

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
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In re)
)
SEMINOLE WALLS & CEILINGS) Case No. 6:01-bk-01966-KSJ
CORP.,) Chapter 7
)
Debtor.)
)
_____)

**ORDER DENYING MOGAVERO'S
MOTION TO INTERVENE WITHOUT PREJUDICE
AND ESTABLISHING CASE MANAGEMENT PROCEDURES**

In this Chapter 7 case, Terri Mogavero (the “Movant”) has filed a Motion to Intervene, for Immediate Return of Converted Property or for Abstention, Permission to File Suit under the Barton Doctrine and for Sanctions.¹ Although this motion is titled and filed as a single motion, it seeks five different things: intervention, immediate return of converted property, abstention, permission to file suit under the Barton Doctrine, and sanctions. The motion is deficient because it combines multiple motions or requests for relief in a single motion.

In bankruptcy motion practice, different procedures and rules apply to different types of relief.² In this vein, “[i]f different requests for relief, each of which could be the subject of its own motion, could be combined into a single motion, the court would be confronted with a logistical nightmare trying to identify and satisfy all of the different notice and hearing and timing requirements that might apply to the motion’s different components,”³ which is exactly the case here.

¹ Doc. No. 657.

² *In re Fort Wayne Foundry Corp.*, No. 09-12423, 2009 WL 2524493, at *1 (Bankr. N.D. Ind. July 23, 2009).

³ *Id.* at *2.

The motion consists of five different requests that seek distinct and separate relief. Each request is brought under different rules and is subject to different procedural implications. The Court properly needs to address each request in a different way. By combining all of these requests into a single motion, the Court improperly must decide between choosing one aspect of the motion to tackle and ignoring all others, treating the motion as five separate (and inconsistent) motions, or somehow ruling on the motion as a single request.

The Court declines to do the work for the Movant. The Court instead will deny the pending motion without prejudice and granting leave for the Movant to file amended motions and for both parties, the Movant and the Chapter 7 Trustee, to follow the case management procedures explained below. Accordingly, it is

ORDERED:

1. The Movant's Motion to Intervene, For Immediate Return of Converted Property or for Abstention, Permission to File Suit under the Barton Doctrine, and for Sanctions (Doc. No. 657) is denied without prejudice.
2. On or before **December 19, 2014**, the Movant may file a separate motion for each relief sought—i.e., a Motion to Intervene, a Motion for Turnover, a Motion for Abstention, a Motion for Permission to File Suit under the Barton Doctrine, a Motion for Sanctions, or any other motion for other relief sought. Each motion shall be double spaced, contain legal citations, and shall not exceed 10 pages in length.
3. The Court will deny any motion filed by the Movant in this case after **December 19, 2014**. (The Chapter 7 Trustee should submit a proposed order for the Court's review.)
4. The Chapter 7 Trustee shall file a *separate* written response (double space, with legal citations, and no longer than 10 pages) to *each* timely filed motion on or before **January 16, 2015**.

5. If the Movant timely files a motion seeking possession of any property given to her by Joseph Jasgur and allegedly held by the Chapter 7 Trustee, the Trustee shall do two things no later than **February 27, 2015**: (a) File an inventory of the disputed items with the Court, and (b) obtain and file with the Court an *independent* valuation of the disputed items expending funds of the estate and held by her. The Court expressly authorizes that Trustee to retain an appraiser for this purpose and to pay the appraiser reasonable costs associated with the valuation.

6. If the Trustee fails to timely respond to the Movant's timely filed motion or to file the inventory and valuation of the disputed items, the Court will order the Chapter 7 Trustee to return the disputed items to the Movant. (Movant should submit a proposed order for the Court's review.)

7. If, however, both parties timely comply with paragraphs 2 – 6 above, the Court then will expect the parties to mediate their remaining disputes on or before **March 27, 2015**, as directed in a separate, contemporaneous order.

8. A further status conference is set in this case for **3:30 p.m. on April 9, 2015**, in Courtroom A, Sixth Floor, 400 West Washington Street, Orlando, Florida 32801. The Court will conduct a preliminary, non-evidentiary hearing on any motions then pending involving the Movant or the Chapter 7 Trustee.

DONE AND ORDERED in Orlando, Florida, on December 2, 2014.

A handwritten signature in black ink, appearing to read "Karen S. Jennemann" with the initials "K.O." written to the right of the signature.

KAREN S. JENNEMANN
Chief United States Bankruptcy Judge

Rosemary Hanna Hayes, Attorney for Movant, is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.