The document below is hereby signed.

Signed: December 20, 2010.



S. Martin Teel, Jr. United States Bankruptcy Judge

## UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

In re	
STEPHEN THOMAS YELVERTON,  Debtor.	) Case No. 09-00414 ) (Chapter 11)
	)
STEPHEN THOMAS YELVERTON,	)
Plaintiff,	)
v.	) Adversary Proceeding No. ) 10-10001
HOMES AT POTOMAC GREENS	)
ASSOCIATES, LIMITED	) Not for Publication in
PARTNERSHIP, et al.,	<pre>) West's Bankruptcy Reporter )</pre>
Defendants.	)

## MEMORANDUM DECISION RE THIRD MOTION TO RECONSIDER AS TO CHASE

The plaintiff's third motion (Dkt. No. 84) to reconsider the order dismissing this adversary proceeding as to Chase Home Finance, LLC raises contentions this court has already addressed.

1. As revealed by the transcript of the hearing of April 20, 2010 (Dkt. No. 67) (mis-labeled in the transcript's caption as occurring on May 25, 2010, but correctly docketed as relating to the hearing of April 20, 2010), there was no settlement

reached at the hearing of April 20, 2010.

- 2. Under the Bankruptcy Rules, there has been no abandonment by the trustee of any new claims the plaintiff wishes to pursue that are property of the estate, and he lacks standing to pursue them.
- 3. In any event, the court already adjudicated the claims that the plaintiff had pursued as of the court's dismissal of the adversary proceeding as to Chase. After the court disposed of those claims, it is too late for the plaintiff to ask the court to permit the plaintiff to amend his amended complaint to pursue new claims. That the new claims might arise out of the same subject matter as that of the existing amended complaint does not provide a basis for starting the adversary proceeding over by allowing the plaintiff to assert the new claims when the plaintiff failed to identify them and pursue them prior to the court's granting Chase's motion to dismiss.

An order follows denying the motion to reconsider.

[Signed and dated above.]

Copies to: All counsel of record; Office of United States Trustee; Wendell W. Webster, Chapter 7 Trustee.