


ORDERED.

Dated: July 29, 2015



Karen S. Jennemann
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re)	
)	
NORTH AMERICAN CLEARING, INC.,)	Case No. 6:08-ap-00145-KSJ
)	Chapter 7
Debtor.)	
)	

ORDER DENYING GOBLE’S MOTION TO APPOINT INDEPENDENT TRUSTEE

Richard Goble, a *pro se* creditor in this Securities Investor Protection Act (“SIPA”)¹ liquidation proceeding of North American Clearing, Inc. (“NACI”), seeks to appoint an “unbiased trustee” to investigate the propriety of NACI’s liquidation proceeding.² The Trustee, Robert Gilbert, objects to Goble’s request, arguing this Court does not have jurisdiction to reconsider the District Court’s order initiating the SIPA liquidation (“SIPA Order”).³ Because this Court has no authority to review the propriety of the SIPA Order, Goble’s motion is denied.

NACI was a broker-dealer and clearing house placed into SIPA liquidation as of May 27,

¹ The Securities Protection Investor Act is located 15 U.S.C. § 78aaa *et seq.*

² Doc. No. 594.

³ Doc. No. 616. The Trustee makes other arguments that need not be considered in light of the Court’s ruling.

2008.⁴ Goble, through a trust, was the sole owner and an employee of NACI prior to the liquidation proceedings. Goble consistently has disputed the events that led to NACI's ultimate liquidation.

The litigation surrounding NACI was precipitated by the SEC's complaint for injunctive relief against NACI, Goble, and other defendants in the United States District Court for the Middle District of Florida ("District Court"), beginning the SEC Case.⁵ The District Court initially appointed a receiver, then on July 28, 2008, entered the SIPA Order commencing this liquidation proceeding.⁶ The SIPA Order, among other things, appointed Gilbert as the Trustee and ordered him to pursue orderly liquidation of NACI pursuant to the SIPA.⁷ The SIPA Order also removed the liquidation proceeding to this Court.⁸ Goble asks the Court to consider the propriety of the SIPA Order's initial entry.

This Court cannot and will not examine the decision of the District Court to place NACI into SIPA liquidation. Goble has not pointed to any authority that would allow for such an incursion into the District Court's authority. What is more, Goble or any other party in interest never appealed the SIPA Order after its entry nearly seven years ago. Goble only filed a motion to reconsider the SIPA Order in the District Court case on September 11, 2014, which the District Court denied as untimely.⁹ Goble cannot circumvent the District Court's rulings by seeking review of the SIPA Order here.

Accordingly, Goble's motion to appoint an independent trustee is denied.

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⁴ Although the District Court's order appointing the Trustee was entered on July 28, 2008 (Doc. No. 1), the SIPA makes clear that the filing date relates back to the appointment of the initial receiver. *See* 15 U.S.C. § 78III(7)(B).

⁵ SEC Case refers to Case No. 6:08-cv-00829-MSS-KRS.

⁶ SIPA Order, Doc. No. 1.

⁷ SIPA Order, ¶ II.

⁸ SIPA Order, ¶ IX. *See* 15 U.S.C. § 78eee(b)(4).

⁹ Case No. 6:08-cv-00829-MSS-KRS, Doc. No. 319.

Attorney Hywel Leonard is directed to serve a copy of this order on interested parties who are non-CM/ECF users and file a proof of service within 3 days of the entry of this order.