21 (Validity, priority or extent of lien or other interest in property)(91 (Declaratory judgment)(dag) (Entered: 07/28/2014)
07/29/2014	<u>216</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 8/26/2014 at 02:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>211</u> Motion to Amend filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 07/29/2014)
07/30/2014	<u>217</u> (3 pgs)	Order Sustained Objection To Claim (Related document(s) <u>185</u>) (lms) (Entered: 07/30/2014)
07/30/2014	<u>218</u> (3 pgs)	Order Sustained Objection To Claim (Related document(s) <u>187</u>) (lms) (Entered: 07/30/2014)
07/30/2014	<u>219</u> (3 pgs)	Order Sustained Objection To Claim (Related document(s) <u>189</u>) (lms) (Entered: 07/30/2014)
07/30/2014	<u>220</u> (3 pgs)	Order Sustained Objection To Claim (Related document(s) <u>191</u>) (lms) (Entered: 07/30/2014)
07/30/2014	<u>221</u> (3 pgs)	Order Sustained Objection To Claim (Related document(s) <u>193</u>) (lms) (Entered: 07/30/2014)

07/30/2014	<u>222</u> (3 pgs)	Order Sustained Objection To Claim (Related document(s) <u>195</u>) (lms) (Entered: 07/30/2014)
07/31/2014	<u>223</u> (18 pgs; 6 docs)	Clerk Forwarded Document to BNC for Noticing. (Related document(s) <u>217</u> Order on Objection to Claim, <u>218</u> Order on Objection to Claim, <u>219</u> Order on Objection to Claim, <u>220</u> Order on Objection to Claim, <u>221</u> Order on Objection to Claim, <u>222</u> Order on Objection to Claim) (Attachments: # <u>1</u> order # <u>2</u> order # <u>3</u> order # <u>4</u> order # <u>5</u> order) (lms) (Entered: 07/31/2014)
08/02/2014	<u>224</u> (4 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>223</u> Document Forwarded to BNC for Noticing (BNC)) No. of Notices: 2. Notice Date 08/02/2014. (Admin.) (Entered: 08/02/2014)
08/07/2014	<u>225</u> (3 pgs)	Clerk Forwarded Document to BNC for Noticing. (Related document(s) <u>217</u> Order on Objection to Claim) (dag) (Entered: 08/07/2014)
08/07/2014	<u>226</u> (3 pgs)	Clerk Forwarded Document to BNC for Noticing. (Related document(s) <u>218</u> Order on Objection to Claim) (dag) (Entered: 08/07/2014)
08/07/2014	<u>227</u> (3 pgs)	Clerk Forwarded Document to BNC for Noticing. (Related document(s) <u>219</u> Order on Objection to Claim) (dag) (Entered: 08/07/2014)
08/07/2014	<u>228</u> (3 pgs)	Clerk Forwarded Document to BNC for Noticing. (Related document(s) <u>220</u> Order on Objection to Claim) (dag) (Entered: 08/07/2014)
08/07/2014	<u>229</u> (3 pgs)	Clerk Forwarded Document to BNC for Noticing. (Related document(s) <u>221</u> Order on Objection to Claim) (dag) (Entered: 08/07/2014)
08/07/2014	<u>230</u> (3 pgs)	Clerk Forwarded Document to BNC for Noticing. (Related document(s) <u>222</u> Order on Objection to Claim) (dag) (Entered: 08/07/2014)
08/09/2014	<u>231</u> (4 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>225</u> Document Forwarded to BNC for Noticing (BNC)) No. of Notices: 8. Notice Date 08/09/2014. (Admin.) (Entered: 08/09/2014)
08/09/2014		

	<u>232</u> (4 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>226</u> Document Forwarded to BNC for Noticing (BNC)) No. of Notices: 8. Notice Date 08/09/2014. (Admin.) (Entered: 08/09/2014)
08/09/2014	<u>233</u> (4 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>227</u> Document Forwarded to BNC for Noticing (BNC)) No. of Notices: 8. Notice Date 08/09/2014. (Admin.) (Entered: 08/09/2014)
08/09/2014	<u>234</u> (4 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>228</u> Document Forwarded to BNC for Noticing (BNC)) No. of Notices: 8. Notice Date 08/09/2014. (Admin.) (Entered: 08/09/2014)
08/09/2014	<u>235</u> (4 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>229</u> Document Forwarded to BNC for Noticing (BNC)) No. of Notices: 9. Notice Date 08/09/2014. (Admin.) (Entered: 08/09/2014)
08/09/2014	<u>236</u> (4 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>230</u> Document Forwarded to BNC for Noticing (BNC)) No. of Notices: 8. Notice Date 08/09/2014. (Admin.) (Entered: 08/09/2014)
08/12/2014	<u>237</u> (3 pgs)	Response with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>211</u> Motion to Amend filed by Debtor DAVID JOHN KAPLAN.) (LEHNERS, MICHAEL) (Entered: 08/12/2014)
08/19/2014	<u>238</u> (3 pgs)	Notice of Withdrawal with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>211</u> Motion to Amend filed by Debtor DAVID JOHN KAPLAN) (lms) (Entered: 08/19/2014)
10/27/2014	<u>239</u> (8 pgs)	Motion to Approve Compromise under Rule 9019 Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 10/27/2014)
10/30/2014	<u>240</u> (1 pg)	Notice of Hearing Hearing Date: 1/14/2015 Hearing Time: 10:00 A.M. Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document (s) <u>239</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 10/30/2014)

10/30/2014	<u>241</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>239</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA, <u>240</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 10/30/2014)
10/31/2014	<u>242</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 1/14/2015 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>239</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA) (lms) (Entered: 10/31/2014)
11/04/2014	<u>243</u> (3 pgs)	Errata with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>239</u> Motion to Approve Compromise under Rule 9019 filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 11/04/2014)
01/15/2015	<u>244</u> (2 pgs)	Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management. Filed by DAVID JOHN KAPLAN (dag) (Entered: 01/16/2015)
01/20/2015	<u>245</u> (3 pgs)	Stipulation By ALLEN M DUTRA and Between DEBTOR AND TRUSTEE TO <i>ABANDON CLAIM</i> Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 01/20/2015)
01/21/2015	<u>246</u> (23 pgs)	Motion to Disburse Proceeds <i>INTERIM DISTRIBUTION</i> Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 01/21/2015)
01/28/2015	<u>247</u> (3 pgs)	Order Granting Motion to Approve Compromise Under Rule 9019 (Related document(s) <u>239</u>) (lms) (Entered: 01/28/2015)
01/28/2015	<u>248</u> (1 pg)	Stipulated/Agreed Order (Related document(s) <u>245</u> Stipulation filed by Trustee ALLEN M DUTRA.) (lms) (Entered: 01/28/2015)
01/29/2015		

	<u>249</u> (1 pg)	Notice of Hearing Hearing Date: 3/11/2015 Hearing Time: 10:00 a.m Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 01/29/2015)
01/29/2015	<u>250</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA, <u>249</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 01/29/2015)
01/30/2015	<u>251</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 3/11/2015 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA) (lms) (Entered: 01/30/2015)
02/02/2015	<u>252</u> (5 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>247</u> Order on Motion to Approve Compromise Under Rule 9019) (LEHNERS, MICHAEL) (Entered: 02/02/2015)
02/02/2015	<u>253</u> (3 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>248</u> Stipulated/Agreed Order) (LEHNERS, MICHAEL) (Entered: 02/02/2015)
02/03/2015	<u>254</u> (3 pgs)	Errata with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 02/03/2015)
02/17/2015	<u>255</u> (6 pgs)	Application for Compensation <i>INTERIM DISTRIBUTION</i> for ALLEN M DUTRA, Fees: \$7519.70, Expenses: \$. Filed by ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 02/17/2015)
02/17/2015	<u>256</u> (13 pgs)	Second Application for Compensation for MICHAEL LEHNERS, Fees: \$11115.00, Expenses:

		\$129.54. Filed by MICHAEL LEHNERS (LEHNERS, MICHAEL) (Entered: 02/17/2015)
02/17/2015	<u>257</u> (75 pgs; 6 docs)	Motion for Relief from Stay Property: 224 Orange Blossom, #30, Irvine, California 92618 <i>Motion for Retroactive Relief from the Automatic Stay Regarding Deeds of Trust Recorded Against 224 Orange Blossom, #30, Irvine, California 92618, and to Abandon the Estate's Interest in the Same to Debtor</i> Fee Amount \$176. Filed by LOUIS M. BUBALA III on behalf of NATALIE PAZ, Mauricio Paz (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2 # <u>3</u> Exhibit 3 # <u>4</u> Exhibit 4 # <u>5</u> Exhibit 5)(BUBALA, LOUIS) (Entered: 02/17/2015)
02/17/2015	258	Receipt of Filing Fee for Motion for Relief from Stay(10-54568-gwz) [motion,mrlfsty] (176.00). Receipt number 15820085, fee amount \$ 176.00.(rc: Doc# <u>257</u>) (U.S. Treasury) (Entered: 02/17/2015)
02/17/2015	<u>259</u> (1 pg)	Declaration Of: Mauricio Paz <i>in Support of Motion for Retroactive Relief from the Automatic Stay Regarding Deeds of Trust Recorded Against 224 Orange Blossom, #30, Irvine, California 92618, and to Abandon the Estate's Interest in the Same to Debtor</i> Filed by LOUIS M. BUBALA III on behalf of NATALIE PAZ, Mauricio Paz (Related document (s) <u>257</u> Motion for Relief from Stay filed by Interested Party Mauricio Paz, Interested Party NATALIE PAZ) (BUBALA, LOUIS) (Entered: 02/17/2015)
02/17/2015	<u>260</u> (14 pgs)	Declaration Of: Evelyn Barnett <i>in Support of Motion for Retroactive Relief from the Automatic Stay Regarding Deeds of Trust Recorded Against 224 Orange Blossom, #30, Irvine, California 92618, and to Abandon the Estate's Interest in the Same to Debtor</i> Filed by LOUIS M. BUBALA III on behalf of NATALIE PAZ, Mauricio Paz (Related document (s) <u>257</u> Motion for Relief from Stay filed by Interested Party Mauricio Paz, Interested Party NATALIE PAZ) (BUBALA, LOUIS) (Entered: 02/17/2015)
02/17/2015	<u>261</u> (2 pgs)	Notice of Hearing on <i>Motion for Retroactive Relief from the Automatic Stay Regarding Deeds of Trust Recorded Against 224 Orange Blossom, #30, Irvine, California 92618, and to Abandon the Estate's</i>

		<i>Interest in the Same to Debtor</i> Hearing Date: 03/17/2015 Hearing Time: 10:00 a.m. Filed by LOUIS M. BUBALA III on behalf of NATALIE PAZ, Mauricio Paz (Related document(s) <u>257</u> Motion for Relief from Stay filed by Interested Party Mauricio Paz, Interested Party NATALIE PAZ) (BUBALA, LOUIS) (Entered: 02/17/2015)
02/18/2015	262	Hearing Scheduled/Rescheduled. Hearing scheduled 3/17/2015 at 10:00 AM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>257</u> Motion for Relief from Stay filed by Interested Party MAURICIO PAZ, Interested Party NATALIE PAZ) (lms) (Entered: 02/18/2015)
02/18/2015	<u>263</u> (1 pg)	Notice of Hearing Hearing Date: 4/14/2015 Hearing Time: 2:00 P.M Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>255</u> Application for Compensation filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 02/18/2015)
02/18/2015	<u>264</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>255</u> Application for Compensation filed by Trustee ALLEN M DUTRA, <u>263</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 02/18/2015)
02/18/2015	<u>265</u> (1 pg)	Notice of Hearing Hearing Date: 4/15/2015 Hearing Time: 2:00 P.M Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 02/18/2015)
02/18/2015	<u>266</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>256</u> Application for Compensation filed by Trustee ALLEN M DUTRA, <u>265</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 02/18/2015)
02/18/2015	<u>267</u> (2 pgs)	Certificate of Service Filed by LOUIS M. BUBALA III on behalf of MAURICIO PAZ, NATALIE PAZ (Related document(s) <u>257</u> Motion for Relief from

		Stay filed by Interested Party MAURICIO PAZ, Interested Party NATALIE PAZ, <u>259</u> Declaration filed by Interested Party MAURICIO PAZ, Interested Party NATALIE PAZ, <u>260</u> Declaration filed by Interested Party MAURICIO PAZ, Interested Party NATALIE PAZ, <u>261</u> Notice of Hearing (IRS) filed by Interested Party MAURICIO PAZ, Interested Party NATALIE PAZ) (BUBALA, LOUIS) (Entered: 02/18/2015)
02/19/2015	268	Hearing Scheduled/Rescheduled. Hearing scheduled 4/14/2015 at 02:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA, <u>255</u> Application for Compensation filed by Trustee ALLEN M DUTRA) (lms) (Entered: 02/19/2015)
02/20/2015	<u>269</u> (6 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>261</u> Notice of Hearing (IRS) filed by Interested Party MAURICIO PAZ, Interested Party NATALIE PAZ) No. of Notices: 103. Notice Date 02/20/2015. (Admin.) (Entered: 02/20/2015)
03/04/2015	270	4/14/15 Hearing Off Calendar (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA) (dcl) (Entered: 03/04/2015)
03/04/2015	271	Hearing Scheduled/Rescheduled. Hearing scheduled for 4/14/2015 at 02:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>256</u> Application for Compensation filed by Trustee ALLEN M DUTRA) (dcl) (Entered: 03/04/2015)
03/05/2015	<u>272</u> (2 pgs)	Notice Changing Start Time Of Hearing. Hearing scheduled 3/11/2015 at 03:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA) (lms) (Entered: 03/05/2015)
03/05/2015	273	Minute Entry Re: LATER START TIME FOR HEARING. (related document(s): <u>246</u> Motion to Disburse Proceeds filed by ALLEN M DUTRA) (Hearing rescheduled to 03/11/2015 at 03:00 PM at GWZ-Courtroom 1, Young Bldg.. (dcl) (Entered: 03/05/2015)
03/07/2015		

	<u>274</u> (3 pgs)	BNC Certificate of Mailing - pdf (Related document(s) <u>272</u> Notice of Hearing (BNC)) No. of Notices: 1. Notice Date 03/07/2015. (Admin.) (Entered: 03/07/2015)
03/11/2015	275	Minute Entry Re: hearing Continued. (related document(s): <u>246</u> Motion to Disburse Proceeds filed by ALLEN M DUTRA) Appearances : ALLEN M DUTRA, MICHAEL LEHNERS (Hearing scheduled 04/14/2015 at 02:00 PM at GWZ-Courtroom 1, Young Bldg., (dcl) (Entered: 03/12/2015)
03/16/2015	<u>276</u> (37 pgs)	Response with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>257</u> Motion for Relief from Stay filed by Interested Party MAURICIO PAZ, Interested Party NATALIE PAZ.,) (cly) (Entered: 03/16/2015)
03/19/2015	<u>277</u> (11 pgs)	Amended Application with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA)(LEHNERS, MICHAEL.) (Entered: 03/19/2015)
03/20/2015	<u>278</u> (4 pgs)	Order Granting Motion For Relief From the Automatic Stay (Related document(s) <u>257</u>) (lms) (Entered: 03/20/2015)
03/23/2015	<u>279</u> (8 pgs)	Notice of Entry of Order <i>on Motion for Retroactive Relief from the Automatic Stay Regarding Deeds of Trust Recorded Against 224 Orange Blossom, #30, Irvine, California 92618, and to Abandon the Estate's Interest in the Same to Debtor</i> with Certificate of Service Filed by LOUIS M. BUBALA III on behalf of MAURICIO PAZ, NATALIE PAZ (Related document(s) <u>278</u> Order on Motion For Relief From Stay) (BUBALA, LOUIS) (Entered: 03/23/2015)
03/31/2015	280	Disposition and Closing of Adversary Case (lms) (Entered: 03/31/2015)
04/09/2015	<u>281</u> (2 pgs)	Order Discharging Debtor (lms) (Entered: 04/09/2015)
04/11/2015	<u>282</u> (6 pgs)	BNC Certificate of Mailing (Related document(s) <u>281</u> Order Discharging Debtor (BNC)) No. of

		Notices: 95. Notice Date 04/11/2015. (Admin.) (Entered: 04/11/2015)
04/16/2015	<u>283</u> (10 pgs)	Amended Motion to Distribute Funds/Proceeds Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>246</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA)(LEHNERS, MICHAEL) (Entered: 04/16/2015)
04/16/2015	<u>284</u> (4 pgs)	Motion to Disburse Proceeds <i>PAYMETN TO MEDICARE</i> Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 04/16/2015)
04/16/2015	<u>285</u> (2 pgs)	Ex Parte Motion for Order Shortening Time Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>283</u> Motion to Distribute Funds/Proceeds filed by Trustee ALLEN M DUTRA, <u>284</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA)(LEHNERS, MICHAEL) (Entered: 04/16/2015)
04/16/2015	<u>286</u> (1 pg)	Attorney Information Sheet Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>285</u> Motion for Order Shortening Time filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/16/2015)
04/16/2015	<u>287</u> (2 pgs)	Declaration Of: In Support of Motion for Order Shortening Time Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>285</u> Motion for Order Shortening Time filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/16/2015)
04/17/2015	<u>288</u> (2 pgs)	Order Granting Motion for Order Shortening Time (Related document(s) <u>285</u>). Hearing scheduled 5/5/2015 at 02:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>283</u> Motion to Distribute Funds/Proceeds filed by Trustee ALLEN M DUTRA, <u>284</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA.) (cly) (Entered: 04/17/2015)
04/20/2015	<u>289</u> (1 pg)	Notice of Hearing Hearing Date: 5/5/15 Hearing Time: 2:00 P.M Filed by MICHAEL LEHNERS on

		behalf of ALLEN M DUTRA (Related document(s) <u>284</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/20/2015)
04/20/2015	<u>290</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>284</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA, <u>288</u> Order on Motion for Order Shortening Time, <u>289</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/20/2015)
04/20/2015	<u>291</u> (1 pg)	Notice of Hearing Hearing Date: 5/5/15 Hearing Time: 2:00 P.M Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>283</u> Motion to Distribute Funds/Proceeds filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/20/2015)
04/20/2015	<u>292</u> (7 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>283</u> Motion to Distribute Funds/Proceeds filed by Trustee ALLEN M DUTRA, <u>288</u> Order on Motion for Order Shortening Time, <u>291</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/20/2015)
04/27/2015	<u>293</u> (3 pgs)	Order Granting Re: Application For Compensation and Reimbursement of Expenses(Related document (s) <u>256</u>) for MICHAEL LEHNERS, Fees awarded: \$11115.00, Expenses awarded: \$129.54 (lms) (Entered: 04/27/2015)
04/27/2015	<u>294</u> (2 pgs; 2 docs)	Limited Opposition to Amended Motion to Approve Interim Distribution Filed by CHRISTOPHER PATRICK BURKE on behalf of DAVID JOHN KAPLAN (Related document(s) <u>283</u> Motion to Distribute Funds/Proceeds filed by Trustee ALLEN M DUTRA.) (Attachments: # <u>1</u> Exhibit "A") (BURKE, CHRISTOPHER) (Entered: 04/27/2015)
04/30/2015	<u>295</u> (1 pg)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>284</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA, <u>288</u>

		Order on Motion for Order Shortening Time, <u>291</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/30/2015)
04/30/2015	<u>296</u> (4 pgs)	Errata with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>284</u> Motion to Disburse Proceeds filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 04/30/2015)
04/30/2015	<u>297</u> (6 pgs; 2 docs)	Certificate of Service with Certificate of Service Filed by CHRISTOPHER PATRICK BURKE on behalf of DAVID JOHN KAPLAN (Related document(s) <u>294</u> Opposition filed by Debtor DAVID JOHN KAPLAN) (Attachments: # <u>1</u> matrix) (BURKE, CHRISTOPHER) (Entered: 04/30/2015)
04/30/2015	<u>298</u> (3 pgs)	Order Granting Re: Application For Compensation and Reimbursement of Expenses(Related document (s) <u>255</u>) for MICHAEL LEHNERS, Fees awarded: \$7519.70, (lms) (Entered: 04/30/2015)
05/05/2015	<u>299</u> (13 pgs)	Limited Opposition with Certificate of Service Filed by DAVID JOHN KAPLAN (Related document(s) <u>283</u> Motion to Distribute Funds/Proceeds filed by Trustee ALLEN M DUTRA.) (lms) (Entered: 05/05/2015)
05/05/2015	<u>300</u> (4 pgs)	Amended Schedule[s] C, Declaration Concerning Debtor[s] Schedules, with Certificate of Service Filed by DAVID JOHN KAPLAN (lms) (Entered: 05/05/2015)
05/07/2015	<u>301</u> (5 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>298</u> Order on Application for Compensation) (LEHNERS, MICHAEL) (Entered: 05/07/2015)
05/07/2015	<u>302</u> (5 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>293</u> Order on Application for Compensation) (LEHNERS, MICHAEL) (Entered: 05/07/2015)
05/07/2015		

	<u>303</u> (8 pgs)	Objection to Debtor's Claim of Exemptions Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (LEHNERS, MICHAEL) (Entered: 05/07/2015)
05/11/2015	<u>304</u> (1 pg)	Notice of Hearing Hearing Date: 7/7/2015 Hearing Time: 2:00 P.M Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>303</u> Objection to Debtor's Claim of Exemptions filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 05/11/2015)
05/11/2015	<u>305</u> (2 pgs)	Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document (s) <u>303</u> Objection to Debtor's Claim of Exemptions filed by Trustee ALLEN M DUTRA, <u>304</u> Notice of Hearing filed by Trustee ALLEN M DUTRA) (LEHNERS, MICHAEL) (Entered: 05/11/2015)
05/12/2015	<u>306</u>	Hearing Scheduled/Rescheduled. Hearing scheduled 7/7/2015 at 02:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>303</u> Objection to Debtor's Claim of Exemptions filed by Trustee ALLEN M DUTRA) (lms) (Entered: 05/12/2015)
05/13/2015	<u>307</u> (4 pgs)	Order Granting in Part, Motion to Distribute Funds/Proceeds (Related document(s) <u>283</u>) (lms) (Entered: 05/13/2015)
05/13/2015	<u>308</u> (3 pgs)	Order Granting Motion to Disburse Proceeds (Related document(s) <u>284</u>) (lms) (Entered: 05/13/2015)
05/15/2015	<u>309</u> (5 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>308</u> Order on Motion to Disburse Proceeds) (LEHNERS, MICHAEL) (Entered: 05/15/2015)
05/15/2015	<u>310</u> (6 pgs)	Notice of Entry of Order with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>307</u> Order on Motion to Distribute Funds/Proceeds) (LEHNERS, MICHAEL) (Entered: 05/15/2015)
06/23/2015	<u>311</u> (8 pgs; 2 docs)	Reply Filed by CHRISTOPHER PATRICK BURKE on behalf of DAVID JOHN KAPLAN (Related document(s) <u>303</u> Objection to Debtor's Claim of Exemptions filed by Trustee ALLEN M DUTRA.)

		(Attachments: # <u>1</u> Exhibit A) (BURKE, CHRISTOPHER) (Entered: 06/23/2015)
06/24/2015	<u>312</u> (2 pgs)	Certificate of Service of mailing of Reply to Trustee Objection to Kaplan's Claim of Exemption Filed by CHRISTOPHER PATRICK BURKE on behalf of DAVID JOHN KAPLAN (Related document(s) <u>311</u> Reply filed by Debtor DAVID JOHN KAPLAN) (BURKE, CHRISTOPHER) (Entered: 06/24/2015)
07/01/2015	<u>313</u> (3 pgs)	Trustee's Response with Certificate of Service Filed by MICHAEL LEHNERS on behalf of ALLEN M DUTRA (Related document(s) <u>311</u> Reply filed by Debtor DAVID JOHN KAPLAN.) (LEHNERS, MICHAEL) (Entered: 07/01/2015)
07/02/2015	<u>314</u> (1 pg)	Notice of Hearing. Hearing rescheduled 7/30/2015 at 02:00 PM at GWZ-Courtroom 1, Young Bldg.. (Related document(s) <u>303</u> Objection to Debtor's Claim of Exemptions filed by Trustee ALLEN M DUTRA) (ias) (Entered: 07/02/2015)
07/04/2015	<u>315</u> (5 pgs)	BNC Certificate of Mailing. (Related document(s) <u>314</u> Notice of Hearing (BNC-BK and/or ADV only)) No. of Notices: 101. Notice Date 07/04/2015. (Admin.) (Entered: 07/04/2015)
08/10/2015	<u>316</u> (4 pgs)	Order Approving The Release Of Funds To Kaplan From His Exempt Personal Injury Case (Related document(s) <u>303</u> Objection to Debtor's Claim of Exemptions filed by Trustee ALLEN M DUTRA.) (cly) (Entered: 08/10/2015)
10/16/2015	<u>317</u> (5 pgs)	Order Certifying Question Of Law To The Nevada Supreme Court. (Related document(s) <u>303</u> Objection to Debtor's Claim of Exemptions filed by Trustee ALLEN M DUTRA.) (lms) (Entered: 10/16/2015)
10/19/2015	<u>318</u> (6 pgs)	Transmittal Form for Certifying Question of Law to the Nevada Supreme Court (Related document(s) <u>317</u> Order) (mag) (Entered: 10/19/2015)
10/21/2015	<u>319</u> (7 pgs)	BNC Certificate of Mailing - pdf (Related document (s) <u>318</u> Transmittal Form (Nevada Supreme Court-BNC)) No. of Notices: 1. Notice Date 10/21/2015. (Admin.) (Entered: 10/21/2015)
10/30/2015		

	<u>320</u> (1 pg)	Receipt of Document(s) Filed by SUPREME COURT OF THE STATE OF NEVADA (lms) (Entered: 11/02/2015)
11/17/2015	<u>321</u> (1 pg)	Change of Address of Debtor Filed by DAVID JOHN KAPLAN (lms) (Entered: 11/17/2015)
01/21/2016	<u>322</u>	Transcript regarding Hearing Held on 07/30/15. The transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, you may contact the Transcriber Access Transcripts, LLC, Telephone number 855-873-2223. Purchasing Party: Michael Lehnrs. Redaction Request Due By 02/11/2016. Redacted Transcript Submission Due By 02/22/2016. Transcript access will be restricted through 04/20/2016. (ACCESS TRANSCRIPTS, LLC) (Entered: 01/21/2016)
01/21/2016	<u>323</u> (1 pg)	Notice of Filing Official Transcript. Related document (s) 322 . (Entered: 01/21/2016)
01/24/2016	<u>324</u> (5 pgs)	BNC Certificate of Mailing - pdf (Related document (s)323 Notice of Filing Official Transcript (BNC-BK)) No. of Notices: 103. Notice Date 01/24/2016. (Admin.) (Entered: 01/24/2016)
01/29/2016	<u>325</u> (1 pg)	Receipt of Copy Filed by NEVADA SUPREME COURT (cly) (Entered: 02/02/2016)

PACER Service Center			
Transaction Receipt			
02/19/2016 09:36:28			
PACER Login:	burkeep44:2775713:0	Client Code:	
Description:	Docket Report	Search Criteria:	10-54568-gwz Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
Billable Pages:	25	Cost:	2.50

EXHIBIT “6”

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA (RENO)

IN RE: . Case No. 10-54568
. .
DAVID JOHN KAPLAN, . Chapter 7
. .
. 300 Booth Street
. Reno, NV 89509
Debtor. .
. Thursday, July 30, 2015
. 2:05 p.m.

TRANSCRIPT OF TRUSTEE'S OBJECTION TO DEBTOR'S
CLAIM OF EXEMPTION FILED BY MICHAEL LEHNERS
ON BEHALF OF ALLEN M. DUTRA [303]
BEFORE THE HONORABLE GREGG W. ZIVE
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

For the Debtor: CHRISTOPHER PATRICK BURKE, ESQ.
702 Plumas Street
Reno, NV 89509
(775) 333-9277

For Chapter 7 Trustee: MICHAEL LEHNERS, ESQ.
429 Marsh Avenue
Reno, NV 89509
(775) 786-1695

Audio Operator: David Lindersmith, ECR

Transcription Company: Access Transcripts, LLC
10110 Youngwood Lane
Fishers, IN 46038
(855) 873-2223
www.accesstranscripts.com

Proceedings recorded by electronic sound recording,
transcript produced by transcription service.

1 (Proceedings commence at 2:05 p.m.)

2 THE COURT: In the matter of David Kaplan.

3 MR. LEHNERS: Good afternoon, Your Honor. Michael
4 Lehnerns appearing on behalf of the trustee, Allen Dutra, who is
5 also present.

6 MR. BURKE: Good afternoon, Your Honor. Christopher
7 Burke for Mr. Kaplan for this matter only. He's present, also.

8 THE COURT: All right. There were filed on May 7th
9 of this year an objection to the debtor's amended claim of
10 exemptions. The objection is Docket Number 303.

11 There was a -- it says reply, but it's an opposition
12 that was filed by Mr. Burke on behalf of the debtor on June
13 23rd, Docket Number 311. I've read it, and I've read the
14 trustee's reply and response on Docket Number 313.

15 Have I read all the pleadings that have been filed in
16 support of and in opposition to this motion?

17 MR. LEHNERS: Yes, Your Honor.

18 THE COURT: Mr. Burke, have I overlooked anything?

19 MR. BURKE: We have no other further pleadings that
20 we've filed.

21 THE COURT: I'm sorry, I couldn't hear you.

22 MR. BURKE: No other further pleadings we've filed.

23 THE COURT: I have read an amendment cover sheet and
24 amendment to Schedule C, property claim exempt, Docket Number
25 300, that was filed on May 5th of 2015 by the debtor. And I'll



1 take judicial notice of that pursuant to Federal Rule of
2 Evidence 201. This matter has been properly noticed and served
3 as indicated in Dockets 304 and 305. It was originally set for
4 hearing in the time -- and that was changed pursuant to a
5 notice dated July 2nd, Docket Number 314.

6 In addition to those pleadings, I have reviewed the
7 minutes of a hearing that I conducted on May 5th, 2015,
8 pursuant to a motion seeking to distribute proceeds and the
9 issue of the amended claim of exemption was raised. The
10 exemption at issue is that found in NRS 21.090(1)(u) that reads
11 as follows:

12 "Payments, in an amount not to exceed \$16,150,
13 received as compensation for personal injury, not
14 including compensation for pain and suffer or actual
15 pecuniary loss by the judgment debtor or by a person
16 upon whom the debtor is dependent at the time the
17 payment is received."

18 Prior to May 5th, 2015, in the original schedules
19 filed by the debtor, which were not amended regarding Schedule
20 C when there were amended schedules filed and I think it was
21 2011. The only exemption for personal injury that the debtor
22 sought was for \$16,150.

23 The amendment -- Docket Number 300, the amendment
24 doubled the claim exemption by seeking two exemptions under NRS
25 21.090(1)(u), both in the amount of 16,150 for a total of



1 \$32,300. And that was discussed at the hearing of May 5th.
2 And because it was the trustee's position that if the
3 exemptions are allowed in the amount of 32,300, the case would
4 be administratively insolvent and that, obviously, would have
5 an effect upon the distribution of proceeds that the trustee
6 had, including payment to Medicare that was still unresolved.
7 Correct?

8 MR. LEHNERS: Yes, Your Honor.

9 THE COURT: Yeah. I noted at that time that I had
10 been informed that there has been or would be an objection
11 filed to the claim of exemption. That has occurred. Since I
12 was aware of that fact, I did not allow payment in the event --
13 in any event, pending a resolution in objection to your claim
14 of exemption.

15 Therefore, I did not allow any payments of any exempt
16 amount until the matter is resolved or until there was some
17 type of consensual agreement. And I said it was protecting the
18 estate by paying Medicare, so at least ones are preserved, that
19 existed at that time, while being cognizant of the potential to
20 enhance the value of the estate, based upon any claim you might
21 have which now belongs to the trustee for overpayment from
22 Medicare.

23 I ordered an objection to the amended exemption to be
24 filed by the end of the week. It was filed I think two days
25 after the hearing. I noted at that time that if the parties



1 did not arrive at a settlement, that I would consider the
2 objection, that I would do one of three things: Rule in favor
3 of the trustee, or rule in favor of the debtor, or find that
4 there was a unsettled question of Nevada law, certify the issue
5 to the Nevada Supreme Court pursuant to Nevada Rule of
6 Appellant Procedure 5 because the issue is solely and purely a
7 matter of state law.

8 It has nothing to do with the federal exemption
9 because, as all parties recognize, Nevada has opted out
10 pursuant to 522(d) of the federal exemptions. So I really am
11 not persuaded one way or the other by any case that's
12 interpreting the federal exemptions, whether that be a
13 Connecticut bankruptcy court 21 years ago, as occurred in the
14 Marcus case, a Texas bankruptcy court 12 years ago, In re
15 Comeaux, or even the Eastern District of New York in the
16 Phillips case.

17 Even though I would say that I probably would agree
18 on a statutory interpretation of a statute that is not similar
19 to Nevada's statute, whether it was Marcus or Comeaux, but
20 understanding the reasoning of the Phillips case, I've read In
21 re Christo and have read In re Rhodes, and I am familiar with
22 Sutter because that opinion came from a ruling that this Court
23 made. And I'm familiar, generally, with the law of exemptions.

24 I see no reason that I or a district court or the
25 Bankruptcy Appellant Panel for the Ninth Circuit should engage



1 in an exercise in trying to determine how the Nevada Supreme
2 Court would resolve this issue because applicable state law has
3 not been determined by Nevada's highest court.

4 I know how I would resolve it, but I don't know if
5 the Nevada Supreme Court would do that, and I don't hesitate to
6 resolve it if I think it's fairly clear. And I would rule and
7 sustain the objection based upon Nevada Rules of Statutory
8 Construction. Nevada statute uses the word "payments," and
9 that means any number of payments. It doesn't limit payments
10 made sequentially for one injury. Maybe there could be the
11 instant, whether it be a \$6,000 payment, then a \$10,000
12 payment, then a payment of \$150 for one injury, and in the
13 aggregate they do not exceed 16,150, and if you look at the
14 rule of antecedent, that's what it refers to.

15 If you take a look at Rhodes where Judge Wedoff was
16 resolving an Illinois statute, the word was "payment,"
17 singular. Nevada has used the plural. So unlike Gene Wedoff,
18 Judge Wedoff, I would not have to apply any exception to that
19 rule.

20 So payments in an amount not to exceed 16,150. That
21 not to exceed 16,150 in my mind clearly modifies the word
22 "payments" received as compensation for personal injury. So
23 now we know the amount and we know the nature of the exemption,
24 personal injury. It doesn't say personal injuries. It doesn't
25 indicate for more than one incident, two incidents, or ten



1 incidents. It doesn't. It says you get a total of \$16,150 in
2 payment for personal injury, and that those payments could be
3 for one injury, two injuries, or any number of injuries. To
4 me, it's relatively straightforward.

5 I understand, though, that there is a policy in
6 Nevada with which I have absolutely no quarrel that exemptions
7 are to be interpreted liberally because they are intended to
8 provide a debtor with necessities of like a car, a home, for
9 money from a personal injury, and any other exemptions
10 contained in NRS 21.090.

11 Citation was made to 21.090(f) which says:
12 "Except as otherwise provided in Paragraph (p), one
13 vehicle if the judgment debtor's equity does not
14 exceed 15,000 or the credit is paid an amount equal
15 to any excess above that equity."

16 And that was to make sure that the debtor had a
17 vehicle to get to and from work, to be able to do whatever that
18 person needed to do, but you only get one. And it isn't the
19 amount of equity. We clearly have a no-stacking rule. That's
20 about it when it comes to numbers, and when you read all the
21 others, you get one gun. That's NRS 21.090(i).

22 So if the legislature wanted to limit it to one
23 incident, it could've done that, but it didn't. It's silent.
24 But it says, "Payments not in excess or not to exceed 16,150."
25 It uses the word "payments." And since it's not for pain and



1 suffering or actual pecuniary loss, it has little to do with
2 the public policy rationale that exemptions should be liberally
3 construed. In other words, a car, a house, what, they're
4 needed. They're a necessity.

5 Here it's 16,150 compensation for personal injury,
6 not including compensation for pain and suffering. So
7 compensation for pain and suffering is not exempt. Actual
8 pecuniary loss, it's not exempt. It strikes me that if one was
9 real concerned about the necessity of life, you might want to
10 exempt actual pecuniary loss. Because if that loss hadn't
11 occurred, perhaps the debtor could have paid creditors and
12 wouldn't had to file bankruptcy in the first place.

13 There is an exception for automobiles. It's found in
14 (p), and that's 21.090(p), and it provides that:

15 "Any vehicle owned by the judgment debtor for use by
16 the judgment debtor, the judgment debtor's dependent
17 that is equipped or modified to provide mobility for
18 a person with a permanent disability."

19 In other words, a specific vehicle for a specific
20 purpose, so you could have one vehicle that isn't modified and
21 one that is. That's how I believe that's intended to be
22 interpreted, so that's how I would find. But as I said, it
23 might be better to send it to the Nevada Supreme Court, have it
24 decide, only one Court of Appeal, the Nevada Supreme Court as
25 opposed to a decision from either the BAP or district court



1 judge, and then a potential appeal to the Ninth Circuit.

2 So that's what I'm wrestling with. You have the
3 burden, Mr. Lehnert.

4 MR. LEHNERT: Your Honor, I agree with your analysis
5 crystal clear, statutory construction. The noun is what's
6 exempt; the modifier is not what's exempt. I couldn't agree
7 with you more, and I believe that the burden has been met. So
8 unless the Court has any questions of me, I don't want to
9 risk --

10 THE COURT: But you do acknowledge that there is no
11 interpretation of the statute by the Nevada Supreme Court, do
12 you not?

13 MR. LEHNERT: No, nor need there be because the
14 statute's clear on its face. Payments, plural, not to exceed
15 \$16,150, a modifier as to amount for personal injury. Again,
16 it's a modifier. It's the kind of payments that are exempt,
17 not the modifier of injury itself. It would be like saying a
18 green car is exempt up to \$15,000. The car's exempt, not the
19 color green. So I do not believe that we need any aid in
20 statutory construction or liberal construction or policy
21 because those rules are rejected when the statute is clear on
22 its face. Here, it is.

23 THE COURT: Thank you.

24 MR. LEHNERT: Thank you.

25 THE COURT: Mr. Burke.



1 By the way, I should point out that when I read the
2 Rhodes decision, there was one issue that was important to me
3 because, when you read page 447 of that decision, the judge
4 said there, and I'm quoting:

5 "The trustee's reading of paragraph 84 limiting
6 exemptions on account of personal injuries, the
7 \$7,500 per debtor is not about the difficulty, but it
8 is the best reading of the statute."

9 And, to quote, that statute, it does not mirror the
10 language found in Nevada's exemption because it uses the word
11 "payment" as opposed to "payments." It reads as follows:

12 "That the law grants each debtor the right to exempt
13 the debtor's right to receive, or property that is
14 traceable to a payment, not to exceed \$7,500 in
15 value, on account of personal bodily injury of the
16 debtor or as an individual of whom the debtor was a
17 dependent."

18 So there is a little -- there is that difference.
19 And then when Judge Wedoff was analyzing the last antecedent
20 doctrine rule of page 447 of his opinion, he said that that
21 would result in a statute that exempted any number of payments
22 on account of a personal injury as long as these payments did
23 not exceed 7,500.

24 And why did he say that? Because the last antecedent
25 doctrine meant that the "not to exceed 7,500" language modified



1 the word "payment" as opposed to the \$16,150 figure in the
2 Nevada statute that modifies the word "payments."

3 That is why I do not have to go through the exception
4 that Judge Wedoff used where he found, however, the last
5 antecedent doctrine has an exception, it is not to be applied
6 when the intent of the legislators is (indiscernible) by the
7 context in reading the entire statute requires a different
8 reading. And I don't have to utilize that exception because
9 the rule of the last antecedent doctrine is applicable here. I
10 just wanted to make that point.

11 He also, at page 446, found that the one exception in
12 the Nevada and Illinois statute regarding a number was also in
13 there, motor vehicle exemption which only allowed one motor
14 vehicle. He found there was no language in numerical
15 limitation in paragraph (a)(4):

16 "Accordingly, the phrase on account of personal bodily
17 injury again must be seen as defining the nature of
18 the payment that is exempt and not the number of the
19 injuries."

20 And I concur with that analysis. I just wanted to
21 make that clear.

22 Go ahead, Mr. Burke.

23 MR. BURKE: Well, I don't think the statute is clear
24 on its face. Let me just read, it says: "Received as
25 compensation for personal injury."



1 If it had said "received this compensation for a
2 personal injury," that maybe would lend more towards what the
3 trustee's saying. But I think it is ambiguous and we're only
4 dealing with 16,000. And instead of going through appeals at
5 the BAP and the Ninth Circuit and the like, I would ask and
6 agree with the Court's initial view that this should go to the
7 Nevada Supreme Court.

8 THE COURT: And based upon my tentative ruling, if
9 you said anything else, I'd be fairly surprised. And I agree
10 with you. I'm going to ask counsel to certify this question,
11 prepare the certification, submit it to me for certification to
12 the Nevada Supreme Court.

13 MR. LEHNERS: Your Honor, before we close the hearing
14 on this, could I talk to Mr. Burke for about five minutes?

15 THE COURT: Sure. I'll be glad to --

16 MR. BURKE: Your Honor, there are two other issues,
17 though, that I would like to bring up. In the first personal
18 injury --

19 THE COURT: The dog?

20 MR. BURKE: Right. In this situation, Mr. Kaplan's
21 been kicked out of his house.

22 THE COURT: My rule is still in place. Talk to
23 Mr. Lehnern. I'll come back in about ten minutes.

24 MR. BURKE: Okay.

25 THE CLERK: All rise.



1 (Recess taken at 2:28 p.m.)

2 (Proceedings resumed at 2:40 p.m.)

3 THE COURT: Take your seat. Yes, sir.

4 MR. LEHNERS: Your Honor, I'm sorry. We were unable
5 to come to any arrangements.

6 THE COURT: All right.

7 MR. LEHNERS: So it looks like it will be certified.

8 THE COURT: Then certify the questions in the Nevada
9 Supreme Court as to whether the exemption provided by NRS
10 21.090(1)(u) was intended to apply to more than one incident
11 and whether it is \$16,150 cap on all payments received from any
12 number of incidents. Try to write it with a little more
13 clarity than that, submit it to me with the certification and
14 these other forms. You've done it before. Submit it to me and
15 we'll send it over to the Supreme Court.

16 And I'm going to authorize the payment of \$16,150 to
17 Mr. Kaplan because, as noted by the trustee, the dispute is
18 only over a double claimed exemption and there's no dispute
19 regarding \$16,150. I see no reason for Mr. Kaplan not to
20 receive that amount.

21 MR. LEHNERS: Your Honor, I believe the amount would
22 be -- I'll check the accounting, but Mr. Burke was paid \$2,000,
23 and I believe it would only be 14 --

24 THE COURT: So it would be \$14,150.

25 MR. LEHNERS: Yes.



1 THE COURT: I remember, that's exactly what we did
2 because Mr. Kaplan went on the record saying he approved the
3 payment from his exempt funds to Mr. Burke.

4 Correct, Mr. Kaplan?

5 MR. KAPLAN: That is correct, Your Honor. It is
6 14,000.

7 THE COURT: So the 14,150 would I believe --

8 MR. KAPLAN: The balance.

9 THE COURT: -- would be the correct amount.

10 MR. KAPLAN: That is the balance of the money.

11 THE COURT: Anything else?

12 MR. BURKE: No.

13 THE COURT: Is that it?

14 MR. BURKE: Did you want me to do the order? Is that
15 what you said, Judge?

16 THE COURT: I think you should confer with
17 Mr. Lehnert to make sure that the language is correct. If
18 there's any question about that, contact my chambers and we'll
19 resolve it.

20 MR. BURKE: Thank you.

21 MR. LEHNERT: He appeals more than I do, so I'll let
22 him take it.

23 THE COURT: Just make sure it says what it should
24 say. That's all. Thank you both very much.

25 MR. LEHNERT: Thank you, Your Honor.



1 MR. KAPLAN: Thank you, Your Honor.

2 MR. BURKE: Thank you.

3 THE CLERK: All rise.

4 (Proceedings concluded at 2:42 p.m.)

5 * * * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



C E R T I F I C A T I O N

I, Ilene Watson, court-approved transcriber, hereby
certify that the foregoing is a correct transcript from the
official electronic sound recording of the proceedings in the
above-entitled matter.



ILENE WATSON, AAERT NO. 447

DATE: January 21, 2016

ACCESS TRANSCRIPTS, LLC

ACCESS TRANSCRIPTS, LLC



1-855-USE-ACCESS (873-2223)

EXHIBIT “5”

Gregg W. Zive

Honorable Gregg W. Zive
United States Bankruptcy Judge



Entered on Docket
October 16, 2015

Christopher P. Burke, Esq. #4093
attycburke@charter.net
702 Plumas St.
Reno, Nevada 89509
(775)333-9277
Attorney for Debtor,
David John Kaplan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA
* * *

IN RE:)
DAVID JOHN KAPLAN)

BK-N-10-54568-GWZ
CHAPTER 7

Hearing Date: 7-30-15
Hearing Time: 2:00 p.m.

DEBTOR(s))

**ORDER CERTIFYING QUESTION OF LAW
TO THE NEVADA SUPREME COURT**

1. Question of Law Certified:

This Court requires clarification as to whether a debtor may exempt a personal injury claim for each separate personal injury incident. The Chapter 7 Trustee, Allen Dutra, ("Mr. Dutra") argues that a bankrupt debtor may only exempt one personal injury claim, even if he was involved in more than one personal injury incident.

The Debtor, David John Kaplan, ("Mr. Kaplan"), argues that pursuant to NRS 21.090(1)(u), he may exempt a separate personal injury claim for each separate and distinct personal injury he suffers.

1 Pursuant to NRAP 5, THE BANKRUPTCY COURT respectfully certifies the
2 following question of law to the Nevada Supreme Court:

3 If a debtor has more than one separate personal injury incident, is he entitled to
4 more than one personal injury exemption?

5 **2. Factual Background**

6 Kaplan, in *pro per*, filed a Chapter 11 bankruptcy (Case No. 10-54568-GWZ) on
7 November 19, 2010. That case was converted to chapter 7 on September 5, 2012 (Dkt.
8 60). Prior to that, Kaplan was involved in two personal injury cases. One, on March 18,
9 2009, where he was involved in a dog attack and hurt his back (Rivera matter). The
10 second personal injury, occurred when Kaplan was rear-ended on May 4, 2010 and he
11 hurt his lower back (Connell matter).

12 The Debtor initially had exempted one personal injury. Then on May 5, 2015,
13 Debtor amended his schedules to include the second exemption for his second personal
14 injury [Dkt. 300]. On May 7, 2015, the Trustee filed an Objection to Debtor's claim of
15 Exemptions [Dkt. 303], asserting Debtor is only entitled to one personal injury
16 exemption.

17 This Court did not rule on whether Mr. Kaplan is entitled to a second personal
18 injury exemption for the second personal injury incident.

19 **3. Designation of Parties:**

20 This Court will designate, Debtor, David John Kaplan as the appellant, and
21 Chapter 7 Trustee, Allen Dutra as the respondent.

1 **4. Names and addresses of counsel:**

2 For the Appellant:

3 Christopher P. Burke, Esq
4 702 Plumas Street
5 Reno, Nevada 89509

6 For the Respondent:

7 Michael Lehnern, Esq.
8 429 Marsh Avenue
9 Reno, Nevada 89509

10 **5. Order Regarding Certification**

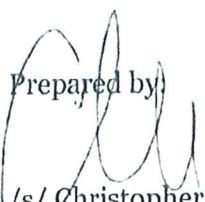
11 Having complied with the provisions of NRAP 5,

12 IT IS ORDERED that upon entry, the Clerk of the Court shall forward this Order
13 to the Supreme Court of the State of Nevada, Capital Complex, Carson City, Nevada
14 89719, under seal of the Clerk of this Court; and

15 IT IS FURTHER ORDERED that upon receipt of the opinion of the Nevada
16 Supreme Court, this matter shall be transferred to the Bankruptcy Court for further
17 proceedings consistent with the opinion of the Nevada Supreme Court.

18 IT IS SO ORDERED.

19 Prepared by)

20 
21 /s/ Christopher P. Burke, Esq.
22 CHRISTOPHER P. BURKE, ESQ.,
23

24 () Approved () Disapproved
25

26 /s/ PLEASE SEE ATTACHED
27 Michael Lehnern, Esq., attorney for
28 Chapter 7 Trustee, Allen Dutra

1 4. Names and addresses of counsel:

2 For the Appellant:

3 Christopher P. Burke, Esq.
4 702 Plumas Street
5 Reno, Nevada 89509

6 For the Respondent:

7 Michael Lehnars, Esq.
8 429 Marsh Avenue
9 Reno, Nevada 89509

10 5. Order Regarding Certification

11 Having complied with the provisions of NRAP 5,

12 IT IS ORDERED that upon entry, the Clerk of the Court shall forward this Order
13 to the Supreme Court of the State of Nevada, Capital Complex, Carson City, Nevada
14 89719, under seal of the Clerk of this Court; and

15 IT IS FURTHER ORDERED that upon receipt of the opinion of the Nevada
16 Supreme Court, this matter shall be transferred to the Bankruptcy Court for further
17 proceedings consistent with the opinion of the Nevada Supreme Court.

18 IT IS SO ORDERED.

19 Prepared by

20 
21
22 /s/ Christopher P. Burke, Esq.
23 CHRISTOPHER P. BURKE, ESQ.,

24 ☒ Approved () Disapproved

25 
26 /s/
27 Michael Lehnars, Esq., attorney for
28 Chapter 7 Trustee, Allen Dutra

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

* * *

ALTERNATIVE METHOD Re: RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

_____ The court waived the requirements of approval under LR 9021 (b)(1).

_____ No parties appeared or filed written objections, and there is no trustee appointed in this case.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond as indicated below:

On October 2, 2015, successfully faxed to Michael Lehnert, Esq. at fax number: (775)786-0799

_____ No opposition was filed to the motion and no counsel appeared at the hearing.

#

EXHIBIT “4”

1 MICHAEL LEHNERS, ESQ.
2 429 Marsh Ave.
3 Reno, Nevada 89509
4 Nevada Bar Number 003331
5 (775) 786-1695
6 email michaellehners@yahoo.com
7 Attorney for Chapter Seven Trustee
8 Allen Dutra

Ecf 7-1-15

9 UNITED STATES BANKRUPTCY COURT
10 DISTRICT OF NEVADA

11 oOo

12 IN RE

13 DAVID JOHN KAPLAN,

14 Debtor(s).
15 _____/

BK-N- 10-54568-gwz
CHAPTER 7

Hearing Date: 7/7/15
and Time: 2:00 p.m.

Mtn No. _____

Est Time: 5 Minutes

TRUSTEE'S RESPONSE TO DEBTOR'S
REPLY TO OBJECTION TO EXEMPTION

16 COMES NOW Chapter Seven Trustee, Allen Dutra, by and through his
17 attorney, Michael Lehnern, Esq. and files the following Trustee's Response to
18 Debtor's Reply to Objection to Exemption.

19 **1. Issues Raised by Debtor**

20 The Debtor was involved in two accidents that were unrelated. He seeks to
21 double Nevada's personal injury exemption as a result. The Debtor's argument
22 recites the well known rule that exemptions are to be liberally construed in favor of
23 the Debtor. However, when a statute is as clear as a glass slipper and fits without
24 strain, courts should not approve an interpretation that requires a shoehorn. *Demko*
25 *and Penn Arms, Inc. v. United States* 216 F.3d 1049, 1053 (C.A. Fed. Cir. 2000). The
26 Debtor's argument shatters the slipper.

27 NRS 21.090(1)(u) exempts payments, in an amount, not to exceed \$16,150.00,
28 for personal injury. In matters of statutory construction, the first step is to

1 determine whether the language has a plain and unambiguous meaning with
2 regard to the particular dispute. *Hawkins v. Franchise Tax Bd. of California*, 769 F.3d
3 662, (9th Cir. 2014). The dispute focuses on the term "personal injury".


4 Black's Law Dictionary defines the term as "*a hurt or damage done to a man's*
5 *person, such as a cut or bruise, a broken limb or the like, as distinguished from an injury to*
6 *his property or his reputation*". Black's 5th Ed.

7 Mr. Kaplan was damaged in each accident. Each damage would be an injury.
8 NRS 21.090(1)(u) uses the singular "personal injury" and the plural "payments". For
9 that reason, the exemption is based upon multiple payments for bodily injury. It
10 does not make the injuries divisible nor are the payments linked to the events that
11 caused the injury.

12 Mr. Kaplan cites NRS 21.090(1)(f) because it uses the term "one vehicle". Mr.
13 Kaplan claims this language shows that the Legislature knew how to limit an
14 exemption to one. It is equally reasonable to presume the Legislature knows the
15 difference between plural and singular nouns and the adjectives that modify them.

16 In conclusion, Mr. Kaplan was hurt in two separate events. NRS 21.090(1)(u)
17 gives him an exemption for his injury, singular. The statute is silent on the cause of
18 the injury. The glass slipper will fit the \$16,150.00, not the \$32,300.00 sought by the
19 Debtor.

20
21 Dated: This 1 day of July, 2015

22
23 By: 
24 Michael Lehnert, Esq.
25 429 Marsh Ave.
26 Reno, Nevada 89509
27 Nevada Bar Number 003331
28

CERTIFICATE OF SERVICE BY MAIL

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that on the 1 day of July 2015 I deposited for mailing in the United States Post Office in Reno, Nevada, with postage thereon fully prepaid, a true copy of the within **TRUSTEE'S RESPONSE TO DEBTOR'S REPLY TO OBJECTION TO EXEMPTIONS** addressed as follows:

David Kaplan
7455 Desert Plains Dr.
Sparks, NV 89436

Allen M. Dutra
59 Damonte Ranch Parkway
Suite B299
Reno, NV 89521

Christopher Burke, Esq
702 Plumas St
Reno, NV 89509

U. S. Trustee
300 Booth St.
Room 3009
Reno, NV 89509



Dolores Stigall

EXHIBIT “3”

1 CHRISTOPHER P. BURKE, ESQ
2 Nevada Bar No: 004093
3 attycburke@charter.net
4 702 Plumas Street
5 Reno, Nevada 89502
6 (775) 333-9277
7 Attorney for:
8 David John Kaplan,
9 for a Limited Purpose

Electronically filed: 6-23-15

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**

8 In Re:) BK-N-10-54568 -GWZ
9 DAVID JOHN KAPLAN) Chapter 7
10)
11) Hearing Date: 7-07-15
12) Hearing Time: 2:00 p.m.
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
DEBTOR.

13 **REPLY TO TRUSTEE'S OBJECTION TO KAPLAN'S CLAIM OF EXEMPTION**

14 The Debtor, DAVID JOHN KAPLAN ('Debtor' or 'Kaplan'), through his attorney,
15 Christopher P. Burke, Esq., for this limited purpose only, Replies to Trustee's Objection
16 to Kaplan's Claim of Exemption.

17 **I**
18 **ISSUE**

19 In Nevada, exemptions are liberally construed. Nevada does allow an individual
20 to exempt personal injury money. Notably, the statute does not restrict that exemption
21 to one personal injury claim. Here, Kaplan had two separate personal injuries, from two
22 separate events prior to filing his bankruptcy. Since the statute does not restrict the
23 number of personal injury claims, only the amount of a particular claim, shouldn't he be
24 allowed to protect both up to the exempt amount?

25 **II**
26 **FACTS**

27 Kaplan filed his Chapter 11 bankruptcy (Case No. 10-54568-GWZ) on November
28

1 19, 2010. That case was converted to chapter 7 on September 5, 2012 (Dkt. 60). Prior
2 to that, he was involved in two personal injury cases. One, on March 18, 2009, where
3 Kaplan was involved in a dog attack and hurt his back (Rivera matter). The second
4 personal injury occurred, when Kaplan was rear-ended on May 4, 2010 and he hurt his
5 lower back (Connell matter). Six weeks prior to the second injury, Kaplan had back
6 surgery. The second accident hampered his recovery from the back surgery. Kaplan
7 then had to have a second back surgery in July 2011.

8 Kaplan, who is on social security disability, has a plethora of health problems,
9 including diabetes and osteoporosis. In addition he takes care of his twenty-six year old
10 disabled son (Ex. "A" Decl. Of Kaplan").

11 Originally, Kaplan exempted only one of his personal injury claims on Schedule C
12 which was filed on December 22, 2010. (Dkt. 21). Kaplan amended Schedule C of his
13 bankruptcy on May 5, 2015 to include two different personal injury exemptions, i.e.
14 \$16,150 for personal injury settlement stemming from a dog attack (Kaplan vs. River)
15 and another \$16,150 exemption stemming from an auto accident (Kaplan vs. Connell).
16 (Dkt. 300).

17 Chapter 7 Trustee, Allen Dutra, filed an Objection to Debtor's Claim of
18 Exemptions on May 7, 2015 [Dkt. 303]

19 III 20 ARGUMENT

21 1. Bankruptcy debtor's in Nevada are entitled to the state exemptions

22 Upon the filing of a bankruptcy petition, an estate is created consisting of all legal
23 and equitable interests of the debtor in property as of the date of the filing of the
24 petition. 11 U.S.C. §541(a)(1). In return, Section 522(d) allows a debtor to exempt certain
25 property from his or her estate, protecting it from creditors. But the Bankruptcy Code
26 provides an opt-out provision whereby a state can either require the debtor to exempt
27 property under the state law exemptions or grant the debtor the option of choosing

1 between state and federal exemptions. See 11 U.S.C. §522(b)(2). Nevada is an opt-out
 2 state. E.g., *In re Kane*, 366 B.R. 477, 489 (Bankr.D.Nev. 2006). See NRS §21.090(3). In
 3 bankruptcy actions, the validity of a claimed state exemption is controlled by the
 4 applicable state law. *In re Goldman*, 70 F.3d 1028, 1029 (9th Cir. 1995). A bankruptcy
 5 court is bound by the state's rules of construction when interpreting a state statute. *Id.*
 6 Therefore, Nevada law governs the substantive issues regarding this exemption.

7 **2. Exemptions are liberally construed**

8 Exemptions are to be liberally construed in favor of the debtor who claims the
 9 exemption. *In re Arrol*, 170 F.3d 934, 937 (9th Cir. 1999); *In re Christensen*, 122 Nev.
 10 1309, 1312 (Nev. 2006) ("We liberally and beneficially construe our state exemption
 11 statutes in favor of the debtor."). "The purpose of Nevada's exemption statutes is 'to
 12 secure to the debtor the necessary means of gaining a livelihood.'" *Savage v. Pierson*,
 13 123 Nev. 86, 90 (2007) (quoting *Kreig v. Fellows*, 21 Nev. 307, 310 (1892)). If a
 14 statutory phrase is left undefined, the court construes the phrase, according to its plain
 15 and ordinary meaning. *In re Resort at Summerlin Lit.*, 122Nev. 177, 180 (2006). The
 16 courts general presume that the plain meaning of the words reflect the legislature's
 17 intent, unless the reading violates the spirit of the act or leads to an absurd result.
 18 *Villanueva v. State*, 117 Nev. 664, 667 (2001).

19 **3. The burden in objecting to Kaplan's exemption is on the Trustee**

20 A claim of exemption is presumed valid, and the burden is on the objecting party,
 21 i.e. the Trustee in this case, to prove, by a preponderance of the evidence, that an
 22 exemption is improperly claimed. *In re Nicholson*, 435 B.R. 622, 634 (9th Cir. BAP
 23 2010); Fed.R. Bankr.P. 4003©. When a decision turns upon applicable state law and
 24 the state's highest court has not decided the issue, a federal court must use its best
 25 judgment to ascertain how the state court would decide that issue. *General Motors*
 26 *Corp. v. Doupnik*, 1 F.3d 862, 865 (9th Cir. 1993). The court may also be aided by
 27
 28

1 looking to well- reasoned decisions from other jurisdictions. *Takahashi v. Loomis*
2 *Armored Car Service*, 625 F.2d 314, 316, (9th Cir. 1980).

3 The court must interpret a statute consistent with the intent of the legislature,
4 must ascribe an intent which will accomplish a reasonable result, and must resolve any
5 doubt as to legislative intent so as to avoid an absurd result. *Steward v. Steward*, 11
6 Nev. 295, 302 (1995). A statute may be interpreted by considering the reason or spirit of
7 the law, the causes which induced the legislature to enact it, and the entire subject
8 matter and policy for the law. *Cragun v. Nevada Pub. Employees' Ret. Bd.*, 92 Nev.
9 202, 205 (1976). When interpreting a statutory provision, Nevada courts look first to
10 the plain language of the statute, and ascribe words their plain meanings. *Savage v.*
11 *Pierson*, 123 Nev. 86,88 (2007).

12 **4. Kaplan's personal injury exemptions are valid**

13 In this case, the Nevada Revised Statutes provide: "payments in an amount not to
14 exceed \$16,150, received as compensation for personal injury . . . by the judgment
15 debtor." NRS 21.090(1)(u). Here, Kaplan seeks to exempt \$16,150 from two separate
16 personal injury claims under NRS 21.090(1)(u). Clearly, one of these claims is exempt.
17 However, the Trustee is objecting to Kaplan's second personal injury claim of
18 exemption.

19 **A. Nevada law would allow both personal injury exemptions**

20 Ironically, the answer to the question of whether a debtor can exempt two
21 separate personal injury claims, can actually be found within NRS 21.090. A look at
22 NRS 21.090(1)(f), specifically allows a debtor to exempt *one* vehicle, not to exceed
23 \$15,000 in value. Thus, the Nevada legislature knew how to limit an exemption to one,
24 if it desired to do so. Here, in relation to personal injury claims, it did not do that.
25 While the Nevada legislature has specifically included a qualifier in NRS 21.090(1)(f),
26 such an exclusion is absent from N.R.S. § 21.090(1)(u). "It is a basic tenet of statutory
27

1 construction that if the legislature includes a qualification in one statute, but omits the
 2 qualification in another related statute, it should be inferred that the omission was
 3 intentional." *In re Norris* 203 BR 463, 467 (Bankr. NV 1996), citing, see also *Ex Parte*
 4 *Arascada*, 44 Nev. 30, 35, (1990) (the failure of a statute to include a matter is an
 5 indication that exclusion was intended)." The often quoted maxim of statutory
 6 interpretation, *expressio unius est exclusio alterius*, tells us that when a legislature
 7 "includes particular language in one section of a statute . . . it is generally presumed that
 8 [the legislature] acts intentionally and purposely in the disparate inclusion or
 9 exclusion." *Russello v. United States*, 464 U.S. 16, 23 (1983).

10 "It is assumed that the provisions of *N.R.S* § 21.090, the statutory scheme for
 11 exemptions, were carefully drafted; they are a result of a legislative drafting process
 12 which began in 1911 and they have been the subject of numerous legislative revisions
 13 since that time. Based upon this premise, this Court will not supply a statutory provision
 14 when it is reasonable to suppose the Legislature intended to omit it." *Id* at 467.
 15 Arguably, Nevada's statute, like the federal one, is not plain but is ambiguous as to
 16 whether it exempts more than one personal injury. However, the key is that it can be
 17 reconciled within itself. Therefore, Kaplan can protect \$16,150 from each personal
 18 injury.¹

19 **B. The majority cases under the federal exemption agree with**
 20 **Kaplan**

21 To the extent, this Court seeks guidance on this issue from the few cases under
 22 the involving the federal exemptions, the majority favor Kaplan by a four to two margin.
 23 Three involve the exemptions under 11 USC §522(d)(11) or (12). For instance, in the
 24 case of *In re Marcus*, 172 BR 502 (Bankr. D.Conn. 1994), a debtor was allowed to

25 ¹ Kaplan has yet to use his wildcard, so at least \$1,000 of his second personal injury
 26 claim is exempt.

1 exempt both of his personal injuries. See also, *In re Comeaux*, 305 BR 802 (Bankr.E.D.
2 Tex. 2003); *In re Daly*, 344 BR 304 (Bankr. M.D. Penn. 2005). The other case that is in
3 accord with the debtor's position is *In re Anderson* 932 P.2d 1110 (Okla. 1997) (state
4 law).

5 There is one circuit level case that has opined on this issue and favors the Trustee.
6 See *In re Christo*, 192 F.3d 36 (1st Cir. 1999). However, it is the dissent in *Christo* that
7 makes the most cogent argument. It noted, that the majority relied on *In re Rhodes*, 147
8 BR 443 (Bankr. N.D. Ill. 1992) in rendering its decision. But the dissent in *Rhodes* was
9 based upon a number of erroneous assumptions. For instance, "*Rhodes* also referred to
10 the fact that the statutory list of exemptions distinguishes between exempted and
11 unexempted property by its nature and not number. . . [But] this proves little, however,
12 as those subparagraphs in the federal statute enumerating property which may be
13 aggregated list either groupings of types of property such as household furnishings, . . . ,
14 or certain enumerated property interest in life insurance contracts . . ." *Christo* at 40
15 (dissent).

16 The Trustee's brief also makes some questionable arguments. For instance, the
17 Trustee's reference to 11 USC §102(7) is misplaced. Why? Because in Nevada debtors'
18 exemptions are determined under state law. Thus §102(7) would not apply. But to the
19 extend it applies to the federal exemptions under §522, it could have possibly had an
20 effect on the *Marcus*, *Comeaux* and *Daley* cases, but did not. Because even with §102(7)
21 being available, those cases still correctly allowed the debtor multiple personal injury
22 exemptions. And the logic in those cases make perfect sense. For instance, as one case
23 stated, it would be entirely rational "if a debtor lost one limb in one accident and another
24 limb in another accident, the debtor should not be limited to one exemption." *Marcus*
25 at 505.

1 **5. Judicial estoppel should not apply**

2 Kaplan should not be estopped from amending his exemptions. The law is clear,
3 a debtor may amend his exemptions as a matter of right at anytime before a case is
4 closed. Fed.R.Bankr. P. 1009. *In re Michael* 163 F.3d 526 (9th Cir. 1998). Here,
5 although a few years into the case, Kaplan amended his schedules prior to the Trustee's
6 distribution of proceeds. Thus, there is no prejudice to the Trustee. Besides, an
7 individual can amend their exemptions up to the time a case is closed.

8 Here, the Trustee mischaracterizes the event. Kaplan did not take opposing
9 positions. Kaplan merely added to his allowed exemptions. I would ask the Court to
10 keep in mind, that Kaplan has been representing himself, and that he is a sixty-six year
11 old man who is on social security disability with cognitive impairment from a car
12 accident, diabetes and osteoporosis. See (Exhibit "A" - Declr. of D. Kaplan, ¶6 -7). In
13 addition, he is taking care of his mentally disabled son. See (Exhibit "A" - Declr. of D.
14 Kaplan ¶8).

15 **IV**

16 **CONCLUSION**

17 Exemptions are to be liberally construed. The legislature knows how to limit an
18 exemption to one item when it wants to. Here, it chose not to limit the number of
19 personal injury exemptions. Therefore, this Court should not put itself in place of the
20 legislature and unnecessarily limit Kaplan's exemption.

21
22 DATED: This 23rd day of June 2015.

23
24 /s/ CHRISTOPHER P. BURKE, ESQ.
25 CHRISTOPHER P. BURKE, ESQ.
26 Nevada Bar No.: 004093
27 702 Plumas Street
28 Reno, Nevada 89509
(775)333-9277

1 Christopher P. Burke, Esq. #4093
2 702 Plumas St.
3 Reno, Nevada 89509
4 (775)333-9277
attycburke@charter.net
Attorney for Debtor, for
this limited purpose only

Electronically filed:

5 UNITED STATES BANKRUPTCY COURT
6 DISTRICT OF NEVADA

* * *

7 IN RE:)
8 DAVID JOHN KAPLAN)
9)
10)
DEBTOR(s))

BK-N-10-54568-GWZ
CHAPTER 7

**DECLARATION OF DEBTOR,
DAVID JOHN KAPLAN, IN SUPPORT
OF CLAIM OF EXEMPTIONS**

11 I, David John Kaplan, declare under penalty of perjury that the foregoing is true
12 and correct:

- 13 1. That I am the above-mentioned Debtor in this Chapter 7 bankruptcy filing.
14 2. That I filed a Chapter 11, *pro se*, on November 19, 2010, Case No.: BK-N-10-
15 54568 -GWZ.
16 3. That this was converted to chapter 7 on September 5, 2012 (Dkt. 60).
17 4. That I am sixty-six years of age and disabled.
18 5. That I am on Social Security.
19 6. That I had brain injury in 1995 and have a cognitive and memory disorder.
20 7. That I have diabetes and osteoporosis.
21 8. That I care for my twenty-six year old disabled son.
22 9. That my son has schizophrenia.
23 10. That my son is on Social Security Disability.

24
25 DATED this 11 day of June 2015.

26 
27 _____
28 DAVID JOHN KAPLAN

EXHIBIT "A"

EXHIBIT “2”

1 MICHAEL LEHNERS, ESQ.
2 429 Marsh Ave.
3 Reno, Nevada 89509
4 Nevada Bar Number 003331
5 (775) 786-1695
6 email michaellehners@yahoo.com
7 Attorney for Chapter Seven Trustee
8 Allen Dutra

Eg 5/7/15

9 UNITED STATES BANKRUPTCY COURT
10 DISTRICT OF NEVADA

11 oOo

12 IN RE

13 DAVID JOHN KAPLAN,

14 Debtor(s).
15 _____/

BK-N- 10-54568-gwz

CHAPTER 7

Hearing Date: _____

and Time: _____

Mtn No. _____

Est Time: 5 Minutes

OBJECTION TO EXEMPTION

16 COMES NOW Chapter Seven Trustee, Allen Dutra, by and through
17 his attorney, Michael Lehnars, Esq. and files the following Objection to
18 Mr. Kaplan's amended Schedule "C". Specifically, Mr. Kaplan originally
19 claimed an exemption of \$16,150.00. He now seeks to exempt an
20 additional \$16,150.00 because he was involved in two accidents.

21 **1. Background**

22 The two accidents are unrelated. Each case settled. Mr. Kaplan
23 claimed an initial exemption under NRS 21.090(1)(u) which exempts:

24 Payments, in an amount not to exceed \$16,150, received as
25 compensation for personal injury, not including
26 compensation for pain and suffering or actual pecuniary
27 loss, by the judgment debtor or by a person upon whom the
28 judgment debtor is dependent at the time the payment is
received.

1 Emphasis supplied

2 Mr. Kaplan claimed an exemption for \$16,150.00 in his initial
3 schedules that were filed on December 23, 2010 (DE 21). He later
4 amended his schedules on August 9, 2011, but he did not change the
5 amount of his exemption. See DE 41.

6 On March 19, 2015 the Trustee filed an amended motion for
7 interim distribution (DE 277). The amended motion was served upon the
8 Debtor. On April 16, 2015 the Trustee a second amended motion (DE
9 283) containing the same information that was noticed to the creditor
10 matrix. The Debtor was served with this motion as well. Both motions
11 sought to pay the Debtor his \$16,150.00 personal injury exemption. The
12 hearing was set for May 5, 2015. On that day, the Debtor amended
13 Schedule "C" to claim \$32,300.00 under NRS 21.090(1)(u) on the basis
14 that he was involved in two accidents.

15 The Trustee is only objecting to the amounts in excess of
16 \$16,150.00.

17 **2. Argument**

18 Nevada's statute uses the words "personal injury". Injury is
19 singular. Injuries is plural. It is clear that the exemption is based upon
20 bodily injury, not the event or events that caused the injury. Statutes
21 must be read to give meaning to all of their parts and language, and
22 courts are to read each sentence, phrase, and word to render it
23 meaningful within the context of the purpose of the legislation. *Harris*
24 *Associates v. Clark County School Dist.*, 119 Nev. 638, 81 P.3d 532, (Nev.
25 2003).

26 In *Suter v. Goedert*, 396 B.R. 535, (D. Nev. 2008) the Court noted
27 that Nevada exempts from the bankruptcy estate payments received as
28 compensation for personal injury. *Id* at 543. The Court went on to note

1 that the phrase "personal injury" in general refers to any harm caused to
2 a person, such as a broken bone, a cut, or a bruise. *Id* at 544, citing
3 authorities.

4 Put another way, "payments" is the plural of "payment". The use of
5 the plural envisions more than one settlement and more than one event.
6 The term "payments" is modified by the phrase "in an amount not to
7 exceed \$16,150". It does not matter how many times the Debtor is
8 injured, because the aggregate payments are capped at \$16,150.

9 *In re Rhodes* 147 B.R. 443 (Bkrcty N.D. Illinois 1992) is noteworthy
10 because it involved a state exemption for personal injury proceeds in a
11 bankruptcy court.

12 Paragraph (h)(4) of the Illinois law grants each debtor the right to
13 exempt "[t]he debtor's right to receive, or property that is traceable to, ...
14 a payment, not to exceed \$7500 in value, on account of personal bodily
15 injury of the debtor or an individual of whom the debtor was a
16 dependent." *Id* at 445.

17 As in this case, Mr. Rhodes claimed multiple \$7,500.00 exemptions
18 for multiple accidents.

19 The Court denied the exemption. It employed four cannons of
20 statutory construction.

- 21 1. The consideration of the entire statute,
- 22 2. The last antecedent doctrine,
- 23 3. The presumption for statutory consistency and
- 24 4. The presumption against absurdity and injustice.

25 The Court found the plain language of the paragraph did not
26 support the Debtor's interpretation. What is exempted is the debtor's
27
28

1 right to receive, or property that is traceable to a payment on account of
2 personal bodily injury. This language plainly exempts (1) the debtor's
3 right to receive payment of a particular type and (2) property that is
4 traceable to such a payment. The nature of the payment is specified by
5 the phrase "on account of personal bodily injury." Paragraph (h)(4)
6 contains no language relating to the number of personal injuries.
7 Accordingly, the statutory language, on its face, offers no support for an
8 exemption that varies in amount depending on the number of personal
9 injuries affecting a debtor. Id at 446.

10 The Court found the statutory scheme favored the Trustee. Like
11 Nevada's scheme, the exempted property in nearly every paragraph of
12 the statute is distinguished from nonexempt property only by its nature,
13 not by its number. Id at 446.

14 The Court found the Debtor's interpretation to be absurd and
15 unjust because it would unfairly discriminate against debtors who had
16 the same injuries but different events that caused them.

17 The Court said the debtors' reading requires disparate treatment
18 for similarly situated debtors. If one person has suffered injuries
19 compensable to the extent of \$75,000 arising out of a single incident, the
20 debtors' reading of the statute would provide an exemption of \$7,500 to
21 that person. Yet if another person has suffered precisely the same
22 injuries, arising equally out of ten separate incidents, then the debtors'
23 reading of the statute would provide an exemption of \$75,000. The
24 number of incidents, however, has no bearing whatever on the debtor's
25 need for funds. Id at 447.

26 The Trustee had argued the last antecedent doctrine requires the
27 phrase "not to exceed \$7,500" modify the word "payment". The Court
28

1 found the reading of the entire statute indicates that the limitation of
2 \$7,500 relates to the "right to receive property or property that is
3 traceable to" any payment on account of personal bodily injury, thus
4 supporting the trustee's reading.

5 Nevada has adopted the same principles of statutory construction.

6 1. *Nevada Tax Com'n v. Bernhard*, 100 Nev. 348, 683 P.2d 21, (Nev.
7 1984). In determining the meaning of a specific provision of an act, the
8 act should be read as a whole.

9 2. *J.E. Dunn Northwest, Inc. v. Corus Const. Venture, LLC*, 127 Nev.
10 Adv. Op. 5, 249 P.3d 501, (Nev. 2011). Recognizing the last antecedent
11 rule of statutory construction.

12 3. *Orr Ditch & Water Co. v. Justice Court of Reno Tp., Washoe County*,
13 64 Nev. 138, 178 P.2d 558, (Nev. 1947). The spirit of the statute will
14 prevail over the strict letter.

15 4. *Sheriff, Clark County v. Burcham*, 198 P.3d 326, 124 Nev. 1247.
16 (Nev. 2008). Statutory construction should always avoid an absurd
17 result.

18 These rules should be applied in the same fashion to NRS
19 21.090(1)(u) so that only the aggregate of \$16,150.00 is allowed.

20 3. The Federal Exemption

21 11 U.S.C. §522(d)(11) exempts: The debtor's right to receive, or
22 property that is traceable to a payment, not to exceed \$22,975, on
23 account of personal bodily injury, not including pain and suffering or
24 compensation for actual pecuniary loss, of the debtor or an individual of
25 whom the debtor is a dependent.

26 The cases are split on whether or not multiple accidents
27 authorize exempting more than the \$22,975 statutory cap.
28

1 For example, *Collier on Bankruptcy* ¶ 522.09[11] (15th ed.
2 rev.1998) goes on to state that if the debtor has sustained injuries in
3 separate accidents, he or she may claim an exemption for the injuries
4 suffered in each accident. Following this logic, it would appear that the
5 debtor could make separate claims for exemption for each injury
6 suffered in a single accident, citing *In re Marcus*, 172 B.R. 502 (Bankr. D.
7 Conn.1994). See also *In re Comeaux*, 305 B.R. 802, (Bankr. E.D. Tex.
8 2003), which reached the same conclusion as *Marcus*.

9 These cases are at odds with the holding of *In re Phillips* 485 B.R.
10 53 (E.D.N.Y. 2012). That Court held only \$21,625 was available to the
11 Debtor who had been in two accidents.

12 *Phillips* is the better reasoned decision because the Bankruptcy
13 Code has one rule of Statutory Construction that Nevada does not have.
14 11 U.S.C. §102 sets forth the rules of statutory construction that are to be
15 used with the Code. 11 U.S.C. §102(7) says "the singular includes the
16 plural". Thus, §522(d)(11)(D)'s term "a payment" encompasses both a
17 singular payment as well as multiple payments, and the term "injury"
18 includes multiple injuries. Given this rule of construction, §522(d)(11)(D)
19 should be read as "a payment [or payments], not to exceed \$21,625, on
20 account of personal bodily injury [or injuries]." The grammatical
21 structure of §522(d)(11)(D), therefore, requires the monetary cap "not to
22 exceed \$21,625" to apply with equal force to either one or multiple
23 payment(s) and regardless of how many injuries the debtor suffered.
24 *Phillips* at 57.

25 In *Marcus*, the debtor claimed two personal injury exemptions,
26 both for the then statutory maximum of \$7,500. See *Marcus*, 172 B.R. at
27 503. In *Comeaux*, the debtors claimed three separate personal injury
28

1 exemptions. Both courts held that a debtor may claim multiple
2 exemptions under §522(d)(11)(D), each up to the statutory maximum.
3 for payments on account of personal bodily injuries arising from distinct
4 incidents.

5 The *Comeaux* court based its conclusion on the following: 1) the
6 general rule of construction that exemption statutes are to be construed
7 liberally in favor of a debtor; 2) Congress demonstrated its ability to
8 utilize numeric and aggregate limits elsewhere in §522 and did not do so
9 in §522(d)(11)(D); and 3) as a policy matter, debtors who suffer personal
10 bodily injuries from multiple incidents should be afforded the small
11 degree of financial protection the personal injury exemption affords.

12 The *Phillips* Court disagreed with the reasoning of both courts
13 since the statute was plain on its face when applying the rule set forth in
14 11 U.S.C. §102(7). *Id.* 56-57.

15 While *Phillips* is squarely in the Trustee's favor, it is no more
16 relevant to the analysis than *Marcus* or *Comeaux*.

17 NRS 21.090(1) is unlike §522(d). First, it does not use the term
18 "aggregate" for some exemptions but not for others. Second, there is no
19 Nevada statute that parallels 11 U.S.C. §102(7).

20 For this reason, it is a simple matter of statutory construction, and
21 any case interpreting §522(d)(11) is inapplicable.

22 **4. Judicial Estoppel**

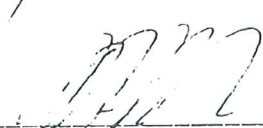
23 The application of judicial estoppel bars the assertion of
24 inconsistent positions in the same litigation. *Hamilton v. State Farm Fire*
25 *& Cas. Co.*, 270 F.3d 778, (9th Cir. 2001). In this case, the Debtor's
26 \$16,150.00 exemption was allowed 30 days after he filed his schedules.
27 They were filed on December 23, 2010. He reaffirmed the \$16,150.00
28

1 exemption on August 9, 2011. He was served with all of the pleadings
2 that settled the two cases and participated in those cases. He was served
3 with the Trustee's motions for interim distribution that clarified only
4 \$16,150.00 was to be paid. Yet on the day of the hearing, the Debtor
5 amends his schedules to add an additional exemption of \$16,150.00,
6 supposedly upon the advice of some "Mystery Lawyer" that he refused
7 to identify¹.

8 If the additional exemption is allowed, the estate will be
9 administratively insolvent. This means the lawyers who worked to bring
10 in the assets will have to write a check to Mr. Kaplan for his last minute
11 strategy. That is not fair, nor is it equitable.

12 For those reasons, the exemption must be allowed in the amount of
13 \$16,150.00.

14
15 Dated: This 7th day of July, 2015

16
17
18 By: 
19 Michael Lehnert, Esq.
20 429 Marsh Ave.
21 Reno, Nevada 89509
22 Nevada Bar Number 003331
23
24
25
26
27

28 ¹ Privilege will protect what the Mystery Lawyer said, but not his or her identity.

EXHIBIT “1”

David J. Kaplan, In Pro SE
7455 Desert Plains Dr.
Sparks, NV 89436
(775) 337-1040

Debtor, In Pro SE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re: DAVID JOHN KAPLAN

Case No.: 10-54568-GWZ

Chapter: 7

Debtor(s)

AMENDMENT COVER SHEET

The following items have been amended in the above named bankruptcy proceeding (check all applicable boxes).

- ☐ Voluntary Petition (specify reason for amendment)
- ☐ Summary of Schedules
- ☐ Statistical Summary of Certain Liabilities
- ☐ Schedule A - Real Property
- ☐ Schedule B - Personal Property
- ☒ Schedule C - Property Claimed as exempt
- ☐ Schedule D, E or F and/or Matrix, and/or List of Creditors or Equity Holders
- ☐ Add/delete creditor(s), change amount or classification of debt - \$26.00 Fee required.
- ☐ Add/change address of already listed creditor - No fee
- ☐ Schedule G - Executory Contracts and Unexpired Leases
- ☐ Schedule H - CoDebtors
- ☐ Schedule I - Current Income of Individual Debtor(s)
- ☐ Schedule J - Current Expenditures of Individual Debtor(s)
- ☐ Declaration Concerning Debtor's Schedules
- ☐ Statement of Financial Affairs and/or Declaration
- ☐ Chapter 7 Individual Debtor's Statement of Intention
- ☐ Disclosure of Compensation of Attorney for Debtor(s)
- ☐ Statement of Current Monthly Income and Means Test Calculation
- ☐ Certification of Credit Counseling
- ☐ Other:

Amendment of debtor(s) Social Security Number requires the filer to follow the instructions provided by the Office of the U.S. Trustee, see link to the U.S. Trustee's website on our website: www.nv.uscourts.gov

Declaration of Debtor

I (We) declare under penalty of perjury that the information set forth in the amendment(s) attached hereto is (are) true and correct to the best of my (our) information and belief.

Date: 5/2/2015

Debtor

Joint Debtor

00001

B6C (Official Form 6C) (04-13)

In re DAVID JOHN KAPLAN,
DebtorCase No. 10-54568-GWZ
(If known)**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**Debtor claims the exemptions to which debtor is entitled under:
(Check one box)

- ☐ 11 U.S.C. § 522(b)(2)
☒ 11 U.S.C. § 522(b)(3)

☒ Check if debtor claims a homestead exemption that exceeds
 \$155,675.*

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION
Residence at 7455 Desert Plains Dr. Sparks, NV	NRS 115.010	500,000.00	380,000.00
Household Furnishings and Yard Equipment, etc.	NRS 21.090(b)	12,000.00	12,000.00
Professional Library and Business Equipment, etc.	NRS 21.090(d)	10,000.00	10,000.00
2004 GMC Envoy Automobile	NRS 21.090(f)	15,000.00	7,500.00
IRA Roth Account No. XXXX6999	NRS 21.090(r)	15,000.00	6,000.00
Social Security Disability Payments	NRS 21.090(y)	2,500.00	2,500.00
Stock Shares of Kaplan Tax Consulting, Inc.	NRS 21.090(bb)	5,000.00	5,000.00
Stock Shares of Global Phone Solutions, Inc.	NRS 21.090(bb)	5,000.00	5,000.00
P. I. Comp. Pymts - Kaplan vs. Rivera (Dog Attack)	NRS 21.090(u)	16,150.00	16,150.00
P. I. Comp. Pymts - Kaplan vs. Connell (Auto Accident)	NRS 21.090(u)	16,150.00	16,150.00

* Amount subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

00002

In re:
DAVID JOHN KAPLAN

Case No.: 10-54568-GWZ
Chapter 7

ATTACHMENT TO AMENDED COVER SHEET (dated 05/02/2015)

Specific reasons for amendment:

- 1. Schedule C: Identified the source of the 1st exemption for Personal Injury Compensation Payment in the case of Kaplan vs. Rivera for \$16,150.00.**
- 2. Schedule C: Add a 2nd exemption for Personal Injury Compensation Payment in the case of Kaplan vs. Connell for \$16,150.00.**

CERTIFICATE OF SERVICE BY MAIL

Pursuant to Federal Rule of Civil Procedure 5(b)(2)(C), I certify that on the 4th day of May, 2015, I deposited for mailing in the United States Mail in Sparks, Nevada, with postage thereon fully prepaid, a true copy of the within AMENDMENT COVER SHEET WITH SCHEDULE C AND ATTACHMENT THERETO addressed as follows:

Allen N. Dutra
59 Damonte Ranch Parkway
Reno, NV 89509

Michael Lehnert, Esq.
429 Marsh Ave.
Reno, NV 89509

Bradley P. Elley, Esq
120 Country Club Drive, Suite 5
Incline Village, NV 89451

Christopher P. Burke, Esq.
702 Plumas Street
Reno, NV 89509

DATE: May 4, 2015


Lezleeann Chun

SUPREME COURT NO. 69065

ORIGINAL PROCEEDING CERTIFIED QUESTION (NRAP 5)

Electronically Filed
Mar 09 2016 03:15 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**IN THE SUPREME COURT
OF THE STATE OF NEVADA**

In RE: DAVID JOHN KAPLAN

DAVID JOHN KAPLAN,
Appellant

-v-

Chapter 7 Trustee, ALLEN DUTRA
Respondent.

BK-N-10-54568-GWZ

APPELLANT'S EXCERPTS OF RECORD
Certified from the United States Bankruptcy Court
for the District of Nevada

CHRISTOPHER P. BURKE, ESQ.

Nevada Bar No. 4093

702 Plumas Street

Reno, Nevada 89509

(775)333-9277

attycburke@charter.net

Attorney for Appellant:

DAVID JOHN KAPLAN

1
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3 IN RE:)

4 DAVID JOHN KAPLAN,)

5 DEBTOR.)
6 _____)

No. 69065

BK-N-10-54568-GWZ
Chapter 7

7 DAVID JOHN KAPLAN,)
8)

9 Appellant,)

10 vs.)
11)

12 ALLEN DUTRA,)

Chapter 7 Trustee,)

13 Respondent.)
14 _____)

**CERTIFICATE REQUIRED
BY LOCAL RULE 10-6**

15 **CERTIFICATE OF SERVICE**

16 I, Kimberly Wilson, certify under penalty of perjury that the foregoing
17 statement is true and correct:

- 18 1. The on the 8th day of March, 2016, a true copy of the foregoing
19 APPELLANTS' EXCERPTS OF RECORD filed in the above-captioned
20 matter were electronically noticed to the following parties:

21 Michael Lehnert, Esq., Attorney for
22 Respondent, Chapter 7 Trustee, Allen Dutra
at mcl3303@aol.com

- 23 2. This certificate is true and correct and signed under penalty of
24 perjury pursuant to 28 U.S.C. Sec. 1746.

25
26 /s/ Kimberly Wilson
27 Kimberly Wilson, Declarant
28

1
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**
3

4 IN RE:)
5) No. 69065
6 DAVID JOHN KAPLAN,)
7) BK-N-10-54568-GWZ
8) Chapter 7
9)
10)
11)
12)
13)
14)
15)

9 DAVID JOHN KAPLAN,)
10)
11 Appellant,)
12 vs.)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

12 ALLEN DUTRA,)
13 Chapter 7 Trustee,)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

14 Respondent.)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

16 **APPELLANT'S EXCERPTS OF RECORDS**
17

18 Pursuant to NRAP 30, the following are submitted by Appellant, David
19 John Kaplan, as Excerpts of Record on appeal in this matter:
20

Exhibit	Dkt.#	Date:	Title:	Pg.
1	300	5-05-15	Amendment of Schedule C	1-4
2	303	5-07-15	Objection to Exemption	5-12
3	311	6-23-15	Reply to Trustee's Objection to Kaplan's Claim of Exemption	13-20
4	313	7-01-15	Trustee's Response to Debtor's Reply To Objection to Exemption	21-23

Exhibit	Dkt.#	Date:	Title:	Pg.
5	317	10-16-15	Order Certifying Question of Law to the Nevada Supreme Court	24-28
6	322	7-30-15	Transcript of hearing on July 30, 2015 at 2:05 p.m.	29-44
7			Docket	45-87

Dated this 8th day of March 2016.

/S/CHRISTOPHER P. BURKE, ESQ.
CHRISTOPHER P. BURKE, ESQ.
Attorney for Appellant