

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:08-bk-11612-ABB
Chapter 11

GEORGI ZACZAC, SR.,

Debtor.

ORDER

This matter came before the Court on the Amended Motion for Extension of Time to Object to Debtor's (1) Discharge and Dischargeability of a Debt; and (2) Claimed Exemptions (Doc. No. 136) ("Amended Motion") filed by Sysco Food Services of South Florida, Inc. ("Sysco") and the Objection thereto (Doc. No. 140) filed by the Debtor Georgi Zaczac, Sr. An evidentiary hearing was held on August 20, 2009 at which counsel for the Debtor and counsel for Sysco appeared. The parties were granted leave to file supporting briefs. Neither party submitted a brief. The Amended Motion is due to be denied in part.

The Debtor filed this bankruptcy case on December 6, 2008 and various deadlines were set pursuant to the Notice of Chapter 11 Bankruptcy Case (Doc. No. 6):

- (i) Objections to exemptions: Thirty days after the conclusion of the meeting of creditors.
- (ii) Objections to the dischargeability of certain debts: March 6, 2009.
- (iii) Objections to discharge: "*First date set for hearing on confirmation of plan.* Notice of that date will be sent at a later time."

The Section 341 meeting of creditors was concluded on January 26, 2009. The deadline for filing objections to exemptions was February 25, 2009.

Sysco filed a Notice of Appearance on January 14, 2009 and on February 25, 2009 filed a Motion to extend the deadlines for filing an 11 U.S.C. Section 523 complaint objecting to dischargeability of certain debts, objection to

discharge, and objection to exemptions (Doc. No. 68). An Order was entered on April 7, 2009 (Doc. No. 86) ("Extension Order") granting the Motion and extending the deadlines through and including June 5, 2009.

The June 5, 2009 deadline passed. Sysco filed a Motion for Extension of Time on July 29, 2009 (Doc. No. 135) and the Amended Motion on July 30, 2009 (Doc. No. 136). The July 29 and July 30, 2009 Motions are untimely as to the filing of an objection to exemptions and a Section 523 dischargeability complaint.

The deadline for filing an objection to the Debtor's exemption claims was June 5, 2009 pursuant to the Extension Order. Sysco was required to file its second extension request by June 5, 2009 pursuant to Federal Rule of Bankruptcy Procedure 4003(b)(1).

The deadline for filing a Section 523 dischargeability complaint was June 5, 2009 pursuant to the Extension Order. Sysco was required to file its second extension request by June 5, 2009 pursuant to Federal Rule of Civil Procedure 4007(c). Sysco's request for further extension of the deadlines to object to exemptions and to file a Section 523 dischargeability complaint is untimely and due to be denied.

The Debtor did not address in his Objection Sysco's request for further extension of the deadline for filing a complaint objecting to discharge. Sysco's request for an extension of the deadline to object to discharge is premature. The confirmation hearing date has not been set and, as a result, no deadline for filing a discharge objection has arisen pursuant to Federal Rule of Civil Procedure 4004(a).

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that the Debtor's Objection (Doc. No. 140) is hereby **SUSTAINED**; and it is further

ORDERED, ADJUDGED AND DECREED that the Amended Motion (Doc. No. 136) is hereby **DENIED** regarding Sysco's requests to further extend the deadlines for filing an objection to exemptions and a complaint objecting to the dischargeability of certain debts.

Dated this 9th day of September, 2009.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge