

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 15-48255

LAWRENCE J. HARDGE,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER STRIKING MOTION BY CREDITORS LARRY AND PAULETTE WRIGHT  
TO CONFIRM ELECTION OF TRUSTEE AND/OR TO RESOLVE DISPUTED  
ELECTION OF TRUSTEE**

On August 12, 2015, Creditors Larry and Paulette Wright (collectively, the “Wrights”) filed a motion entitled “Creditors Larry and Paulette Wright’s Motion to Confirm Election of Trustee and/or to Resolve Disputed Election of Trustee” (Docket # 49, the “Motion”). On August 31, 2015, the Wrights filed a certificate of no response, indicating that no timely objections were filed to the Motion. But the Court cannot grant the Motion at this time; rather, the Court will strike the Motion, for the following reasons.

On August 14, 2015, the Court caused the Clerk to issue a Notice of Deficient Filing regarding the Motion (Docket # 56, the “Deficiency Notice”), which stated in relevant part:

It has been determined that the following document(s) are Missing and/or Non-Complaint:

Motion to Confirm Election of Trustee - The proof of service contained in this motion is defective as it fails to show that **all creditors** were served with the 14-day notice of the motion.

...

A corrected/missing document must be filed with the court within seven (7) days of this notice. If not corrected, the case may be dismissed or an order striking the document from the record may be entered by the Court. The new document filed should be identified as “CORRECTED”.

(Emphasis added).

On August 17, 2014, the Wrights filed a Certificate of Service (Docket # 58), which stated in relevant part:

I certify that, on August 13, 2015, I filed the 14-day “Notice of

Motion” [Dkt. #50] regarding Creditors Larry and Paulette Wright’s Motion to Confirm Election of Trustee and/or to Resolve Disputed Election of Trustee via the Court’s ECF system, which automatically provided notice and service of same to the following ECF participants:”

Following such statement, the Certificate of Service listed only nine ECF participants who had been served.

The Certificate of Service does not show that all of the creditors in this case were served with the 14-day Notice of the Motion. It appears that many creditors on the creditor matrix do not receive notice via the Court’s ECF system. (*See* mailing matrix, copy attached to this Order; *see also* Corrected Schedule F (Docket # 42).

No other certificate of service shows that the 14 day notice of the Motion was served on anyone, and the 7-day cure deadline stated in the Deficiency Notice was August 21, 2015.

Because the Wrights have failed to comply with the Deficiency Notice,

IT IS ORDERED that the Motion (Docket # 49) is stricken.

**Signed on September 2, 2015**

**/s/ Thomas J. Tucker**  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**

Label Matrix for local noticing  
0645-2  
Case 15-48255-tjt  
Eastern District of Michigan  
Detroit  
Wed Sep 2 13:48:53 EDT 2015

C Spire Wireless  
1018 Highland Colony Parkway, Ste 300  
Ridgeland, MS 39157-2068

CenturyLink  
100 CenturyLink Dr  
Monroe, LA 71203-2041

Credit Management  
4200 International Pkwy  
Carrollton, TX 75007-1912

EOS CCA  
700 Longwater Dr  
Norwell, MA 02061-1624

Family La Co  
5770 South Eastern Avenue  
Commerce, CA 90040-2948

Lawrence J Hardge  
PO Box 503531  
Livonia, MI 48153

(p) INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Lyle S. Lieberman  
28860 Southfield Rd.  
Suite 162  
Lathrup Village, MI 48076-2781

Midland Funding  
8875 Aero Dr., Ste 200  
San Diego, CA 92123-2255

Leslie K. Berg (UST)  
211 W. Fort Street  
Suite 700  
Detroit, MI 48226-3263

Kelley Callard (UST)  
United States Trustee  
211 West Fort Street  
Suite 700  
Detroit, MI 48226-3263

Charles R. Brown & Co.  
2990 West Grand Boulevard, Ste 201  
Detroit, MI 48202-3041

David Findling  
415 S. West Street, Ste. 200  
Royal Oak, MI 48067-2521

Erica J. Ehrlichman  
The Findling Law Firm, PLC  
415 S. West Street  
Royal Oak, MI 48067-2521

David Findling  
415 S. West Street  
Royal Oak, MI 48067-2521

Erika D. Hart  
The Taunt Law Firm  
700 E. Maple Road, 2nd Floor  
Birmingham, MI 48009-6359

Internal Revenue Service - BK Notices  
PO Box 7346  
Philadelphia, PA 19101-7346

Loma Linda Univ. Medical Ctr.  
11234 Anderson Street  
Loma Linda, CA 92354-2871

Miller Canfield Paddock & Stone  
150 West Jefferson, Ste 2500  
Detroit, MI 48226-4432

Ian S. Bolton  
28400 Northwestern Highway  
Third Floor  
Southfield, MI 48034-1839

Capital One  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130-0285

Credit Collections Services  
Two Wells Avenue  
Newton, MA 02459-3246

Diversified Collection Services  
PO Box 9056  
Pleasanton, CA 94566-9056

Entergy Gsu  
PO Box 6008  
New Orleans, LA 70174-6008

First Premier Bank  
601 S. Minnesota Ave.  
Sioux Falls, SD 57104-4868

IRS  
Centralized Insolvency Operations  
PO Box 7346  
Philadelphia, PA 19101-7346

Larry and Paulette Wright  
c/o Seikaly Stewart & Bennett PC  
30445 Northwestern Hwy, Ste 250  
Farmington, MI 48334-3109

(p) METRO REPUBLIC COMMERCIAL SERVICE INC  
1751 3RD STREET  
SUITE 102  
NORCO CA 92860-2670

Miller Canfield Paddock & Stone PLC  
Attn: Robin Wysocki  
150 West Jefferson Ave., Suite 2500  
Detroit, MI 48226-4415

Progressive Insurance  
PO Box 31260  
Tampa, FL 33631-3260

Sid Taylor  
30500 Van Dyke  
Warren, MI 48093-2195

State Of Mi Office Chi  
Po Box 30037  
Lansing, MI 48909-7537

State of Michigan - DoT  
Department of Treasury  
Collection Division  
PO Box 77437  
Detroit, MI 48277-0437

Jeffrey T. Stewart  
30300 Northwestern Highway  
Suite 200  
Farmington Hills, MI 48334-3228

T-Mobile, Bankruptcy  
PO Box 53410  
Bellevue, WA 98015-3410

Charles Taunt  
700 East Maple Road  
Second Floor  
Birmingham, MI 48009-6357

Toyota Motor Credit Corporation  
c/o Becket and Lee LLP  
POB 3001  
Malvern PA 19355-0701

U.S. Trustee  
211 W. Fort Street, Suite 700  
Detroit, MI 48226-3263

US Attorney (Attn: Civil Div.)  
Internal Revenue Service  
211 W. Fort St., Ste. 2001  
Detroit, MI 48226-3220

WOW Internet & Cable  
PO Box 5715  
Carol Stream, IL 60197-5715

Benjamin J. Wilensky  
30300 Northwestern Hwy.  
Suite 200  
Farmington Hills, MI 48334-3228

fac/nab  
480 James Robertson Pkwy  
Nashville, TN 37219-1212

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service  
ATTN: SBSE/Insolvency Unit  
P.O. Box 330500, Stop 15  
Detroit, MI 48232

Metro Rep Comm Svc Inc  
Po Box 1357  
Corona, CA 92878

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)David Findling  
415 S. West Street  
Royal Oak, MI 48067-2521

(u)Maddin Hauser Roth & Heller, PC

(u)Daniel M. McDermott

(u)Larry Wright

(u)Paulette Wright

End of Label Matrix  
Mailable recipients 42  
Bypassed recipients 5  
Total 47