

September 30, 2008 www.orb.uscourts.gov

Recent Opinions

Full text of opinions is available on the Bankruptcy Court's website; click on Opinions on left-side index, then search by date.

In re South Star Oil Co., Case No. 08-61072-fra11

September 15, 2008

Dismissal or conversion, appointment of trustee

Several creditors and the US Trustee moved to dismiss or convert this chapter 11 case to chapter 7, or to appoint a trustee. The court concluded that appointment of a trustee was in the best interests of creditors and the estate. Dismissal would prejudice the priority claim of a major creditor, conversion would not allow the estate to avail itself of the full value of its properties, and it was not likely the DIP would be able to submit and confirm a plan of reorganization.

In re Owens, Case No. 05-70329-fra7

September 15, 2008

Trustee compensation; 11 USC §330(a)(7)

The court used §330(a)(7), added to the Code by BAPCPA, to decide trustee compensation, even though the case was filed just before BAPCPA's effective date. The rationale was that §330(a)(7) merely clarifies an existing provision and therefore can be applied retroactively.

PREVIOUSLY PUBLISHED ITEMS:

The following is a summary of items added in the past several weeks.

Notice of Fraudulent Scheme

On August 14 the Administrative Office of the United States Courts sent out notice of a fraudulent scheme. It involves telephone calls to individuals telling them they must pay money or be arrested. Click on the Notice at top of main page for details.

Amended Local Bankruptcy Rules

Amended LBRs are in effect as of August 8, 2008, for all matters (including adversary proceedings) in bankruptcy cases pending on that date. They supersede all prior LBRs and general orders of the court. The file containing the new LBRs is available on the website.

Updated Local Bankruptcy Forms

Many LBFs have been modified and their use is now required. Obsolete forms have been deleted. Click on "Local Forms Updates" on main page for details.

Court Fees List

The court fees list was updated on August 1, raising the mileage fee to \$.585 per mile.

ECF Training

Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. The currently scheduled training date (posted on the website) for **Portland** is October 16. The date for **Eugene** is October 23.

Debtor-Creditor Section Website

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.