

# COURT

# News & Views

VOLUME 8  
DECEMBER 2014

CLERK'S CORNER

JC Guerrero

Happy Holidays, everyone! I cannot believe it is already time for another edition of our newsletter. Time is flying! We had a busy but good year. Here are some quick updates from our office:

**Personnel:** Butch Speed retired after serving 25 years in our court. We held a retirement luncheon for him on November 21. While we will miss him and all of his creativity, we are all happy for him as he transitions into a new phase of his life. As you may already know, Butch was the mastermind for the layout of our newsletters. We are forever grateful for the wonderful job he did with this publication. Henrietta Foster is going to pick up the newsletter layout responsibility for us. Please see page 3 for more information about and pictures of Butch's retirement luncheon.

Judge Sawyer had a change in law clerks in August. We said goodbye to Jerrod Maddox and welcomed Wes Causby. Please see page 7 for more information about Wes.

**Rule amendments and new forms:** please pay special attention to the information in this newsletter regarding the bankruptcy rule amendments and the new forms that became effective on December 1, 2014. Please call us if you have any questions.

**Goals for 2015:** we recently set our office goals for 2015. One of the goals is to do a complete scrub of our operational procedures and document them better. So, if you have a procedure you think could be done better, please let us know. **Follow up items:** it has been a busy year, and we are still in a bit of a catch-up mode. Back in July we received some suggestions pertaining to electronic signatures. We are still working on those suggestions, and we will have more to follow soon. Thank you for your patience.

**Attorney Advisory Group:** we will hold our next attorney advisory group meeting early next year. Our current members are Paul J. Spina, III; Charles N. Parnell, III; Marsha C. Mason; Cameron A. Metcalf; Paul D. Esco; Charles E. Grainger; and Bowdy J. Brown. These meetings provide a small and informal setting allowing for open discussion and feedback with our judges and the clerk and the chief deputy clerk. If you have anything you would like for these members to bring up to our judges or to me at our next meeting, please contact them.

**Attorney Forums:** our next attorney forums will be held in July in each of our three divisions. We will be sending out an email and making an announcement on our webpage as soon as we have the dates. Please plan on attending one of these forums.

Thank you all for your continued support of our court. Don't forget to let us know whenever we provide better service to you. All the best to you and yours for 2015!



## Default

### Federal Rules of Civil Procedure 55 and Federal Rules of Bankruptcy Procedure 7055

In our July 2014 newsletter we welcomed Tonya Hagmaier to our court. Having a second seasoned attorney in the clerk's office gives our court an additional set of eyes for spotting and resolving legal and procedural issues and affords us a perspective untainted by "this is how we've always done it." This perspective has been particularly useful in identifying ways to make your practice – and ours – more efficient.

Examples of a couple of these practices are the clerk's entries of default and default judgments detailed in Rule 55 of the Federal Rules of Civil Procedure and Rule 7055 of the Federal Rules of Bankruptcy Procedure. I have asked Ms. Hagmaier to put together a discussion of the practice points for your use using the Federal Rules of Bankruptcy Procedure as your reference.

**Clerk's Entry of Default** An entry of default by the clerk precedes the issuance of a default judgment and is required before a clerk may sign and enter a default judgment. Good practice suggests that an entry of default also be made before a judge signs a default judgment. The clerk is permitted to enter a default only upon being presented with an affidavit or affirmation setting forth the facts (see Rule 7055(a)). These facts should include all of the following:

- (i) The date of issuance of the summons;
- (ii) A statement of whether the court fixed a deadline for the filing of an answer or motion, or whether another time limit applies;
- (iii) The date of service of the complaint;
- (iv) The date of filing of affidavit of service;
- (v) A statement that no answer or motion has been received within the time limit fixed by the court or by Rule 7012(a); and
- (vi) A statement that the defendant is not in the military service, as required by 50 U.S.C. app. §520.

Note, particularly, the fifth item above. If the defendant is in the military service, 50 U.S.C. app. § 520 affords the defendant certain protections which must be addressed before the entry of a default. If the affidavit does not contain a statement that the defendant is not in the military, the clerk will not enter a default without prior action from the judge – which defeats our goal of making this process more efficient for everyone.

**Clerk's Entry of Default Judgment** Rule 7055 tells us that after the clerk has entered default the plaintiff may seek a default judgment. Rule 7055(b)(1) states that on request of the plaintiff and upon affidavit of the amount due, if the conditions of the rule are met "the clerk...must enter judgment...against a defendant who has been defaulted for not appearing and is neither a minor nor an incompetent person." The conditions of Rule 7055(b)(1) are as follows:

- (i) The plaintiff's claim is for a sum certain or is for a sum which can be made certain by computation;
- (ii) The defendant has been defaulted for failure to appear; and
- (iii) The defendant is not an infant or incompetent person, and is not in the military service.

**Default Judgment Entered By the Judge** In circumstances other than those specified in Rule 7055(b)(1), including when a defendant who served an answer or motion fails to appear at a court hearing, the default judgment must be entered by a judge subject to the provisions of Rule 7055(b)(2):

- (i) No judgment by default may be entered against an infant or incompetent person unless that person is represented in the action by a general guardian, committee, conservator, or other such representative;

(Bench Notes - Continued on page 3)

(Bench Notes - Continued from page 2)

(ii) If the party against whom a default judgment is sought, or the party's representative, has appeared in the action, the party or the party's representative must be given written notice at least seven days prior to the hearing on the application for entry of the judgment; and

(iii) If the court finds it necessary to investigate any matter to determine the amount of damages or to establish the truth of any averment, the court may conduct any hearings or order references as it deems necessary and proper. The court shall afford a right to a jury trial to the parties when and as required by any statute of the United States.

In practice, a request for a default judgment entered by the court is often submitted at trial. If no trial has been scheduled or if the plaintiff does not wish to wait until trial, the plaintiff may wish to move for a default judgment.

We hope this discussion of default and default judgments helps you with your practice. Call Tonya Hagmaier at (334) 954-3811 if you have questions or other ideas for making the practice in our court more efficient.

## Retirement from the Clerk's Office

On Friday, November 21, 2014, the Bankruptcy Clerks Office hosted a retirement luncheon for longtime employee Butch Speed. Butch retired after 25 years of to the judiciary .

The luncheon was well-attended by friends and co-workers, and everyone enjoyed a fun auction (with play money) of some of Butch's unique personal items. "I don't want to have to take it all home," he said, "and leaving it all here with friends makes me happy."

Butch's creativity and unmatched artistic abilities will be missed – not only in the clerk's office, but throughout the courthouse. We say farewell and wish him the best.





# TRUSTEE

# TIPS

Contributed by  
Sabrina McKinney  
Senior Staff Attorney  
Chapter 13 Trustee Office

**TIP 1: NADA Values of Debtors' Vehicles** – We have recently begun checking NADA values for automobiles listed in debtors' schedules. Sometimes debtors' schedules contain only vague descriptions of automobiles, and we need as much information as possible to verify the values of the vehicles.

Clearly we need the year, make, and model of any vehicle listed in the debtor's schedule; but we also need the vehicle's mileage and a list of any additional equipment on the vehicle. All of this should be disclosed in the schedules. Finally, if you deviate from NADA values you should provide an explanation of why you deviated. That explanation may be written in schedule B where the vehicle is listed, or you may give the written explanation to the Trustee before or at the meeting of creditors. If you wait until the §341 meeting to provide the written explanation, you will likely cause a delay of the confirmation of the debtor's case.

**TIP 2: IRS Pursuit of Post-Discharge Interest and Penalties** – We recently learned that the IRS has begun pursuing some debtors post-discharge to collect interest and penalties on the priority portion of non-dischargeable tax obligations. The IRS itemizes the tax obligation as part of the general unsecured portion of the claim.

This may not be an issue post-discharge in cases where the debtor is paying creditors in full. But in cases where the debtor is paying a composition plan, it may be an issue for the debtor because the general unsecured portion of the IRS's claim will only be paid a percentage pursuant to the terms of the plan.

The Trustee wanted me to take this opportunity to let you know that he would have no objection to your proposing to pay this non-priority, non-dischargeable amount as a special classed unsecured claim through the plan to prevent any post-discharge collections against the debtor by the IRS. If you intend to make this provision in your debtor's plan, please specify that this is what you are proposing to do.

If you have questions regarding either of the above topics, please feel free to contact us at (334) 262-8371 to discuss in more detail. Thank you all for your continued efforts.

## Financial Facts

- Contributed by  
Janet Clark

### Fees Increases Effective December 1

The Judicial Conference approved several amendments to the Bankruptcy Court Miscellaneous Fee Schedule. The new fees became effective December 1, 2014.

The Conference approved an increase of \$50 to the fee charged when a direct appeal from a bankruptcy court is accepted by a court of appeals. The fees assessed for filing a direct appeal totaled \$450, which was \$50 less than the fee assessed by a court of appeals for filing an appeal through a district court or bankruptcy appellate panel. This adjustment brought parity to the fees.

The Conference established a \$25 fee to file a motion to make redactions to previously filed records in a bankruptcy case. The fee will be charged for each affected case.

The Conference also endorsed a new exception to the fee for reopening a closed bankruptcy case. This new exception clarifies that the reopening fee does not apply if the only purpose for reopening the case is redaction.

A full listing of fees is available on our website at [www.almb.uscourts.gov/fees](http://www.almb.uscourts.gov/fees).

### Overpayment of Filing Fees

	Current Fee (Effective 12/1/14)	Previous Fee
Direct Appeal	\$207	\$157
Motion to Redact a Record	\$25	none

We are noticing an increase in overpayments in cases where the filing fee is being paid through the Chapter 13 plan. The usual scenario goes like this: The debtor does not make his plan payments timely or in sufficient amounts so the Trustee does not have enough funds to pay the balance due on the filing fee within the 120-day time limit. The clerk's office sends a notice of dismissal for failure to pay the filing fee, giving the debtor another 20 days, and the debtor pays the balance due to the clerk's office. Once the Trustee's office receives enough funds from the debtor's payment into the plan, the Trustee, not knowing the debtor paid the balance due, pays the money to the clerk's office as required by the plan. This creates the overpayment.

Overpayments of filing fees are generally refunded upon a motion by the debtor. However, this process is time consuming and costly for everyone involved, and there is no guarantee the motion will be granted.

If your client receives a notice of dismissal for failure to pay the filing fee, it is best to make the payment directly to the Chapter 13 Trustee who will remit the payment to the clerk's office. The clerk's office will have received the exact amount of the filing fee, and any excess remains with the Trustee's office to be paid to creditors or, in the event the case is dismissed, refunded to the debtor.

# OPERATIONS INFO

## **Plaintiff's Dismissal of Defendant(s) and Joint Stipulations of Dismissal in Adversary Proceedings** - contributed by Tonya Hagmaier

This is just a quick reminder that a court order is not required to dismiss an adversary proceeding when Fed.R.Civ.Pro. 41(a)(1)(A) and Fed.R.Bankr.Pro. 7041(a)(1)(A) apply.

Under Rule 7041(a)(1)(A)(i) without action of the court a plaintiff may voluntarily dismiss an action by notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Under Rule 7041(a)(1)(A)(ii) all parties who have appeared may join together and dismiss an action by a joint stipulation of dismissal.

Save yourselves and the court some time – simply docket your dismissals or joint stipulations of dismissal. We will review your filings and, assuming there are no errors, we will acknowledge the dismissal and close the adversary proceedings.

Here are the things you need to double-check before you docket your notice or joint stipulation of dismissal:

1. Does the style of the case capture all parties to the action? If there are multiple defendants and you are dismissing fewer than all of them, the style of the case still must accurately reflect all parties to the case because nobody is dismissed yet.
2. Does the body of the notice cite to the correct rule?  
Rule 7041(a)(1)(A)(i) – a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or  
Rule 7041(a)(1)(A)(ii) – a stipulation of dismissal signed by all parties who have appeared
3. Does the body of the notice actually dismiss the hearing or a defendant or does it *request* dismissal or *move the court* for an order of dismissal? It should actually dismiss the hearing or a defendant from the case unless you have a specific reason for needing an order from the court.

If you file your notice or joint stipulation and we find you are missing something, we will try to call you and give you the opportunity to correct it and file an amended notice, no worries!

We have put together four templates to help you with your practice in this area. You can find them at the end of the newsletter. Please call Tonya Hagmaier at 954-3811 if you have questions or need more information.

## Practice Tips for Bankruptcy Attorneys

- contributed by Yvonne Pelham

As part of the new series we began with our July newsletter, here are a few more tips to help you with your practice in our court. Please let us know if you have other tips you think would help others in their practices.

**USE OUR CORRECT ADDRESS** – We have had a few filings recently that listed our address as PO Box 1248. That has not been our address for several years now. Please update your templates to reflect this address: U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104.

**LEGAL ADVICE** – Remember that 28 U.S.C. 955 prohibits members of the clerk's office from giving legal advice.

**REDACTION OF SENSITIVE INFORMATION** – Fed.R.Bankr.Pro. 9037(a) states that any electronic or paper filing must be redacted prior to filing with the court. A party or nonparty making the filing may include only the following personally-identifiable or sensitive information:

- The last four digits of the social security number or taxpayer ID;
- The initials of a minor's name ;
- The year of birth (not the month and day) of any person; and/or
- The last four digits of financial account numbers

If you file a document and subsequently realize you did not completely redact the sensitive information in the document, please file a Motion to Redact so we can get the sensitive information out of the public view.

**CM/ECF ATTACHMENTS** – With the massive number of files we work with every day, we ask that you help us as we process your cases. To that end, please review and follow these guidelines with your attachments in CM/ECF:

- Limit each file to 4 megabytes. The computer tends to time out when you are uploading files larger than that.
- Do not count on emphasizing something in your documents with highlighting. If we must scan it in, the highlighting will not show up.
- Use only 8½ x 11 paper.
- If an attachment is filed separately as an exhibit or a generic document, file it with a cover page that shows the case caption.

**NOTICES OF REMOVAL** – A notice of removal is treated as a new adversary proceeding in CM/ECF and must be opened as such. To open the new adversary proceeding, do the following:

- In the dark blue banner on the CM/ECF home page, click Adversary

## (Continued) Practice Tips for Bankruptcy Attorneys

- On the next page you will see the word Complaint with a box with a drop-down menu in it. Click to open the drop-down menu and select N (because you are not attaching a new complaint).
- From there, continue opening the new Removal.

**MOTIONS TO REOPEN CASES** – We frequently receive motions to reopen bankruptcy cases when the case has been dismissed or discharged but not actually closed yet. A bankruptcy case that has been dismissed or discharged may remain open for various reasons: an adversary proceeding may still be open or we may be waiting for the trustee to file certain documents. Please make sure the case has actually been closed before you file a motion to reopen.

**IDENTIFYING SPECIFIC ROLES IN CM/ECF** – When you are filing a document and need to create a new party in a case (either a party you represent or yourself), remember to select the correct role of that party on the Party Information screen. The drop down box has many options from which you may choose.

**DEADLINES AND E-FILING** – If a deadline is set on a day the court is closed, the deadline remains in effect. E-filers may file 24 hours a day, 7 days per week, and are not affected by court closures.

**INFORMATION ON BIFURCATING, SPLITTING, OR SEVERING JOINT CASES** – Here are three tips to help you when you are working with these kinds of issues.

1. If you have a joint case you need to bifurcate, split, or sever, docket a Motion to Sever and pay the required fee.
2. When an order allows a joint debtor to sever from a case so one debtor can convert his or her case, the docket will reflect the conversion when the new case is opened by clerk's office staff.
3. If an order grants the dismissal of one joint debtor and the other will continue in bankruptcy, then no motion for bifurcation is needed.



## TEAM USBC

### WE'VE GOT THE SPIRIT!



Contributed by  
Henrietta Foster

# S-P-I-R-I-T



On Friday, October 24, 2014, the United States Bankruptcy Court brought the game day experience to the clerk's office. Employees donned their favorite team sports gear. Employees proudly represented the Auburn Tigers, Alabama State Hornets, Alabama Crimson Tide, Troy Trojans, LSU Tigers, and the Fighting Irish.

The food tables were beautifully decorated in team colors and team paraphernalia. The aroma of hot cheese dip, BBQ, chicken tenders, and many other tailgate favorites filled the air as employees sampled tailgate dishes prepared by their co-workers.

Following the luncheon, the office participated in a fun game of "Catch Phrase" led by Chief Deputy, Tonya Hagmaier. It was a great day of "TEAM" building. Way to go bankruptcy team!

## NEW LAW CLERK NAMED



Contributed by  
Henrietta Foster

William Wesley Causby began his tenure as Law Clerk for Chief United States Bankruptcy Judge William R. Sawyer on August 11, 2014.

Wes was born and raised in Sylva, North Carolina. He attended the University of North Carolina where he double-majored in History and in Peace, War and Defense. Upon graduating with a Bachelor of Arts, he found his way to Montgomery, Alabama, in 2007.

He earned his Juris Doctorate from Jones School of Law in May 2013 and was admitted to the Alabama State Bar in October 2013. Wes has previously clerked for organizations in fields ranging from bankruptcy and tax law to pharmaceutical torts and criminal defense.

In his spare time he enjoys running, swimming, traveling, sports, and movies. He considers himself to be a history and classic movie buff.



- Contributed by  
Scooter LeMay

## NEXTGEN CM/ECF

The Federal Judiciary has developed a next generation (NextGen) CM/ECF system that allows you to use the same account for both PACER and CM/ECF. While we are still several months away from implementing NextGen, the PACER Service Center has released new information on transitioning your existing PACER account to one that can provide single sign-on capabilities in the NextGen software. Upgrading your PACER account now can expedite your continued electronic filing capabilities when we are ready to install NextGen.

For more information on upgrading, read the Frequently Asked Questions section for NextGen on the PACER service center's web site at <https://www.pacer.gov/nextgen/>. More information on the NextGen improvements to PACER and CM/ECF can be viewed at <https://www.pacer.gov/announcements/general/improvements.html>.

Our goal is to provide all of our customers advance notice when we are prepared to implement NextGen. Meanwhile, if you have questions regarding the NextGen program, please call our IT department at (334) 954-3870 or email us at [IT@almb.uscourts.gov](mailto:IT@almb.uscourts.gov).



- Contributed by  
Henrietta Foster



This year marked a significant milestone for two employees in the clerk's office. Carrie Moore and Kerwin Washington each celebrated 10 years of service with the bankruptcy court.

They were recognized at our annual employee recognition luncheon with a service pin and a certificate of appreciation signed by the clerk and chief judge.

Congratulations Carrie and Kerwin! Thank you for your loyalty and dedication.



The Frank M. Johnson  
Federal Courthouse  
will be closed  
on the following days  
this holiday season:

- December 24, 2014  
(will close at noon)
- December 25-26, 2014
- January 1-2, 2015



## ***From the Administrative Office of Court***

### **Amendments to the Federal Rules of Bankruptcy Procedure**

On April 25, 2014, the Supreme Court approved amendments to the Federal Rules of Bankruptcy Procedure which took effect on December 1, 2014.

The amendments to the bankruptcy rules address petitions involving the same debtors filed in different courts; time limits for serving a summons and complaint; general pleadings and judgments and costs; bankruptcy appeals; and new trials and relief from a judgment or order. If you wish to review the entirety of the amended rules, they may be found at this web address:

<http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/congressional-package-forcongress.pdf>.

Additionally, several official forms have been updated to address the amended rules. A complete list of the revised forms and instructions is posted at the following web address:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>.

### **Summary of 2014 Changes to Federal Rules of Bankruptcy Procedure**

- **Rule 1014(b)** - Rule 1014(b) addresses the procedure when petitions involving the same or related debtors are filed in different courts. The amendment to Rule 1014(b) provides that proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending, and expand the list of persons entitled to receive notice of a motion in the first court for a determination of where the related cases should proceed.

● **Rule 7004(e)** - The amendment to Rule 7004(e) alters the period of time during which service of the summons and complaint must be made, reducing the period from 14 days to 7 days after issuance of the summons. Because Rule 7012 provides that the defendant's time to answer the complaint is calculated from the date the summons is issued, a lengthy delay between issuance and service of the summons may unduly shorten the defendant's time to respond. Therefore, this amendment seeks to ensure prompt service.

**Rules 7008(b) and 7054** - The amendments to these changed the procedure for seeking attorney's fees in bankruptcy proceedings, bringing the Bankruptcy Rules in closer alignment with the Civil Rules.

- Rule 7008(b), which addressed attorney's fees, was deleted.
- Rule 7054 now includes the procedures for seeking an award of attorney's fees, unless the governing substantive law requires the fees to be provided at trial as an element of damages.

### **Rules Governing Appeals - Rules 8001-8028:**

The amendments to Part 8 of the Bankruptcy Rules govern appeals to district courts and bankruptcy appellate panels. These changes brought the bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedure; incorporated a presumption favoring electronic transmission, filing, and service of court documents; and adopted a clearer and simpler style. Some highlights of the revised rules related to appeals include the following:

- Rule 8003 requires the clerk to serve the notice of appeal instead of providing notice of the filing of the notice of appeal. The Notice of Electronic Filing will suffice as notice except when pro se parties are involved.

(Amendments to Federal Rules - continued from page 9)

- Rule 8003(d)(1) requires the clerk to transmit the notice of appeal promptly to the district court or BAP. The Committee note makes clear that this transmission should no longer be delayed until the record is complete. Each district will determine how best to transmit the notice of appeal within the district.
- Rule 8005(a) eliminates the requirement that a separate document be filed when a party to an appeal opts out of the BAP. (Also see discussion of Official Form 17 below).
- Rule 8009 addresses several issues regarding transcripts, when a transcript is or is not ordered, and allows an appellant to file a statement in lieu of a transcript, when a transcript is unavailable.
- Rule 8010 requires that if a party moves in the district, BAP, or court of appeals for any of the following: leave to appeal; dismissal; a stay pending appeal; approval of a supersedeas bond, or additional security on a bond or undertaking on appeal; or any other intermediate order, the bankruptcy clerk must transmit to the clerk of the court where the relief is sought any parts of the record designated by a party to the appeal or a notice that those parts are available electronically.

- **Forms 17 A, 17B, and 17C** - Official Form 17 was replaced by three separate forms: 17A, 17B, and 17C. Official Form 17A is the Notice of Appeal and Statement of Election, Part 4 of which applies to BAP courts only and allows the appellant the option of electing to have the appeal heard by district court. Form 17B is the (optional) Appellee Statement of Election to have the appeal heard in district court instead of the BAP. Form 17C pertains to the length of briefs.

### **Rules Governing New Trials, Amendment of Judgments, and Relief from Judgment or Order**

Rule 9023 (governing new trials and amendment of judgments) and Rule 9024 (governing relief from a judgment or order) add reference to the procedure in amended Rule 8008 addressing indicative rulings. Rule 8008 provides a procedure for the issuance of an indicative ruling when a bankruptcy court determines that, because of a pending appeal, the court lacks jurisdiction to grant a request for relief that the court concludes is meritorious or raises a substantial issue.

**The following rule changes will not take effect this year:**

### **Proposed Amendments in Response to *Stern v. Marshall*, 131 S. Ct. 2594 (2011)**

**(7008, 7012, 7016, 9027, and 9033)** - The proposed *Stern*-related amendments to 7008, 7012, 7016, 9027, and 9033 were withdrawn due to the case of *Executive Benefits Insurance Agency v. Arkison (In re Bellingham Ins. Agency, Inc.)*, 702 F.3d 553 (9th Cir. 2012), cert. granted, 133 S.Ct. 2880, 186 L.Ed.2d 908 (2013). The Supreme Court issued its opinion in the *Bellingham* case on June 9, 2014, which will be considered by the Rules Committee at an upcoming meeting.

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re:

John H. Doe,

Case No. 14-00000

Debtor.

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John H. Doe,

Plaintiff,

v.

Adversary Proceeding

Case No. 14-1111

A1 Towing, Galaxy Guardians, LLC,  
AVL, Ltd.,

Defendants.

**JOINT STIPULATION OF DISMISSAL**

**COMES NOW** Plaintiff, by and through his attorney of record and defendant AVL, Ltd., by and through their attorney of record, and, pursuant to Rule 7041(a)(1)(A)(ii), Federal Rules of Bankruptcy Procedure, jointly stipulate to the dismissal of defendant AVL, Ltd., from this action. (If you need to add further information, use this or similar language: Parties further state [add further information, as fits your case: with or without prejudice, who will bear costs, etc.]

**RESPECTFULLY SUBMITTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Ima Lawyer  
Attorney for Plaintiff/Debtor

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Felonious Gru  
Attorney for AVL, Ltd.



**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re:

John H. Doe,  
  
Debtor.

Case No. 14-00000

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John H. Doe,

Plaintiff,

v.

A1 Towing, Galaxy Guardians, LLC,  
AVL, Ltd.,

Defendants.

Adversary Proceeding  
Case No. 14-1111

**JOINT STIPULATION OF DISMISSAL**

**COMES NOW** Plaintiff, by and through his attorney of record, and defendants A1 Towing, Galaxy Guardians, LLC, and AVL, Ltd., by and through their attorneys of record, and, pursuant to Rule 7041(a)(1)(A)(ii), Federal Rules of Bankruptcy Procedure, jointly stipulate to the dismissal of the above-styled action. (If you need to add further information, use this or similar language: Parties further state [add further information, as fits your case: with or without prejudice, who will bear costs, etc.]

**RESPECTFULLY SUBMITTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Ima Lawyer  
Attorney for Plaintiff/Debtor

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Lizard Lick  
Attorney for Defendant A1 Towing

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re:

John H. Doe,

Case No. 14-00000

Debtor.

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John H. Doe,

Plaintiff,

v.

Adversary Proceeding

Case No. 14-1111

A1 Towing, Galaxy Guardians, LLC,  
AVL, Ltd.,

Defendants.

**PLAINTIFF'S DISMISSAL OF FEWER THAN ALL DEFENDANTS  
IN AN ADVERSARY PROCEEDING**

**COMES NOW** Plaintiff, by and through his attorney of record, and pursuant to Rule 7041(a)(1)(A)(i), Federal Rules of Bankruptcy Procedure, states that he hereby dismisses Galaxy Guardians, LLC, from this matter [with or without prejudice].

**RESPECTFULLY SUBMITTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Ima Lawyer  
Attorney for Plaintiff/Debtor

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Peter Quill  
Attorney for Defendant Galaxy Guardians, LLC

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Felonius Gru  
Attorney for AVL, Ltd.



**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re:

John H. Doe,

Case No. 14-00000

Debtor.

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John H. Doe,

Plaintiff,

v.

Adversary Proceeding

Case No. 14-1111

A1 Towing,

Defendant.

**PLAINTIFF'S DISMISSAL OF ADVERSARY PROCEEDING**

**COMES NOW** Plaintiff, by and through his attorney of record, and, pursuant to Rule 7041(a)(1)(A)(i), Federal Rules of Bankruptcy Procedure, states that he hereby dismisses this matter [with or without prejudice].

**RESPECTFULLY SUBMITTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Ima Lawyer  
Attorney for Plaintiff/Debtor