

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:)
)
) Case No. 04-24581-B-7
BRIDGE HOUSE INVESTORS, INC.,)
) Docket Control No. DNL-1
)
Debtor.) Date: November 7, 2006
)
) Time: 9:30 a.m.

On or after the calendar set forth above, the court issued the following ruling. The official record of the ruling is appended to the minutes of the hearing.

Because the ruling constitutes a "reasoned explanation" of the court's decision under the E-Government Act of 2002 (the "Act"), a copy of the ruling is hereby posted on the court's Internet site, www.caeb.uscourts.gov, in a text-searchable format, as required by the Act. However, this posting does not constitute the official record, which is always the ruling appended to the minutes of the hearing.

DISPOSITION AFTER ORAL ARGUMENT

Neither the respondent within the time for opposition nor the movant within the time for reply has filed a separate statement identifying each disputed material factual issue relating to the motion. Accordingly, both movant and respondent have consented to the resolution of the motion and all disputed material factual issues pursuant to F.R. Civ. P. 43(e). LBR 9014-1(f)(1)(ii) and (iii).

At the outset, the court notes that the claim no. 7, filed by creditor Zoilan Ruiz on the court's claims register requests compensation for unpaid wages for the period June, 2004, to January

1 2005. As this case was filed on May 4, 2004, it is apparent from the
2 proof of claim that the claimant is seeking compensation for services
3 rendered post-petition. Accordingly, the court treats this claim as a
4 request for payment of an administrative expense pursuant to 11 U.S.C.
5 § 503(a). In some circumstances, such as when a proof of claim form
6 in substance describes an administrative expense, the proof of claim
7 filed pursuant to Bankruptcy Rule 3001 satisfies the procedure
8 described in 11 U.S.C. § 503(a) for a request for payment of an
9 administrative expense. See In re Fas Mart Convenience Stores, Inc.,
10 320 B.R. 587, 593 (Bankr. E.D. Va. 2004). The court therefore treats
11 the trustee's objection as an opposition to claimant's request for
12 allowance of an administrative expense.

13 A request for payment of an administrative expenses is not
14 entitled to the benefit of Bankruptcy Rule 3001(f). "The burden of
15 proving an administrative expense claim is on the claimant." In re
16 DAK Indus., 66 F.3d 1091, 1094 (9th Cir. 1995). To satisfy this burden
17 a claimant must show that the debt "(1) arose from a transaction with
18 the debtor-in-possession and (2) directly and substantially benefitted
19 the estate." In re BCE West, L.P., 319 F.3d 1166 (9th Cir. 2003).
20 Here, the claimant has not satisfied his burden of proof, as he has
21 not provided sufficient evidence of his entitlement to an
22 administrative expense with the filed proof of claim. Furthermore,
23 the claimant has failed to respond to the trustee's opposition.

24 Accordingly, the objection is sustained and the Claim is
25 disallowed, except to the extent already paid by the trustee.

26
27
28