

The document below is hereby signed.

Signed: May 22, 2017



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
MARTHA AKERS,)	Case No. 16-00600
)	(Chapter 7)
Debtor.)	Not for publication in
)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER
DENYING MOTION FOR RECONSIDERATION
OF DISMISSAL OF ADVERSARY COMPLAINT AGAINST 1368 H STREET, LLC

On March 10, 2017, the debtor filed a document titled:

*Complaint for Wrongful Foreclosure - Fraud
Objection To Motion of 1368 H Street, LLC for Relief from
the Automatic Stay Pursuant to 11 U.S.C. § 362(d) to
Proceed with Superior Court Litigation*

That complaint, pursued against 1368 H Street, LLC, is pending as Adversary Proceeding No. 17-10011.¹ The debtor's *Motion for Reconsideration of Dismissal of Adversary Complaint* (Dkt. No. 136) filed in this, the main bankruptcy case, on May 19, 2017,

¹ The document was initially docketed as Dkt. No. 66 in this, the main case, because it appeared to be an opposition to a pending motion for relief from the automatic stay that had been filed by 1368 H Street, LLC. On April 24, 2017, the clerk docketed the document additionally as the complaint commencing Adversary Proceeding No. 17-10011 because the document sought additional relief beyond opposing relief from the automatic stay.

appears to refer to that complaint. The complaint has not been dismissed.

I

The *Motion* seeks revision of an order issued on March 23, 2017, which was the *Order Granting Motion of 1368 H Street, LLC for Relief From The Automatic Stay Pursuant To 11 U.S.C. § 362(D) To Proceed With Superior Court Litigation ([Regarding] 1368 H Street N.E., Washington, D.C. 20002)* (Dkt. No. 82).² The debtor already sought relief from that order via a *Motion for Revised or Additional Findings* (Dkt. No. 88) filed on April 4, 2017, a motion that the court denied by its *Order Denying Motion for Revised or Additional Findings Regarding Ruling Granting 1368 H Street, LLC for Relief from the Automatic Stay* (Dkt. No. 101) entered on April 21, 2017. The debtor's *Motion* fails to set forth adequate grounds under Fed. R. Bankr. P. 60 for relief from the order granting stay relief. See *Memorandum Decision and Order Denying Debtor's Motion for Revised or Additional Findings* (Dkt. No. 124), 2017 WL 1788080 (Bankr. D.D.C. May 4, 2017) (dealing with a motion seeking Rule 60(b) relief with respect to an order entered in favor of another creditor).

² The *Motion* states that it is filed by the debtor "after receiving the court issued the Order on May 8, 2017." However, no order was issued on May 8, 2017, in either this, the main case, or the adversary proceeding. There was a clerk's notice of May 8, 2017 (Dkt. No. 128) notifying the debtor that her notice of appeal from the order granting 1368 H Street, LLC relief from the automatic stay required payment of a filing fee.

II

The *Motion* additionally states that the court "should uphold the statutory provision and correct and clear the title to Ms. Akers, property as the law requires and Award Defendant monetary damages." Under Fed. R. Bankr. P. 7001, such relief must be sought by way of an adversary proceeding complaint. There are already three adversary proceedings pending against 1368 H Street, LLC: Adversary Proceeding Nos. 17-10011; 17-10016; and 17-10017.³ The relief sought by the instant *Motion* appears to be duplicative of relief sought in those three pending adversary proceedings. Moreover, the case has been converted to chapter 7, and the debtor's claims against 1368 H Street, LLC are property of the estate that only the chapter 7 trustee will have standing to pursue, unless and until such claims are abandoned or exempted from the estate.

III

The *Motion* was not accompanied by a proposed order as required by the Local Bankruptcy Rules, and left in doubt precisely what relief the debtor seeks.

IV

For all of these reasons, it is

³ The latter two adversary proceedings were captioned by the debtor for filing in the District Court, which resulted in delay in the clerk's docketing of the complaints in this court. (The clerk did not create the dockets for the two proceedings until May 17, 2017.)

ORDERED that the debtor's *Motion for Reconsideration of Dismissal of Adversary Complaint* (Dkt. No. 136) is DENIED, with the denial not being an adjudication of the merits of any claim against 1368 H Street, LLC.

[Signed and dated above.]

Copies to: Debtor; recipients of e-notification of orders.