

The document below is hereby signed.

Signed: July 6, 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.)	
_____)	
)	
MARTHA AKERS,)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding No.
)	17-10011
1368 H STREET LLC,)	
)	Not for publication in
Defendant.)	West's Bankruptcy Reporter.

MEMORANDUM DECISION RE MOTION TO DISMISS

The defendant has filed an unopposed motion to dismiss this adversary proceeding. The court will dismiss the complaint without reaching the merits of the claims asserted therein.

As the defendant argues, the complaint commencing this adversary proceeding is based on claims that arose prepetition. Prepetition claims of the debtor are property of the estate subject to administration by the chapter 7 trustee. Thus, the debtor lacks standing to pursue the claims. The chapter 7

trustee would be the proper plaintiff. The debtor's complaint in Adversary Proceeding No. 17-10016 asserts against 1368 H Street LLC (and other defendants) the same claims as she has asserted in this Adversary Proceeding No. 17-10011, as well as other claims. The chapter 7 trustee is the proper plaintiff for that adversary proceeding as well. The chapter 7 trustee, however, has not sought to be substituted as the plaintiff in either adversary proceeding. As Adversary Proceeding No. 17-10016 presents the same prepetition claims and the court is currently addressing the substitution of the chapter 7 trustee as the plaintiff in that adversary proceeding, there is no reason to keep this adversary proceeding pending.

An order follows dismissing this adversary proceeding without prejudice.

[Signed and dated above.]

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