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3 UNITED STATES BANKRUPTCY COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5 SACRAMENTO DIVISION  
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8 In re: )  
9 ) Case No. 04-24603-B-7  
10 Andrea Femino ) Docket Control No. MOH-1  
11 Debtor. ) Date: January 9, 2007  
12 ) Time: 9:30 a.m.

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

15 Because the ruling constitutes a "reasoned explanation" of  
16 the court's decision under the E-Government Act of 2002 (the  
17 "Act"), a copy of the ruling is hereby posted on the court's  
Internet site, [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov), in a text-searchable  
18 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.

19 **DISPOSITION AFTER ORAL ARGUMENT**

20 Neither the respondent within the time for opposition nor  
21 the movant within the time for reply has filed a separate  
22 statement identifying each disputed material factual issue  
23 relating to the motion. Accordingly, both movant and respondent  
24 have consented to the resolution of the motion and all disputed  
25 material factual issues pursuant to FRCivP 43(e). LBR 9014-  
26 1(f)(1)(ii) and (iii).

27 The motion "seeks a determination by the Court of the proper  
28 method of serving additional creditors." The motion is denied.

1       The Master Address List required by Bankruptcy Rule  
2 1007(a)(1) is a "list," as that term is used in Bankruptcy Rule  
3 1009(a). As the United States Trustee correctly points out, the  
4 debtor was required by Bankruptcy Rule 1009(a) to give notice of  
5 an amendment of the Master Address List "to the trustee and to  
6 any entity affected thereby." The debtor apparently gave no such  
7 notice in this case. After the amendment, the trustee abandoned  
8 assets of substantial value. The debtor now asks to court, in  
9 essence, how to "fix" the problem.

10       Setting a new meeting of creditors will not "fix" the  
11 problem. In a Chapter 7 case, in order to be considered timely,  
12 non-governmental claims must be filed "not later than 90 days  
13 after the first date set for the meeting of creditors...."  
14 Bankruptcy Rule 3002(c) (Emphasis added). Setting a new meeting  
15 of creditors will not alter the "first date set."

16       The debtor may be seeking an enlargement of the time within  
17 which timely claims may be filed. However, the time established  
18 by Bankruptcy Rule 3002(c) can be enlarged "only to the extent  
19 and under the circumstances stated in [that] rule." Bankruptcy  
20 Rule 9006(b)(3). No one has asserted any basis for enlargement  
21 under the provisions of Bankruptcy Rule 3002.

22       The legal effect of the facts of this case will be  
23 determined when an actual case or controversy arises and is  
24 presented to the court for decision. In the meantime, the motion  
25 seeks an advisory opinion, which the court cannot issue. U.S.  
26 Nat. Bank of Oregon v. Independent Ins. Agents of America, Inc.,  
27 508 U.S. 439, 446, 113 S.Ct. 2173, 2178, 124 L.Ed.2d 402

1 (1993) ("a federal court [lacks] the power to render advisory  
2 opinions.").

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