The document below is hereby signed.

Dated: October 25, 2012.



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S. Martin Teel, Jr. U.S. Bankruptcy Judge

## UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

In re			)	
			)	
STEPHEN	THOMAS	YELVERTON,	)	Case No. 09-00414
			)	(Chapter 7)
		Debtor.	)	Not for Publication in
			)	West's Bankruptcy Reporter

## MEMORANDUM DECISION AND ORDER STRIKING DEBTOR'S DEMAND FOR JURY TRIAL ON TRUSTEE'S OBJECTION TO EXEMPTIONS

In bankruptcy cases, "many incidental questions arise in the course of administrating the bankrupt estate, which would ordinarily be pure cases at law, and in respect of their facts triable by jury, but, as belonging to the bankruptcy proceedings, they become cases over which the bankruptcy court, which acts as a court of equity, exercises exclusive control." Muratore v. Darr, 375 F.3d 140, 143 (1st Cir. 2004) (quoting Barton v. Barbour, 104 U.S. 126, 134, 26 L. Ed. 672 (1881)). By the debtor's filing a bankruptcy petition and filing a claim of exemptions, the issue of exemptions became an equitable issue triable by the court without a jury. See Langenkamp v. Culp, 498 U.S. 42, 111 S. Ct. 330, 112 L. Ed.2d 343 (1990) (filing a claim against the estate triggers the process of allowance and

disallowance of claims and thus subjects the claimant to the bankruptcy court's equitable power); Katchen v. Landy, 382 U.S. 323, 86 S. Ct. 467, 15 L. Ed.2d 391 (1966) (same); Murphy v. Felice (In re Felice), 2012 WL 4757791 at \*25-26 (Bankr. D. Mass. Oct. 5, 2012). It is thus

ORDERED that the debtor's Demand for a Jury Trial (Dkt. No. 549) is STRICKEN.

[Signed and dated above.]

Copies to: Debtor; Recipients of e-notification of filings.

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