

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

BRUCE GRANT BONAVENTURE,

Case No. 6:09-bk-18649-ABB

Chapter 11

Debtor.

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ORDER

This matter came before the Court on numerous docket entries filed by the *pro se* Debtor Bruce Grant Bonaventure (“Debtor”), Doc. Nos. 144, 145, 146, 147, 149, 152, 154, 157, 158, 159, 165, and 168. The Debtor seeks various relief in these filings, but the pleadings are largely repetitious with the Debtor requesting primarily: (i) reconsideration of the May 17, 2010 Order (Doc. No. 136) granting Aurora Loan Services, LLC (“Aurora”) relief from the automatic stay; and (ii) this Court address his alleged equitable subordination claim against Aurora.

Reconsideration Requests

The Debtor’s filings at Doc. Nos. 144, 145, 146, 154, 158, 159, and 168 contain two repeating allegations: (i) Aurora was not entitled to relief from the automatic stay of 11 U.S.C. Section 362(a) pursuant to the May 17, 2010 Order; and (ii) the Debtor holds an equitable subordination claim against Aurora.

The Debtor’s reconsideration request is governed by Federal Rule of Civil Procedure 59, which is applicable to bankruptcy proceedings through Federal Rule of Bankruptcy Procedure 9023. Sussman v. Salem, Saxon & Nielson, P.A., 153 F.R.D. 689, 694 (M.D. Fla. 1994). “[R]econsideration of a previous order is an extraordinary remedy to be employed sparingly.” Id. The only grounds for granting a motion for

reconsideration pursuant to Federal Rule of Bankruptcy Procedure 9023 “are newly-discovered evidence or manifest errors of law or fact.” Kellogg v. Schreiber (In re Kellogg), 197 F.3d 1116, 1119 (11th Cir. 1999).

The pleadings filed at Doc. Nos. 144, 145, 146, 154, 158, 159, and 168 reiterate issues previously raised by the Debtor and adjudicated by this Court. The Debtor has presented no newly-discovered evidence or manifest error of law or fact warranting the reconsideration or amendment of the May 17, 2010 Order. Aurora’s foreclosure action is pending before the Florida State Court and any claims against Aurora, including any equitable subordination claim, may be relevant to that proceeding. The relief requested in Doc. Nos. 144, 145, 146, and 154 is due to be denied.

Motions for Transcripts

The Debtor filed a Motion for Transcripts and an Amended Motion for Transcripts (Doc. Nos. 147, 157) requesting copies of various transcripts of Court hearings. The Court employs the court reporter Cindy Vachon (“Reporter”), who is the owner of Accredited Court Reporters, which is a contract employee of the Court pursuant to Contract Number 113A-05-002 as authorized by 28 U.S.C. Section 753(g). Reporter records Court proceedings verbatim by machine (stenotype) shorthand. The Debtor may obtain transcripts of Court proceedings from Reporter at (407) 443-9289 (*see* www.flmb.uscourts.gov/courtreporters/). The Motions are due to be denied.

Objection to Form 631

The Debtor filed a document entitled “Motion Objecting as to Form: 631not01 Because It Remains Incomplete From Court” at Doc. No. 149. The pleading relates to the May 20, 2010 Notice (designated as Form 631not01) issued by the Court to the

Debtor. The Notice sets forth four creditors who were not issued copies of notices by the Court because no addresses for the creditors were provided by the Debtor.

The Motion is unintelligible. It delineates no request for relief or basis for objection to the Notice. Attached to the Motion is a hand-written list of creditors with addresses. If the Debtor is attempting to provide addresses for the four creditors, he is required to do so through the filing of schedules in conformity with the Federal Rules of Bankruptcy Procedure. The Motion is due to be denied.

Motion for Clarification Regarding Rule 1019

The Debtor filed a document entitled “Notice Under Order Dated May 17, 2010, Pursuant to Federal Rule of Bankruptcy Procedure 1019(5)” at Doc. No. 152 in which he requests clarification, instruction, and direction as to compliance with Federal Rule of Bankruptcy Procedure 1019(5)(A). The Debtor is required to comply with Rule 1019(5)(A) which provides he must: (i) within 14 days of the conversion of this case, “file a schedule of unpaid debts incurred after the filing of the petition and before the conversion of the case, including the name and address of each holder of a claim”; and (ii) within 30 days of conversion, file and transmit to the United States trustee a final report and account within 30 days of the conversion.

Rule 1019(5) is self-explanatory and compliance with the Rule is mandatory. The Debtor’s case was converted from Chapter 11 to Chapter 7 on May 17, 2010 pursuant to the May 17, 2010 Order. The deadline for compliance with Rule 1019(5) was June 1, 2010. The Debtor has not complied with Rule 1019(5).

Motion for Approval of Pre-Petition and Post-Petition Financing

The Debtor filed a document entitled “Motion for Approval of Pre-Petition and Post-Petition Financing” at Doc. No. 152 in which he requests approval of a \$500.00 “revolving monthly loan, based on Petitioner’s Social Security monthly stipend, with an attendant charge of an additional \$52.00 to finance various and sundry filings & transcripts in these proceedings.”

The Debtor presented no specific information regarding such loan including the proposed lender, interest rate, loan term, or collateralization. He presented no legal basis for such request. The Motion is due to be denied.

Motion to Waive Filing Fees

The Debtor filed a Motion (Doc. No. 165) requesting the balance of his Chapter 11 filing fee and the Chapter 7 filing fee be waived. The Debtor has not established his alleged indigent status in conformity with the requirements of 28 U.S.C. Section 1915. The Motion is due to be denied.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Debtor’s Motions filed at Doc. Nos. 144, 145, 146, 147, 149, 152, 154, 157, 158, 159, 165, and 168 and the relief requested therein, are hereby **DENIED**.

Dated this 2nd day of July, 2010.

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