

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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In re )  
 ) Chapter 7, No. 09-21945-JNF  
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ROBERT N. LUPO )  
 )  
 )  
Debtor )  
 )  

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**MOTION TO APPROVE NOTICE PROCEDURES**  
**AND REQUEST FOR EXPEDITED DETERMINATION**

To the HONORABLE JOAN N. FEENEY, Bankruptcy Judge:

Now comes JOSEPH B. COLLINS ("Trustee"), the duly appointed, Trustee in the bankruptcy of the above-entitled case, and he does move this Court for the entry of an Order allowing the Trustee to limit notice and establish notice procedures pursuant to Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure. In support of this Motion, the Trustee represents as follows:

1. On January 20, 2016, the Trustee filed a Motion to Amend Proposed Distribution ("Motion") with the United States Bankruptcy Court for the District of Massachusetts ("Court").

2. The Trustee says that the only parties that will be adversely affected by the Motion, if allowed by the Court, are the general unsecured creditors, whose distribution will be reduced from 72.3% to 72.0% of their allowed claims.

3. Through this Motion, the Trustee requests the entry of an Order limiting notice of the Motion to the following parties: a) the Debtor; b) Debtor's counsel; c) the Office of the United States Trustee; d) any party that has formally appeared and requested service of papers in this proceeding pursuant to Rule 2002; and e) any party whose interests are affected by the Motion, including each party holding an allowed general unsecured claim against the Bankruptcy Estate ("Notice Parties").

4. The Trustee also seeks authority to serve notice of the Motion by mailing a "Notice of Amended Proposed Distribution and Hearing" ("Notice"), in substantially the form attached hereto as Exhibit "A" to the Notice Parties.<sup>1</sup> The Notice directs recipients to the Trustee's counsel's website, [www.hendelcollins.com](http://www.hendelcollins.com), from which the Motion can be downloaded without charge. The Notice also provides directions for requesting paper copies of the Motion at no charge to any requesting party.

5. The Trustee represents that the establishment of the notice procedure described herein is in the best interest of the Estate in that it will minimize the administrative burden and expense of serving the complete Motion, consisting of approximately 53 pages, upon all creditors affected by the Motion.

6. The Trustee requests expedited consideration of this Motion so that Notice of the Motion can be provided to creditors

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<sup>1</sup> The Notice presumes that the Motion will be marked for hearing at the same date and time as the Trustee's Final Report. If a different date and time are fixed by the Court, the Notice will be revised accordingly.

well before the hearing on the Trustee's Final Report that is scheduled for February 25, 2015 at 9:30 a.m.

WHEREFORE the Trustee respectfully requests that this Court enter an Order approving the notice procedures set forth herein; approving the form of Notice as set forth on Exhibit "A"; and for any and all such further relief as is just and proper.

JOSEPH B. COLLINS, TRUSTEE

Dated: January 20, 2016

By: /s/ Joseph B. Collins  
JOSEPH B. COLLINS, ESQ.  
(BBO No. 092660)  
For HENDEL & COLLINS, P.C.  
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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Exhibit "A"

\_\_\_\_\_) )  
In re ) Chapter 7, No. 09-21945-JNF  
) )  
ROBERT N. LUPO ) )  
) )  
Debtor ) )  
\_\_\_\_\_)

**NOTICE OF AMENDED PROPOSED DISTRIBUTION AND HEARING**

Please take notice that, on January 20, 2016, Joseph B. Collins, the Chapter 7 Trustee in Bankruptcy of Robert N. Lupo ("Trustee") filed a Motion to Amend Proposed Distribution ("Motion") in the above-captioned case.

The Motion seeks approval of certain amendments to the Proposed Distribution that, if approved by the Court, will result in a change of the percentage paid to general unsecured creditors from 72.3% to 72.0%.

A copy of the Motion, including the Amended Proposed Distribution, is available for download in PDF format at [www.hendelcollins.com/downloads](http://www.hendelcollins.com/downloads). Paper copies are also available upon request from the Trustee's office at no cost.

The following procedure for objecting must be followed:

Any person wishing to object to the Motion must file a written objection with the United States Bankruptcy Court, John W. McCormack Post Office and Courthouse, 5 Post Office Square, Suite 1150, Boston, Massachusetts 02109-3945, on or before **February 18, 2016 by 4:30 p.m.** and serve a copy of the objection(s) upon the Trustee and the United States Trustee.

A hearing has been scheduled on the Motion on **February 25, 2016 at 9:30 a.m.** before the United States Bankruptcy Court for the District of Massachusetts at John W. McCormack Post Office and Courthouse, 5 Post Office Square, Boston, Massachusetts 02109.

JOSEPH B. COLLINS, TRUSTEE

Dated: January 20, 2016

By: /s/ Joseph B. Collins  
JOSEPH B. COLLINS, ESQ.  
(BBO No. 092660)  
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**CERTIFICATE OF SERVICE**

I, JOSEPH B. COLLINS, ESQ. of the law firm of HENDEL & COLLINS, P.C., 101 State Street, Springfield, Massachusetts, do hereby certify that on the 20th day of January, 2016, I electronically filed the attached Motion. I further hereby certify that upon receipt of the Notice of electronic service of this Motion, a copy of said Motion will be served by first class mail, postage prepaid, to each of the parties on the attached Exhibit "A" not noted as having received electronic service, said service being made on the 20th day of January, 2016.

Dated: January 20, 2016

/s/ Joseph B. Collins  
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