

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re

Karl C. and Lisa H. Hansen
Debtors

Chapter 7
Case No. 12-11907-JMD

***EX PARTE* MOTION OF UNITED STATES TRUSTEE FOR ORDER REOPENING
CASE AND AUTHORIZING APPOINTMENT OF CHAPTER 7 TRUSTEE**

To the Honorable J. Michael Deasy, U.S. Bankruptcy Judge

Pursuant to 11 U.S.C. § 350, 28 U.S.C. § 586, Fed. R. Bankr. P. 5009 and 5010, and Local Rule 5010-1, William K. Harrington, United States Trustee (AUnited States Trustee@) respectfully requests that the Court reopen this case and find that it is necessary for the United States Trustee to appoint a disinterested chapter 7 trustee “to protect the interests of the creditors and the debtor or to insure efficient administration of this case.” In support thereof, the United States Trustee respectfully submits:

1. On June 11, 2012, the Debtors filed for protection from their creditors under chapter 7.
2. The United States Trustee thereafter appointed Ms. Olga Gordon as chapter 7 trustee.
3. On July 11, 2012 the Debtors appeared before Ms. Gordon for their § 341 examination. On July 16, 2012, after examining the Debtor, Ms. Gordon filed a report with this Court that there were no assets available for creditors. The Debtors received a discharge on December 13, 2012 and the case was closed on January 2, 2013.
4. Debtors’ counsel, Attorney Dahar, has recently brought to Ms. Gordon’s attention that the Debtors may have rights to pursue patent infringement litigation against a third party, for

actions that took place prior to the Debtors' chapter 7 filing.¹

5. The United States Trustee alleges that the rights to bring patent infringement action may be property of the estate that should be pursued by the Debtors' chapter 7 trustee.

Accordingly, the United States Trustee respectfully requests that the Court reopen the Debtors' bankruptcy case pursuant to 11 U.S.C. § 350 and find that the appointment of a chapter 7 trustee "is necessary to protect the interests of creditors and the debtor or to ensure efficient administration of the case." By reopening the case and authorizing the appointment of a chapter 7 trustee, the trustee may bring the matters before the Court for determination, and if it is determined that the action is property of the estate, to pursue said litigation in the name of the Debtors, and protect the estate's rights therein. *See* Fed. R. Bankr. P. 5010.

6. The United States Trustee understands the Debtors consent to reopening this case and that upon reopening, they will file an amendment to disclose the potential patent infringement claims.

* * *

WHEREFORE, the United States Trustee requests that the Court reopen the case and find that a chapter 7 trustee is necessary to protect the interests of the creditors and the debtor or to insure efficient administration of the case. The United States Trustee further requests that any

¹ The Debtors' schedules refer to three U.S. patents that appear to be associated with company named Brilliant Consulting Service, valued at \$0. The Debtors also scheduled "1 individual owned patent pending" valued at \$0. The Debtors claimed a \$0 exemption in Brilliant Consulting Service. *See* Schedules B, C.

Order reopening the case provide that the case shall remain open pending further Order of this Court, and for such other and further relief as is just.

Respectfully submitted,

WILLIAM K. HARRINGTON
United States Trustee

By: /s/ Geraldine Karonis
Geraldine Karonis, Esq.
Assistant U.S. Trustee
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Dated: September 2, 2015

Certificate of Service

I hereby certify that on this September 2, 2015, I served a copy of the foregoing Ex Parte Motion to Reopen Case and to Authorize Appointment of Chapter 7 Trustee” and proposed Order by CM/ECF to all parties described below, unless otherwise indicated:

Victor W. Dahar, Esq.
Olga Gordon, Esq.

/s/ Geraldine Karonis
Geraldine Karonis

Dated: September 2, 2015