

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
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IN RE:

CLSF III IV, INC., et al.

Case No.: 12-30081-BKC-EPK

Debtor.

IN RE:

DEBORAH CATHERINE PECK,

CASE NO.: 14-14507-BKC-EPK

Debtor.

**TRUSTEE'S MOTION FOR RECONSIDERATION OF ORDER GRANTING
PRIVATE INSURER, S.A.'S RENEWED MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

Deborah C. Menotte, as Successor Chapter 7 Trustee (the "Trustee") of the estate of the Debtor, Deborah Catherine Peck (the "Debtor"), by undersigned counsel, moves for reconsideration of this Court's *Order Granting Private Insurer's, S.A.'s Renewed Motion for Relief From the Automatic Stay* [ECF No. 132] (the "Stay Relief Order"), entered in the Chapter 7 bankruptcy case of Deborah Catherine Peck, Case No. 14-14507-EPK. In support of this Motion, the Trustee states:

1. On February 26, 2014, the Debtor commenced this case by the filing of a Chapter 7 Petition for relief in this Court.

2. On August 6, 2014, the Court entered, in the CLSF III IV, Inc., et al. Chapter 7 case, an *Order Granting Trustee's Amended Motion for Substantive Consolidation of the Bankruptcy Estate of Deborah Catherine Peck, Debtor, [Case No. 14-14507-BKC-EPK], and Non-Debtor Deborah C. Peck, Esq., P.A., With the Substantively Consolidated Debtors and*

Memorandum of Law in Support [See ECF No. 117] (the “SubCon Order”), thereby substantively consolidating the Debtor’s Chapter 7 bankruptcy case with the Chapter 7 cases of CLSF III IV, Inc., the Affiliated Debtors (as defined in the SubCon Order, and certain non-debtor entities.

3. As directed by the SubCon Order, on August 13, 2014, Deborah C. Menotte was appointed as Successor Chapter 7 Trustee of the estate of the Debtor [ECF No. 122].

4. On June 20, 2014, Private Insurer, S.A. filed a *Renewed Motion for Relief From the Automatic Stay* [ECF No. 92] (the “Stay Relief Motion”), seeking relief from the automatic stay in order to allow Private Insurer, S.A. and other members of the class in that certain class-action suit captioned *Francois Robert Gevaerts, et al. v. TD Bank, N.A., Deborah C. Peck, et al.*, Case No. 1:14-cv-20744-JEM (the “District Court Litigation”) to prosecute the Complaint filed in the District Court Litigation against the Debtor and other co-conspirators and entities in the District Court.

5. On July 10, 2014, the Court conducted a hearing to consider the Stay Relief Motion, which was objected to by the Trustee.

6. On August 21, 2014, the Court entered the Stay Relief Order, thereby lifting the automatic stay so that Private Insurer, S.A. and the other members of the class in the District Court Litigation may prosecute the Complaint (as defined in the Stay Relief Motion) and liquidate their claims against the Debtor.

7. Following the hearing, the Stay Relief Order was inadvertently submitted by Private Insurer, S.A. without input from the Trustee.

8. The Trustee and Private Insurer, S.A. are attempting to resolve the form of a proposed amended order on the Stay Relief Motion, that resolves the objections raised at the hearing by the Trustee.

9. Accordingly, the Trustee moves for reconsideration of the Stay Relief Order so that the Trustee and Private Insurer, S.A. may finalize and submit an agreed form of amended order with respect to the Stay Relief Motion.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order granting reconsideration of the Stay Relief Order, and granting such other and further relief as the Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic mail through the Court's CM/ECF System upon all parties on the attached CM/ECF Service List, on this 4th day of September, 2014.

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